

His Worship the Mayor  
Councillors  
CITY OF MARION

## NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt

Tuesday, 08 October 2019 at 06:30 PM

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration Centre on Sturt Road, Sturt.



Adrian Skull  
Chief Executive Officer



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## OPEN MEETING

## KAURNA ACKNOWLEDGEMENT

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

## DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

## ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

## CONFIRMATION OF MINUTES

### Confirmation of the minutes for the General Council Meeting held on 24 September 2019

<b>Originating Officer</b>	Governance Officer - Victoria Moritz
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>Report Reference:</b>	GC191008R01

## RECOMMENDATION:

That the minutes of the General Council Meeting held on 24 September 2019 be taken as read and confirmed.

## ATTACHMENTS:

#	Attachment	Type
1	GC190924 - Final Minutes	PDF File



**MINUTES OF THE GC190924 - GENERAL COUNCIL MEETING - 24 September 2019**

**Tuesday, 24 September 2019 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



**PRESENT :****Elected Members**

Mayor - Kris Hanna, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson, Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

**Staff :**

Chief Executive Officer - Adrian Skull  
General Manager City Services - Tony Lines  
Acting General Manager City Development – Fiona Harvey  
General Manager Corporate Services – Sorana Dinmore  
Manager Governance – Kate McKenzie  
Unit Manager Governance and Council Support – Jaimie Thwaites

**OPEN MEETING**

The Mayor opened the meeting at 06:30 PM

**KAURNA ACKNOWLEDGEMENT**

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

**DISCLOSURE**

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

**ELECTED MEMBER'S DECLARATION OF INTEREST (if any)**

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

Nil declarations were made.

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**CONFIRMATION OF MINUTES****Confirmation of the minutes for the General Council Meeting held on 27 August 2019**

**Report Reference:** GC190924R01

**Moved**      **Councillor - Joseph Masika**    **Seconded**    **Councillor - Jason Veliskou**

That

1. The minutes of the General Council Meeting held on 27 August be taken as read and confirmed.

**Carried Unanimously**

**Confirmation of the minutes of the Special General Council Meeting held on 2 September 2019**

**Report Reference:** GC190924R02

**Moved**      **Councillor - Joseph Masika**    **Seconded**    **Councillor - Jason Veliskou**

That:

1. The minutes of the Special General Council Meeting held on 2 September to be taken as read and confirmed.

**Carried Unanimously**

**COMMUNICATIONS**

**Moved**      **Councillor – Luke Hutchinson**    **Seconded**    **Councillor – Mathew Shilling**

That:

1. The Communication reports are noted.

**Carried Unanimously**

## Mayoral Communication Report

**Name of Elected Member** Mayor - Kris Hanna

**Report Reference** GC190924

### Details

Date	Event	Comments
31/8/19	South Adelaide Malayalee Community Onam Celebration	Attended
2/9/19	Meeting with Marino Residents Association Committee members	Hosted
5/9/19	Meeting with Lachlan Cooper, SA General Manager of Beam Scooters	Attended
7/9/19	Here and There: Palestinian/Jordanian Artists Exhibition	Attended
9/9/19	Meeting with a resident re: proposed closure of Diagonal Road	Hosted
10/9/19	Meeting with OneWorld LED and Jackson & Jackson representatives	Hosted
12/9/19	Planning Law Briefing by NormanWaterhouse	Attended
12/9/19	Alpine Road Reserve Community Consultation	Attended
13/9/19	Visit from Eriko Hasegawa, liason to sister city of Kokubunji	Hosted Ms Hasegawa
14/9/19	Edwardstown Football Club A- Grade Grand Final	Attended
17/9/19	Meeting with the Bangladesh Puja and Cultural Society of South Australia Inc (BPCSSA)	Hosted
18/9/19	Bandon Terrace Reserve Opening Event	Attended; opened reserve

## CEO and Executive Communications Report

**Title** CEO and Executive Communications Report

**Date of Council Meeting** 24 September 2019

**Report Reference** GC190924

### Details

Date	Activity	Attended By
3 September 2019	Local Government Reference Group	Adrian Skull
3 September 2019	Meeting   Adrian Skull and Nikki Govan (SAEDB)	Adrian Skull
3 September 2019	Meeting   Adrian Skull, Steph Roberts and Bruce Wright (Council Solutions)	Adrian Skull
4 September 2019	Meeting   Adrian Skull, James Rivett and Eric Beere (KPMG)	Adrian Skull
4 September 2019	Meeting   Fleet Management/ Procurement - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines Sorana Dinmore
5 September 2019	Meeting   Adrian Skull and Steve Murray MP	Adrian Skull
6 September 2019	Meeting   Western Adelaide Consultative Group	Tony Lines
9 September 2019	KPMG Session with Toni Jones Head of Local Government	Adrian Skull Tony Lines Fiona Harvey Sorana Dinmore Ray Barnwell
9 September 2019	Meeting   St Martin de Porres School	Tony Lines
10 September 2019	Meeting   Tony Lines and Lew Owens re LKCC	Tony Lines
11 September 2019	Meeting   Adrian Skull, Andrew Johnson, David Holston (LGFA)	Adrian Skull
11 September 2019	Meeting   Adrian Skull, Emma Hinchey, Sorana Dinmore and Kate McKenzie re Internal Audit	Adrian Skull Sorana Dinmore

*Minutes of the 24 September 2019 General Council Meeting*

12 September 2019	Briefing   Norman Waterhouse Lawyers re Planning, Development and Infrastructure Act	Tony Lines Sorana Dinmore Fiona Harvey
13 September 2019	Meeting   Adrian Skull and Roberto Bria (City of Holdfast Shores)	Adrian Skull
13 September 2019	KPMG - CoM/CCS Internal Audit Planning Collaboration Workshop	Adrian Skull Tony Lines Fiona Harvey Sorana Dinmore
16 September 2019	Meeting   City of Marion, Professor Vanessa Lemm (Flinders Uni) and Nikki Govan (SAEDB)	Adrian Skull Fiona Harvey
17 September 2019	KPMG Smart Cities Forum	Fiona Harvey
18 September 2019	Meeting   Adrian Skull and Kathryn McEwen	Adrian Skull
18 September 2019	Event   Bandon Terrace Reserve opening	Adrian Skull
18 September 2019	Meeting   Fleet Management/ Procurement - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines Fiona Harvey
18 September 2019	Meeting   Asset Leadership Collaborative Group - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines
19 September 2019	Event   Mellor Olsson Lawyers CEO Lunch with Minister Knoll	Adrian Skull
19 September 2019	Workshop   Zone Emergency Management Committee	Tony Lines
19 September 2019	Meeting   Tonsley Project Control Group	Tony Lines
20 September 2019	Meeting   Adrian Skull and Jayne Stinson MP	Adrian Skull
20 September 2019	Meeting   Cross Council Initiatives – CEO's from City of Charles Sturt, City of Port Adelaide Enfield and City of Marion	Adrian Skull
20 September 2019	Event   Opening of Crown Street Reserve - MC	Adrian Skull
20 September 2019	Event   HydroPlan Sports Turf Day	Tony Lines
23 September 2019	Meeting   SRWRA AGM & Board Meeting	Adrian Skull



## Elected Member Communication Report

**Title** Councillor Raelene Telfer

### Details

Date	Activity	Attended By
28/8/19	Sports Roundtable on SA Infrastructure	Keniworth Oval
29/8/19	Cosgrove Hall AGM	Chaired and discussed lease
2/9/19	Special General Meeting	Confidential matter
3/9/19	Cosgrove Hall Lease	Land and Property
4/09/19	Mitchell Pk SCC	Meeting with Phil Slattery Tennis requirements
5/09/19	Darlington Upgrade CLG	Landscaping concerns
10/9/19	Warriparinga Ward briefing	Resident issues
11/9/19	MPSCC Committee	Bin schedule efficiencies
11/9/19	Dover Dog Club	Puppy training session
12/9/19	PDI Workshop	The new Code policy was explained
12/9/19	Alpine Way	Playground Consultation
14/9/19	Marion RSL Bowling Pennants	Opening by rolling first ball
15/9/19	Marion Bowling Club Bowling	Opening by rolling first ball
16/9/19	Bandon Tce playground	Opening attendance
19/9/19	Southern Business Connections	Expo
24/9/19	Mitchell Park Impact	Collective

## ELECTED MEMBER VERBAL COMMUNICATIONS

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

## ADJOURNED ITEMS - Nil

**DEPUTATIONS****Tony Kernahan - President of Cove Football Club (Confidential)**

**Report Reference:** GC190924D01

**Moved**      **Councillor - Jason Veliskou**    **Seconded**    **Councillor - Matthew Shilling**

That

1. pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Fiona Harvey, Tony Lines, Kate McKenzie, Jaimie Thwaites, Craig Clarke, Clare Benn, Tony Kernahan (Cove Football Club), Craig Warman (Southern Football League), Lisa Faraci (South Australian National Football League) and Scott Gill (Cove Football Club) be excluded from the meeting as the Council receives and considers the Deputation from the Cove Football Club, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal information.

**Carried**

6.32pm the meeting went into confidence

Tony Kernahan - President of Cove Football Club gave a deputation regarding the Cove Sports and Community Club.

**Moved**      **Councillor - Matthew Shilling**    **Seconded**    **Councillor - Jason Veliskou**

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the deputation from Tony Kernahan, President of Cove Football Club regarding the Cove Sports and Community Club having been considered in confidence under Section 90(2) and (3) (a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

**Carried Unanimously**

6.58 pm the meeting came out of confidence

**Craig Fosdike - Principal, St Martin De Porres School****Report Reference:** GC190924D02

Craig Fosdike - Principal, St Martin De Porres School gave a deputation regarding Spinnaker Circuit Reserve East.

**PETITIONS****Petition - Marion Community / Neighbourhood centre exercise class price increase****Report Reference** GC190924P01**Moved** Councillor - Maggie Duncan **Seconded** Councillor - Kendra Clancy

That Council:

1. Notes the petition.
2. Maintains the current exercise class charging arrangements as per the 2019/20 Schedule of Fees and Charges.
3. Advises the head petitioner of Council's decision.

**1st Amendment:****Moved** Councillor - Jason Veliskou **Seconded** Councillor - Tim Gard

That Council:

1. Notes the petition.
2. Maintains the current exercise class charging arrangements as per the 2019/20 Schedule of Fees and Charges, except that until 30 June 2021, Trott Park includes an unlimited weekly pass for the cost of \$14 per week.
3. Advises the head petitioner of Council's decision.

The amendment to become the motion was  
**Lost**

**2nd Amendment:****Moved** Councillor - Bruce Hull **Seconded** Councillor - Nathan Prior

That Council:

1. Notes the petition.
2. Maintains the current exercise class charging arrangements as per the 2019/20 Schedule of Fees and Charges.
3. Advises the head petitioner of Council's decision.
4. Undertakes market research to determine the appropriate fee structure across all four sites with a report to come back to Council by December 2019.

The amendment to become the motion was  
**Tied**

The Mayor gave his casting vote and voted **in favour** of the amendment.

The amendment to become the motion was  
**Carried**

The amended motion was  
**Lost**

## COMMITTEE RECOMMENDATIONS

### Confirmation of Minutes of the Special Urban Planning Committee Meeting - 3 September 2019

**Report Reference** GC190924R01

**Moved**      **Councillor - Nathan Prior**      **Seconded**      **Councillor - Maggie Duncan**

That Council:

1. Receives and notes the minutes of the Special Urban Planning Committee Meeting of 3 September 2019 (Appendix 1), noting that Councillor Gard was only in attendance as he is not a member of the Committee.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

**Carried**

**Confirmation of Minutes of the Finance and Audit Committee Meeting - 20 August 2019**

**Report Reference** GC1909241R02

**Moved**      **Councillor - Kendra Clancy**    **Seconded**    **Councillor - Tim Gard**

That Council:

1. Receives and notes the minutes of the Finance and Audit Committee meeting of 20 August 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

**Carried Unanimously**

**CORPORATE REPORTS FOR DECISION****Spinnaker Circuit Reserve East, Sheidow Park - Potential Sale**

**Report Reference** GC190924R03

**Moved**      **Councillor - Matthew Shilling**    **Seconded**    **Councillor - Maggie Duncan**

That Council:

1. Notes the report.
2. Undertakes Community Consultation regarding Spinnaker Circuit Reserve East (Allotment 88 in Field Plan 17901) on the following 5 options:
  - i. no sale or lease of land and maintain as reserve;
  - ii. sell/lease the Eastern section , subdividing the remaining land for residential purposes;
  - iii. sell/lease the Northern section, and subdivide the remaining land for residential purposes;
  - iv. sell/ lease all the reserve to the school;
  - v. sell/lease the Eastern section, retaining the remaining as open space.

**Carried Unanimously**

**Messines Avenue - WW1 Memorial of Honour****Report Reference** GC190924R04**Moved**      **Councillor - Raelene Telfer**      **Seconded**      **Councillor - Bruce Hull**

That Council:

1. Notes the report.
2. Undertakes tree pruning practices in accordance with the Arborist report.
3. Includes Messines Avenue in Council's Streetscape Program, ensuring that missing English Elms are replanted, the trunk of any removed elm trees are re-purposed and the historic/memorial aspect of the Avenue is recognised, including interpretive signage, as part of the Streetscaping program – Years 3 to 5.

**Carried Unanimously****Public Art on Utility Boxes and Stobie Poles****Report Reference** GC190924R05**Moved**      **Councillor - Bruce Hull**      **Seconded**      **Councillor - Joseph Masika**

That Council:

1. Notes this report and delivery approach
2. Commits \$15,000 annually from 2020/2021 to 2022/2023 to pilot effectiveness and viability for an on-going program for public art on utility boxes and stobie poles.
3. Seeks a report on the outcome of the pilot program at the end of 2022/2023.

**Carried**

## Shopping Trolley Amenity By-Law

**Report Reference** GC190924R06

**Moved**      **Councillor - Jason Veliskou**    **Seconded**    **Councillor - Bruce Hull**

That Council:

1. Endorses the proposed draft By-law 1 Shopping Trolley Amenity By-law 2019 By-law No.8 2019 as attached at Appendix 1 to this report (with point 4.2 being amended to include the word "not" so that the item reads "This paragraph does *not* prevent a shopping trolley...") to proceed to community consultation.

**Carried**

## Youth Engagement and Consultation Report

**Report Reference** GC190924R07

**Moved**      **Councillor - Matthew Shilling**    **Seconded**    **Councillor - Maggie Duncan**

That Council:

1. Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1).
2. Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion.
3. Adopts option 3 (maintain status quo and establish a Youth Advisory Committee) relating to youth leadership opportunities and participation groups (Appendix 2).
4. Endorses the ongoing funding allocation for 0.5 FTE for year 1 and 0.4 FTE ongoing required for option 3, noting \$45,000 for year 1 and \$36,000 ongoing will be incorporated into the 2019/20 budget through the quarterly budget review process.

**Carried Unanimously**

8.32 pm Councillor Masika left the meeting

8.35pm Councillor Masika re-entered the meeting

## Ben Pethick Reserve Playground Removal

**Report Reference** GC190924R08

**Moved**      **Councillor - Bruce Hull**      **Seconded**      **Councillor - Nathan Prior**

That Council:

1. Notes the consultation feedback as provided in Appendix 2.
2. Endorses proceeding with the removal of the playground equipment at Ben Pethick Reserve, and replaced with a local level playground, targeting younger aged children, to be referred to the unfunded initiatives quarterly review.
3. The removal will be timed after the installation of swings at Oaklands Estate Reserve.
4. Endorses installation of standard swings (double swing with baby swing and standard swing) at Oaklands Estate Reserve playground, at a cost of up to \$20,000 to be funded through the playground removal budget.

**Lost**

8.41pm Councillor Shilling left the meeting

8.43pm Councillor Shilling re-entered the meeting

8.43 pm Councillor Veliskou left the meeting

8.47pm Councillor Veliskou re-entered the meeting

**Moved**      **Councillor - Raelene Telfer**      **Seconded**      **Councillor - Matthew Shilling**

That Council:

1. Notes the consultation feedback as provided in Appendix 2.
2. Endorses proceeding with the removal of the playground equipment at Ben Pethick Reserve, and replacing with turf. No mulching, nature play equipment or picnic bench will be added. The removal will be timed after the installation of swings at Oaklands Estate Reserve.
3. Endorses installation of standard swings (double swing with baby swing and standard swing) at Oaklands Estate Reserve playground, at a cost of up to \$20,000 to be funded through the playground removal budget.

**Carried**



**Division called by Councillor - Bruce Hull**

The vote was set aside

<b>Voters</b>	<b>Against</b>	<b>For</b>
Councillor - Bruce Hull	X	
Councillor - Jason Veliskou	X	
Councillor - Joseph Masika		X
Councillor - Kendra Clancy		X
Councillor - Luke Hutchinson		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling		X
Councillor - Nathan Prior	X	
Councillor - Raelene Telfer		X
Councillor - Tim Gard	X	

**Carried**

### Coastal Walkway Audit - Project Update

**Report Reference** GC190924R09

**Moved**      **Councillor - Tim Gard**      **Seconded**      **Councillor - Maggie Duncan**

That Council:

1. Notes the report.
2. Notes the remaining investigations to be undertaken.
3. Notes a report will be presented to Council on 26 November on the draft Coastal Walkway Plan following the completion of the investigations.
4. Notes a reviewed Coastal Walkway Asset Management Plan will be provided to Council for adoption by November 2020.
5. Notes funding opportunities through the Federal and State Government grants which may attract a 50/50 co-contribution from Council.
6. Notes that a letter to the Premier from the Mayor will be drafted expressing Council's interest in funding and partnership opportunities for the state wide attraction.

**Carried Unanimously**

8.49 pm Councillor Prior left the meeting  
 8.51pm Councillor Prior re-entered the meeting

### City of Marion Christmas Trading Hours 2019 - 2021

**Report Reference** GC190924R10

**Moved** Councillor - Matthew Shilling **Seconded** Councillor - Joseph Masika

That Council:

1. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Friday 20 December 2019 at 12.30 pm.
2. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Wednesday 23 December 2020 at 12.30 pm.
3. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Thursday 23 December 2021 at 12.30 pm.

**Carried Unanimously**

### Community Consultation - Code of Practice – Access to Meetings and Documents

**Report Reference** GC190924R11

**Moved** Councillor - Matthew Shilling **Seconded** Councillor - Raelene Telfer

That Council:

1. Adopts the Code of Practice - Access to Meetings and Documents as attached as Appendix 1 to this report.

**Carried Unanimously**

8.56 pm Councillor Duncan left the meeting  
 8.58pm Councillor Duncan re-entered the meeting

## City of Marion submission on the review of the Local Nuisance and Litter Control Act 2016

**Report Reference** GC190924R12

**Moved**      **Councillor - Raelene Telfer**      **Seconded**      **Councillor - Matthew Shilling**

That Council:

1. Notes the attached Local Nuisance and Litter Control Act discussion paper (Appendix 1) and Local Government Association draft submission (Appendix 3).
2. Endorses the submission on the review of the Local Nuisance and Litter Control Act 2016 as attached to this report in Appendix 2, for submission to the EPA.

**Carried Unanimously**

## VARY ORDER OF AGENDA

The Mayor sought and was granted leave of the meeting to vary the order of the agenda to bring forward the 'Business Continuity Management Policy and Framework' while the ballot for the Deputy Mayor was conducted.

## Business Continuity Management Policy and Framework

**Report Reference** GC190924R14

**Moved**      **Councillor - Raelene Telfer**      **Seconded**      **Councillor - Maggie Duncan**

That Council:

1. Approves and adopts the revised Business Continuity Management Policy (Appendix 1).
2. Approves and adopts the revised Business Continuity Management Framework (Appendix 2).

**Carried Unanimously**

## Deputy Mayor

**Report Reference** GC190924R13

9.07pm Councillor Shilling left the meeting

**Moved**      **Councillor - Luke Hutchinson** **Seconded**      **Councillor - Maggie Duncan**

That Council:

1. Appoints Councillor Shilling as the Deputy Mayor from 24 September 2019 until 19 November 2020.

**Carried Unanimously**

9.08pm Councillor Shilling re-entered the meeting

9.08pm Councillor Gard left the meeting

9.10pm Councillor Gard re-entered the meeting

## Development Delegations Policy Review

**Report Reference** GC190924R15

**Moved**      **Councillor - Nathan Prior**      **Seconded**      **Councillor - Maggie Duncan**

That Council:

1. Takes no further action at this time to amend the Development Delegations Policy.

**Carried Unanimously**

## Meeting Extension

The Chair sought and was granted leave of the meeting to extend the closing time until the conclusion of the following items:

- Finance Report - August 2019 (Report Reference: GC190924R17)
- Questions Taken on Notice Register (Report Reference: GC190924R18)
- Work Health & Safety - Monthly Performance Report - August 2019 (Report Reference: GC190924R19)
- Elected Member Equipment (Report Reference: GC190924Q01)
- Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019 (Report Reference: GC190924F01)
- Cove Investigation – Response to Findings of Fact (Report Reference: GC190924F02)

9.18pm meeting extended

## CORPORATE REPORTS FOR INFORMATION/NOTING

**Moved**      **Councillor - Matthew Shilling** **Seconded**      **Councillor - Raelene Telfer**

That:

1. The following items be moved en bloc:

- Finance Report - August 2019 (Report Reference: GC190924R17)
- Questions Taken on Notice Register (Report Reference: GC190924R18)
- Work Health & Safety - Monthly Performance Report - August 2019 (Report Reference: GC190924R19)

**Carried Unanimously**

### Finance Report - August 2019

**Report Reference**                      GC190924R17

**Moved**      **Councillor - Matthew Shilling** **Seconded**      **Councillor - Raelene Telfer**

That Council:

1. Receives the report "Finance Report – August 2019"

**Carried Unanimously**

### Questions Taken on Notice Register

**Report Reference**                      GC190924R18

**Moved**      **Councillor - Matthew Shilling** **Seconded**      **Councillor - Raelene Telfer**

That Council:

1. Notes the report "Questions Taken on Notice Register".

**Carried Unanimously**

## Work Health & Safety - Monthly Performance Report - August 2019

**Report Reference** GC190924R19

**Moved** Councillor - Matthew Shilling **Seconded** Councillor - Raelene Telfer

That Council:

1. Notes the report and statistical data contained therein.

**Carried Unanimously**

## WORKSHOP / PRESENTATION ITEMS - Nil

## MOTIONS WITH NOTICE - Nil

## QUESTIONS WITH NOTICE

### Elected Member Equipment

**Elected Member** Councillor Luke Hutchinson

**Report Reference:** GC190924Q01

#### Question:

May council please advise if all IT equipment issued to elected members was returned at the end of the 2014-2018 council term, and if not, what were the circumstances in which items were not returned?; and secondly, what financial recovery action has occurred to ensure ratepayers money has been protected?

#### Supporting Information:

Nil

#### Response Received From:

#### Staff Comments:

One Elected Member did not return all equipment, due to theft of the items during a break in.

A police report was made following the incident and some of the stolen items were recovered by the police. However, the recovered items did not include the Council ipad or laptop.

The cost of the stolen items (\$790.47) was referred to Council's insurer and this amount was paid out (less the \$500 insurance excess).

**MOTIONS WITHOUT NOTICE – Nil****QUESTIONS WITHOUT NOTICE - Nil****CONFIDENTIAL ITEMS****Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019**

**Report Reference** GC190924F01

**Moved**      **Councillor - Tim Gard**      **Seconded**      **Councillor - Raelene Telfer**

That:

1. Pursuant to Section 90(2) and (3)(a) and (d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Sorana Dinmore, Fiona Harvey, Steph Roberts, Annmarie Mabarrack, Nicola Beckwith-Jones, Kate McKenzie, Cass Gannon and Mel Nottle-Justice be excluded from the meeting as the Committee receives and considers information relating to the Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information, relates to personnel matters and commercial information of a confidential nature.

**Carried Unanimously**

9.22 pm the meeting went into confidence

**Moved**      **Councillor - Raelene Telfer**      **Seconded**      **Councillor - Tim Gard**

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019*, and any appendices arising from this report having been considered in confidence under Section 90(2), (3)(a) and (3)(d)(i)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

**Carried Unanimously**

9.24pm the meeting came out of confidence.

**Cove Investigation - Response to Findings of Fact****Report Reference** GC190924F02**Moved**      **Councillor - Matthew Shilling**   **Seconded**      **Councillor - Maggie Duncan**

That:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Fiona Harvey, Tony Lines, Kate McKenzie, Jaimie Thwaites, Craig Clarke, and Clare Benn, be excluded from the meeting as the Council receives and considers information relating to *Cove Investigation - Response to Findings of Fact*, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal information.

**Carried Unanimously**

9.25 pm the meeting went into confidence

**Moved**      **Councillor - Matthew Shilling**   **Seconded**      **Councillor - Maggie Duncan**

That:

1. Formal meeting proceedings be suspended to enable discussion on the item.

**Carried Unanimously**

9.25pm formal meeting proceedings suspended

10.04pm formal meeting proceedings resumed

**Moved**      **Councillor - Jason Veliskou**   **Seconded**      **Councillor - Maggie Duncan**

That:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, *Cove Investigation - Response to Tentative Findings of Fact*, any appendices to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

**Carried**



10.15pm the meeting came out of confidence

## **ITEMS NOT CONSIDERED**

The following items were not considered:

- Housing Diversity DPA ([Report Reference GC190924R16](#))
- Request for a Report on Council Community Facilities Leases and Licences (Report Reference GC190924M01)
- Marion Outdoor Pool Stage 3 – Progress Update ([Report Reference GC190924F03](#))

## **MEETING CLOSURE**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MEETING CLOSURE** - Meeting Declared Closed at 10.15pm

**CONFIRMED THIS 8 DAY OF OCTOBER**

.....

**CHAIRPERSON**

**COMMUNICATIONS - Nil****ELECTED MEMBER VERBAL COMMUNICATIONS**

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

**ADJOURNED ITEMS - Nil****DEPUTATIONS****Deputation - Cove Football Club**

<b>Originating Officer</b>	Governance Officer - Victoria Moritz
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference:</b>	GC191008D01

**SPEAKER:**

Mr Tony Kernahan (President Cove Football Club)  
Mr Tom Gill  
Ms Skye Willcocks  
Ms Ella Gill

**ORGANISATION:**

Cove Football Club

**COMMENTS:**

Mr Tony Kernahan has requested to give a five minute deputation to Council in relation to the items listed on the Agenda regarding the Cove Football Club.



## PETITIONS

## Cove Cobras Football Club

**Originating Officer** Acting General Manager City Development - Fiona Harvey

**Corporate Manager** N/A

**General Manager** General Manager City Development - Ilia Houridis

**Report Reference:** GC191008P01

### PETITION FROM:

Cove Cobras Football Club

### NUMBER OF SIGNATORIES:

6664 signatures (57 of which do not comply with Council's Petition Policy)

### DATE PETITION RECEIVED:

3 October 2019

### CORRESPONDENCE:

*Petition from Cove Cobras Football Club received on 3 October 2019 requesting that Council Reverse the resolution made to terminate the lease and occupancy of the Cove Football Club from the Cove Sports and Community Complex - our club home for the past 35 years.*

A copy of the full petition is listed as Appendix 1 and is uploaded as a separate document to the City of Marion website.

The covering report satisfies the legislative requirements of the City of Marion's Code of Practice - Procedures at Meetings (s5.2), whereby any petition received by the Council is to be placed on the agenda for the next ordinary meeting of the Council.

In accordance with the City of Marion's Petition Policy a petition to Council must indicate the nature of the petition, clearly setting out the request or submission on each page of signatories. Although the petition referred to as Appendix 1 does not contain this information on pages 35, 39, 330 and 331, the intent of the petition is still understood.

### ORIGINATING OFFICER COMMENTS:

Two additional reports on the Cove Cobras Football Club (CCFC) are included in the 8 October 2019 General Council Agenda; an update on matters relating to Council's decision to not renew the tenancy of the CCFC at the Cove Sports Facility; and the request for a review of the decision under section 270 of the Local Government Act 1999.

Council may wish to consider these in reports in conjunction with the petition.

### RECOMMENDATION:

**That Council:**

1. Notes the report
2. Notes that this report will be considered in conjunction with the two further reports relating to the Cove Cobras Football Club on this 8 October Council agenda

## COMMITTEE RECOMMENDATIONS

### Confirmation of the Minutes of the Review and Selection Committee Meeting held on 17 September 2019

<b>Originating Officer</b>	Governance Officer - Angela Porter
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R02

### REPORT OBJECTIVE

Due to lack of a quorum and after the expiration of 30 minutes, the meeting was adjourned to 24 September 2019 at 6pm.

### RECOMMENDATION

**That Council:**

1. **Receives and notes the minutes of the Review and Selection Committee meeting held on 17 September 2019 (Appendix 1).**

### Attachment

#	Attachment	Type
1	RSC190917 - Final Minutes	PDF File

**MINUTES OF THE RSC190917 - REVIEW AND SELECTION COMMITTEE**

**Tuesday, 17 September 2019 at 06:00 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**





Minutes of the Review and Selection Committee Meeting held on 17 September 2019

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**MINUTES OF THE REVIEW & SELECTION COMMITTEE MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 17 SEPTEMBER 2019**

**PRESENT**

**Elected Members**

His Worship the Mayor Kris Hanna  
Councillors; Kendra Clancy

**In Attendance**

Adrian Skull	Chief Executive Officer
Kate McKenzie	Manager Corporate Governance
Steph Roberts	Manager Human Resources

***Due to lack of a quorum and after the expiration of 30 minutes, the meeting was adjourned to the 24 September 2019 at 6pm.***

## Confirmation of the minutes for the Review and Selection Committee Meeting held on 24 September 2019

<b>Originating Officer</b>	Governance Officer - Angela Porter
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R03

### REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the 24 September 2019 Review and Selection Committee meeting.

### EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below.

#### Confidential Items

- FAC Independent Member

### RECOMMENDATION

**That Council:**

- 1. Receives and notes the minutes of the Review and Selection Committee meeting of 24 September 2019 (Appendix 1).**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.**

### Attachment

#	Attachment	Type
1	RSC190924 - Final Minutes	PDF File



**MINUTES OF THE RSC190924 - REVIEW AND SELECTION COMMITTEE**

**Tuesday, 24 September 2019 at 06:00 PM**

**245 Sturt Road Sturt**



**MINUTES OF THE REVIEW & SELECTION COMMITTEE MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 24 SEPTEMBER 2019**

**PRESENT**

**Elected Members**

His worship the Mayor Kris Hanna  
Councillors; Kendra Clancy, Jason Veliskou

**In Attendance**

Adrian Skull	Chief Executive Officer
Steph Roberts	Manager Human Resources

**OPEN MEETING**

The Mayor opened the meeting at 06:00 PM

**KAURNA ACKNOWLEDGEMENT**

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

**ELECTED MEMBERS DECLARATION (if any) – Nil**

**CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the Review and Selection Committee Meeting held on 6 August 2019 and 17 September 2019**

**Report Reference:** RSC190924R01

**Moved Councillor Clancy, Seconded Councillor Veliskou**

That the minutes of the Review and Selection Committee Meeting held on 6 August 2019 and 17 September 2019 be taken as read and confirmed.

**Carried Unanimously**

**BUSINESS ARISING - Nil**

## **CONFIDENTIAL ITEMS**

### **Cover Report - FAC Independent Member**

**Report Reference:** RSC190924F01

### **Moved Councillor Clancy, Councillor Seconded Veliskou**

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, the Review and Selection Committee orders that all persons present with the exception of the following persons: Adrian Skull and Steph Roberts, be excluded from the meeting as the Committee receives and considers information relating to the recruitment of an independent member for the Finance and Audit Committee upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the personal affairs of any persons.

**Carried Unanimously**

6.02pm the meeting went into confidence

6.20pm the meeting came out of confidence

## **REPORTS FOR DISCUSSION - Nil**

## **REPORTS FOR NOTING - Nil**

## **WORKSHOP / PRESENTATION ITEMS - Nil**

## **OTHER BUSINESS – Nil**

**MEETING CLOSURE** - Meeting Declared Closed at 06:22 PM

**CONFIRMED THIS 5TH DAY OF NOVEMBER 2019**

.....

**CHAIRPERSON**

## Confirmation of the minutes of the Urban Planning Committee Meeting held on 1 October 2019

<b>Originating Officer</b>	Governance Officer - Angela Porter
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R04

### REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the 1 October 2019 Urban Planning Committee meeting.

### EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below.

#### Reports for Discussion

- Non Residential Zones Review (Edwardstown focus)  
Report Reference: UPC191001R02

#### Reports for Noting

- Development Delegations  
Report Reference: UPC191001R03
- Development Services - Voice of the Customer  
Report Reference: UPC191001R04

### RECOMMENDATION

#### That Council:

1. Receives and notes the minutes of the Urban Planning Committee meeting of 1 October 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

#### Attachment

#	Attachment	Type
1	UPC191001 - Minutes	PDF File

**MINUTES OF THE UPC191001 - URBAN PLANNING COMMITTEE**

**Tuesday, 01 October 2019 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



## ATTENDANCE

### Committee Members

Councillor - Nathan Prior (Presiding Member)  
 Mayor - Kris Hanna  
 Councillor - Raelene Telfer  
 Councillor - Maggie Duncan  
 Councillor - Joseph Masika

### Other Elected Members

Nil

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### Other Attendees

Chief Executive Officer: Adrian Skull  
 General Manager City Development: Iliia Houridis  
 Manager Development and Regulatory Services: Warwick Deller-Coombs  
 Team Leader - Planning: Alex Wright  
 Senior Policy Planner: David Melhuish  
 Development Officer - Planning: Kai Wardle

## OPEN MEETING

Councillor - Nathan Prior opened the meeting at 06:30 PM

## KAURNA ACKNOWLEDGEMENT

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

## ELECTED MEMBERS DECLARATION (if any)

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

No declarations were made.

## CONFIRMATION OF MINUTES

**Confirmation of the minutes for the Special Urban Planning Committee Meeting held on 03 September 2019**

**Report Reference:** UPC191001R01

**Moved Councillor - Maggie Duncan, Seconded Councillor - Raelene Telfer**

That the minutes of the Special Urban Planning Committee Meeting held on 03 September 2019 be taken as read and confirmed.

**Carried Unanimously**

**BUSINESS ARISING - Nil**

**CONFIDENTIAL ITEMS - Nil**

**REPORTS FOR DISCUSSION**

**Non Residential Zones Review (Edwardstown focus)**

**Report Reference:** UPC191001R02

6:32 PM - Councillor Masika and Mayor Hanna entered the meeting.

6:36 PM - Mayor Hanna left the meeting.

6:40 PM - Mayor Hanna re-entered the meeting.

7:14 PM - Mayor Hanna left the meeting.

7:37 PM - Councillor Telfer and Councillor Masika left the meeting.

7:48 PM - Councillor Masika re-entered the meeting.

- The Committee discussed the circumstances of existing zoning, the progress of the Zones Review, and the proposed draft Planning and Design Code which has recently been released for consultation.
- The Committee noted staff will develop a process to review Marion's zoning framework as part of a future submission in response to the draft Planning and Design Code, and that this process will involve further input from the Committee.

**Moved Councillor - Maggie Duncan, Seconded Councillor - Joseph Masika**

That the Urban Planning Committee notes this report.

**Carried Unanimously**

**REPORTS FOR NOTING**

**Development Delegations**

**Report Reference:** UPC191001R03

**Moved Councillor - Joseph Masika, Seconded Councillor - Maggie Duncan**

That the Urban Planning Committee notes this report.

**Carried Unanimously**

**Development Services - Voice of the Customer**

**Report Reference:** UPC191001R04

**Moved Councillor - Joseph Masika, Seconded Councillor - Maggie Duncan**

That the Urban Planning Committee notes this report.

**Carried Unanimously**

**WORKSHOP / PRESENTATION ITEMS - Nil**

**OTHER BUSINESS**

- Manager Development and Regulatory Services suggested that a Special Urban Planning Committee meeting should be held on 5 November 2019 pertaining to the Seacliff Park DPA. Members indicated their availability for the date and Administration to follow up with Governance to organise the meeting. Particulars of the meeting will be confirmed with members in due course.

**MEETING CLOSURE** - Meeting Declared Closed at 08:38 PM

**CONFIRMED THIS xx DAY OF xx**

.....

**CHAIRPERSON**



**CONFIDENTIAL ITEMS****Cover Report - Confirmation of the confidential minutes of the Review and Selection Committee meeting held on 24 September 2019**

<b>Originating Officer</b>	Governance Officer - Angela Porter
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008F01

**RECOMMENDATION**

**That:**

- 1. Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, the Council orders that all persons present with the exception of the following persons: Adrian Skull, Tony Lines, Sorana Dinmore, Ilia Houridis, Steph Roberts, Kate McKenzie and Jaimie Thwaites, be excluded from the meeting as Council receives and considers information relating to the Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 24 September 2019, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the personal affairs of any persons.**

**Confirmation of the confidential minutes of the Review and Selection Committee meeting held on 24 September 2019**

**CONFIDENTIAL**

**Reason For Passing This Resolution:**

**Local Government Act (SA) 1999 S 90 (2) 3(a):** information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**Cover Report - Code of Conduct**

<b>Originating Officer</b>	Manager Corporate Governance - Kate McKenzie
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	Chief Executive Officer - Adrian Skull
<b>Report Reference</b>	GC191008F02

**RECOMMENDATION**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following, Adrian Skull, Chief Executive Officer, Kate McKenzie, Manager Corporate Governance and Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it is satisfied that the requirements for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration other matter confidential on the ground that the report contains information relating to personal affairs.

## Code of Conduct

### CONFIDENTIAL

#### Reason For Passing This Resolution:

**Local Government Act (SA) 1999 S 90 (2) 3(a):** information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

## CORPORATE REPORTS FOR DECISION

### Cove Cobras Football Club Tenancy Termination Update

<b>Originating Officer</b>	Acting General Manager City Development - Fiona Harvey
<b>Corporate Manager</b>	Acting Manager City Property - Clare Benn
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R05

### REPORT OBJECTIVE

This report provides Council with an update on matters that have progressed (up to COB 3 October 2019) since the previous Council decision not to renew the tenancy of the Cove Cobras Football Club at the Cove Sports and Community Facility (the Facility).

### EXECUTIVE SUMMARY

Since the Council decision on 24 September 2019 not to renew the tenancy of the CCFC at the Cove Sports and Community Facility, a series of actions have been implemented by City of Marion, the CCFC and a range of other stakeholders. A termination notice was issued to the CCFC on 25 September 2019 providing 30 days' written notice to vacate the Facility.

Meetings and correspondence have occurred with the CCFC, Southern Football League and SANFL representatives, state and federal Members of Parliament, peak bodies and community members.

Formal requests by the CCFC to review the decision of Council have been submitted to the Ombudsman and to the Chief Executive to undertake a review under section 270 of the Local Government Act 1999.

There has been strong media interest and coverage of this matter through broadcast, online and print channels. This peaked between 25-29 September.

CCFC held a community meeting on 27 September 2019 and submitted a petition to this Council meeting (8 October 2019).

Given the confidential nature of the information relating to the non renewal of the CCFC tenancy at the Facility, Council may wish to discuss matters in this report in confidence. If Council wishes to discuss this item in confidence the following motion would need to be moved:

1. **That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Fiona Harvey, Tony Lines, Ilia Houridis, Kate McKenzie, Jaimie Thwaites, Craig Clarke, and Clare Benn, be excluded from the meeting as the Council receives and considers information relating to Cove Investigation - Response to Tentative Findings of Fact, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal information.**

### RECOMMENDATION

It is recommended that Council:



1. Notes the update report (to close of business on 3 October 2019) on matters relating to the termination of the tenancy of Cove Cobras Football Club at the Cove Sports and Community Facility.

## DISCUSSION

On 24 September 2019 Council made a decision to terminate the tenancy agreement with CCFC for use of the Facility (GC190924F02):

Since then a number of actions have taken place in relation to the termination, which are summarised below.

### Key Actions

On 25 September 2019 Management met with the CCFC Committee representatives, and Southern Football League (SFL) and SANFL representatives to provide the Council decision to terminate the tenancy with 30 days notice. Written confirmation of the decision was provided to the CCFC President at this meeting. An offer was also made to arrange a meeting with the Chief Executive on his return from leave which was subsequently arranged for 1 October 2019.

A notice of termination of the tenancy was issued to the CCFC, instructing that the CCFC vacate the premises by midnight on 25 October 2019.

Presidents of all other clubs at the Facility were informed of the Council decision verbally on 25 September 2019, with written confirmation sent on 26 September 2019.

Key stakeholders were informed of the decision between 25-27 September 2019: David Speirs MP, Corey Wingard MP, Amanda Rishworth MP, Steve Murray MP, Carolyn Power MP, SANFL CEO, and Office for Recreation, Sport and Racing CEO.

Correspondence was subsequently received from Minister Speirs, Amanda Rishworth MP and Katrine Hildyard MP (Appendix 1) seeking Council's support for the club to enable players and other people involved in Australian Rules Football to continue this involvement.

On 27 September the CCFC held a community meeting at South Adelaide Football Club which, according to media reports and the CCFC, was attended by an estimated 700 people.

The CCFC also initiated a petition which was received on 3 October 2019 and is tabled at this meeting (8 October). The petition has more than 6660 signatures.

A further meeting was held with CCFC, SFL and SANFL representatives on 1 October 2019 where the CCFC President provided a presentation covering a range of matters, including the CCFC Committee's commitment to future sustainability of the club and working with Council, SANFL and SFL to achieve this.

A meeting with the President Cove Football (Soccer) Club was also held on 1 October 2019 where concerns regarding the soccer club's impact were raised by the President. Assistance from the FFSA as the soccer peak body was recommended.

### Communication and Media

The Marion Council has received a significant amount of media coverage from the time the first media release was issued announcing the decision on Wednesday 25 September to Sunday 29 September 2019 (Appendix 2).

The initial story was published on AdelaideNow, page 1 of The Advertiser, ABC radio news and Channel 9 news on 25 September, along with 5AA/ABC breakfast the following day.



Since then, all major news channels have followed the story. The story themes have included the Cobras meeting on Friday, the vandalism at the BMX Club and reaction from other clubs.

Further media occurred on 3 October when CCFC delivered their petition.

In terms of social media, Council has received about 20 direct messages along with a further 15 letters and emails. The majority have been critical of Council's decision.

CCFC has active social media and has used this, along with the media, as their main communication tool. They have received supportive communication/posts from a range of stakeholders including the BMX and Cricket Clubs that use the Facility (Appendix 3).

### **Decision Review requests**

On 26 September 2019 the Chief Executive received a formal request from the CCFC to undertake a review of the decision under Section 270 of the Local Government Act. This is tabled in a separate report on the 8 October agenda (GC191008R06).

On 27 September Administration received a request from the Ombudsman's office to provide initial documentation relating to the correspondence with the CCFC regarding the investigation and decisions of Council on 2 and 24 September 2019. Upon provision of documentation the Ombudsman's office confirmed 'that they will not be assessing this matter further and that it is reasonable to allow council to conduct an internal review prior to this office making any further assessment of the matter'.

### **Vandalism**

Overnight on the 27-28 September 2019 the Cove Facility was vandalised, with the BMX clubrooms/shed doors jemmied open and windows smashed. Attempts to break into other sheds at the site were unsuccessful, and no vandalism was seen on the main facility. The incident was reported to SAPOL by the BMX Club and steps were put in place to repair damaged windows immediately.

### **Attachment**

#	Attachment	Type
1	Appendix 1 - Correspondence	PDF File
2	Appendix 2 - Media	PDF File
3	Appendix 3 - 3rd Party Statements	PDF File



## Katrine Hildyard MP

Member for Reynell

1 October 2019

Mayor Kris Hanna  
City of Marion

Via Email [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

Dear Mayor Hanna

I write in relation to media reports that the City of Marion has taken the decision to give notice to the Cove Football Club that they will be evicted from the Cove Sports and Community Club in thirty days. I understand from those reports that the decision has been made as a result of an investigation which explored allegations about inappropriate and intimidating behaviour, including sexist behaviour, at the Club.

These are serious allegations which are of concern to me and which warrant thorough investigation and an exploration of all necessary evidence in order to assess and reach a decision, and to take any appropriate action.

It is my understanding however that the Cove Football Club feels that it has not, despite their requests, received sufficient details of these allegations in order to provide a comprehensive response to Council. The Cove Football Club feel that Council has made their decision without due process that includes the opportunity for the Club to adequately view, understand and comprehensively respond to detailed allegations.

I urge you to provide the Cove Football Club with further details of all allegations and appropriate time to prepare and provide a response. I request that your decision to evict the Cove Football Club be rescinded or suspended to allow their full response to be heard and properly considered, and to enable the Club to discuss potential plans for its future with you.

The Cove Football Club is a Club that includes and develops a diverse range of players, coaches, trainers and officials. I recently attended the Southern Football League's Women's Grand Final where the Cove Football Club became dual premiership winners. At this game and at other events I

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f /katrinehildyardforreynell  
t @KatrineHildyard







## **Katrine Hildyard MP**

Member for Reynell

have attended at the Cove Football Club or that they have been involved with over many years, I have been struck by the number of young people, families, men and women who are engaged with this Club and supported by it. This decision will negatively impact all people associated with the Club, their families and the Hallett Cove and broader community.

I urge Council to support the Club's future and the future participation of many young people in sport by helping the Club to work through any problems and reach a solution that will enable the ongoing participation of those young people. Sporting clubs are important places, providing a sense of belonging and community family to many.

Could you please provide me with your response to this correspondence as soon as possible so that I can provide information to those who have contacted me very concerned about this matter.

Kind regards

**KATRINE HILDYARD MP**

Member for Reynell

Shadow Minister for Recreation, Sport and Racing

Shadow Minister for the Status of Women

Shadow Minister for Multicultural Affairs

cc Mr Tony Kernihan, President, Cove Football Club  
Mr Craig Warman, President, Southern Football League (SA)



# Amanda RISHWORTH MP

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APPENDIX 1

FEDERAL MEMBER FOR KINGSTON

Adrian Skull  
Chief Executive Officer  
City of Marion  
PO Box 21  
Oaklands Park SA 5046

28 September 2019

Dear Mr Skull

In light of City of Marion's recent decision to terminate the Cove Cobras Football Club from the Cove Sports and Social Club, I write to urge the Council to find a solution that enables local residents to play football in their local community.

While I am not privy to the deliberations Council have gone through to determine the termination and notwithstanding the allegations made public are very serious, the decision has left hundreds of football players and club members including juniors and females without a place to train or compete.

This has been distressing for many club members who love playing football in their local club.

I urge the Council to work with club members to ensure the community of Hallett cove and surrounding suburbs have a local space to participate and compete in Australian Rules Football.

Yours sincerely

**Amanda Rishworth MP**  
**Federal Member for Kingston**  
Shadow Minister for Early Childhood Education and Development  
Shadow Minister for Youth

Fighting for Us

CC: **Mr Tony Kernahan, President, Cove Cobras Football Club**  
[cove.president@mail.com](mailto:cove.president@mail.com)

**Mayor Kris Hanna, City of Marion**  
[council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)



# David Speirs MP

Member for Black



Mr Kris Hanna  
Mayor  
City of Marion  
PO Box 21  
OAKLANDS PARK SA 5046

25 September 2019

Dear Mayor Hanna

I write to you regarding the City of Marion's recent decision to terminate the lease that the Hallett Cove Football Club has over its Oval Road club rooms.

I understand that the council holds concerns regarding the conduct of some people who are associated with the club.

Clearly the council's concerns are serious and it is not for me to determine whether they are reliable. I will always condemn bad behaviour within sporting clubs as I believe clubs play a key role modelling function in our community, particularly for young people.

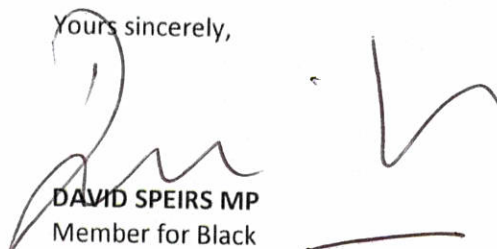
However, it is my view that the council should do all that it can to ensure that this club has a future.

The Hallett Cove Football Club is a key sporting organisation within the southern suburbs and provides the opportunity for hundreds of people, young and old, to engage in activities which keep them healthy, establish lifelong friendships and engage in our great Hallett Cove community.

If the council has concerns about the behaviour of some in the club, I believe that is the council's responsibility to provide leadership and resources to help the club overcome these problems. Terminating the lease does not help anyone.

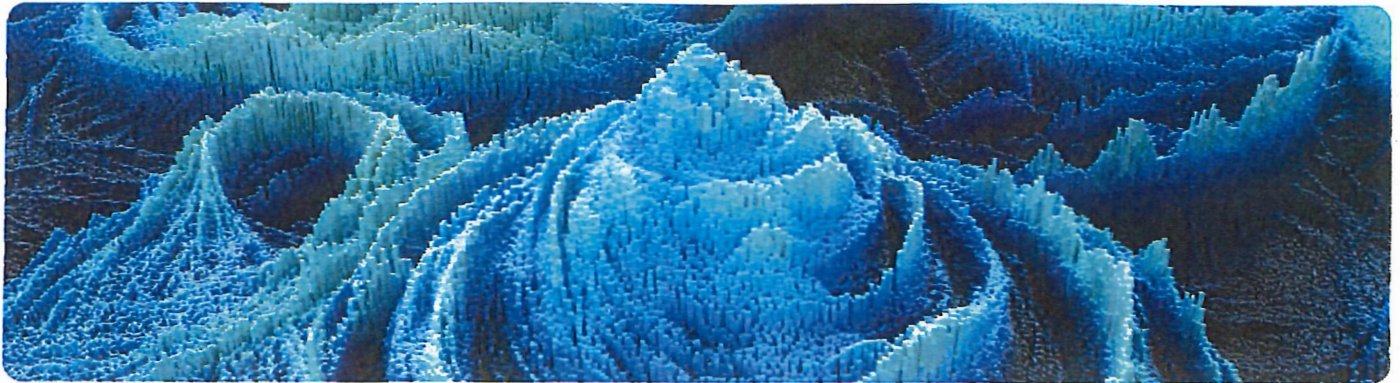
I urge you the council to get alongside the club, provide it with the support it needs, and ensure that it has a bright future within our community. That is what I intend to do.

Yours sincerely,



**DAVID SPEIRS MP**  
Member for Black





2 OCT 2019

# **Cove Cobras - MEDIA COVERAGE 25 September - 2 October 2019**

## Online News

### Hallett Cove Football Club booted from clubrooms by Marion Council

Tory Shepherd at West Beaches Messenger on 25 Sep 2019 2:45 PM.

ASR: N/A Audience: N/A



#### Footballers kicked out of clubrooms for sexist behaviour

An Adelaide football club has been kicked out of its clubrooms for sexual harassment, sexist language, and a

#### Item Details:

- Item ID: 1176945200
- Words: 482
- Location: Online
- Type: Online News

#### WEST & BEACHES

### Hallett Cove Football Club booted from clubrooms by Marion Council

Marion Council has booted a football club out of its Hallett Cove facility, after other users complained of sexual harassment and intimidating behaviour.

Tory Shepherd, Gordon Armstrong, The Messenger

Subscriber only | September 25, 2019 4:36pm



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AFL and AFLW players are no longer content to ignore social media abuse, taking a united stand against internet trolls t...



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A SOUTHERN suburbs football club has been kicked out of its clubrooms for sexual harassment, sexist language, and a “culture of inappropriate and intimidating behaviour”.

Marion Council launched a two-month investigation into the Cove Cobras Football Club after multiple complaints and found other clubs had stopped using the facility “because they feel unwelcome or unsafe”.

The council had already spent more than \$8200 on personal duress alarms, extra CCTV cameras and a security guard for events with alcohol.

CCFC was given two weeks to respond to the investigation, which it did this week, but council still saw fit to evict them.

Acting Council chief executive officer Fiona Harvey said the behaviour described in the investigation report was “inconsistent with community standards and unacceptable”.

The behaviour included:

**Inappropriate** behaviour, disrespectful language and intimidating conduct (resulting) in other sporting clubs not using the facility because they felt unwelcome or unsafe.

**Insulting** sexist language directed at a female staff member and sexual harassment of female netball players.

A **sense** of entitlement and “ownership” of the facility, with other clubs experiencing territorial or unwelcome acts when they attempt to use it. (The Hallett Cove facility is also used by two netball clubs, a cricket club, BMX club and soccer club).



The Cove Football Club has been evicted from the clubrooms, and will contest the decision on Wednesday night.  
Picture: Facebook / @thecovefootballclubinc

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“Council has made the decision to cancel the tenancy and send a strong message that it will not condone this type of extreme behaviour in its community facilities,” Ms Harvey said.

“Council considered that the actions of some of the members will, unfortunately, have an impact on the rest of the club.

“The council hopes the women’s and junior teams can continue to play football in some format next year.”

Both SANFL and the Southern Football League have been notified.



CCFC wrote on Facebook that it would work with them to “explore all options to challenge this decision”.

“We will remain united and strong to reverse this decision,” the club said.

Cove Football Club president Tony Kernahan said he and his club were blindsided by the council’s action.

“This is unbelievably hard to understand,” Mr Kernahan said.

“It is hard to respond when you don’t know what the allegations are. We have not discussed these alleged matters with anyone so we don’t know what they are about.”

A meeting will be held tonight (Wednesday) between Cove Football Club officials, Southern Football League executive members and SANFL representatives to discuss the club’s response.

**Do you know more? Email our reporter: [tory.shepherd@news.com.au](mailto:tory.shepherd@news.com.au)**







## The Cove Football Club kicked off sportsgrounds over 'inappropriate behaviour'

Brittany Evins at ABC Online on 25 Sep 2019 8:32 PM.

ASR: 34,401 AUD Audience: 150,447 unique visitors per day / 1,834 average story audience



### Summary:

Posted 5 minutes ago Wed 25 Sep 2019, 12:56pm An Adelaide football club has been evicted from its clubrooms after an independent investigation found a culture of "inappropriate and intimidating behaviour" from some members and associates of the club. ...

### Item Details:

- Item ID: 1177054485  
- Words: 744  
- Location: Online  
- Type: Online News



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**BREAKING NEWS** The bill to decriminalise abortion in NSW has passed the state's lower house. [Read more...](#)

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# The Cove Football Club kicked off sportsgrounds over 'inappropriate behaviour'

By [Brittany Evins](#)

Posted yesterday at 8:26pm

**An Adelaide football club has been evicted from its clubrooms after an independent investigation found a culture of "inappropriate and intimidating behaviour" from some members and associates of the club.**

A two-month independent investigation launched by the City of Marion into The Cove Football Club revealed complaints that some female netball players that share the same council-owned sportsground in Hallett Cove felt they were being sexually harassed.

The council investigation found some of the other sporting clubs were not using The Cove Community and Sports Club's grounds because they felt unwelcome.

The council made the decision to cancel the Australian rules football club's tenancy in a confidential meeting last night.

Acting chief executive Fiona Harvey said the council was left with no choice other than to evict

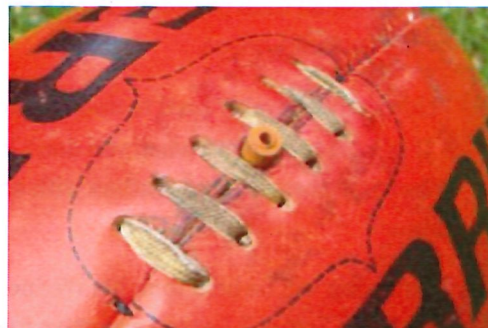


PHOTO: The Cove Football Club has more than 400 members. (File)

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### Key points:

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Acting chief executive Fiona Harvey said the council was left with no choice other than to evict the club due to the severity of the allegations.

"[The] council concluded that the allegations appear to involve a culture of inappropriate and intimidating behaviour from some senior players and members," Ms Harvey said.

### Key points:

- A council investigation found some netball players felt sexually harassed by members of The Cove Football Club
- The City of Marion voted last night to cancel their tenancy at the sportsground they share
- The club says it has not been given any details of the allegations

"[The] council has made the decision to cancel the tenancy and send a strong message that it will not condone this type of extreme behaviour in its community facilities."

## Club 'absolutely gutted' at decision

The Cove Football Club co-president Tony Kernahan said there was an enormous amount of anger from members about the decision and it was looking at challenging the decision to evict it.

"I'm absolutely gutted with that decision, I'm also gutted for the large number of families and kids that this will affect in the Hallett Cove region," Mr Kernahan said.

Mr Kernahan said there was a chance the club would have to close after operating for 37 years.

It has more than 400 members.

"If they remove us and there is no ground for us to relocate to, the football club will be forced to close, which is an unbelievable drastic step," Mr Kernahan said.

Mr Kernahan said he did not think the decision was fair and it was not given much opportunity to respond to the allegations.

"At this stage I don't have anything formal in writing in regards to those instances, but I'm not saying that it did or didn't happen — I need the details of those allegations when and where before I can make comment," he said.



**The Cove Football Club Inc.**  
22 hours ago



The Cove Football Club have been advised today at 10.30am that Marion Council in a confidential meeting last night passed a resolution to terminate our occupancy at the Cove Sports and Community Club within 30 days.  
A media release will be issued by Marion Council later today, which may include negative



"There's no names, there's no evidence presented before me to be able to act, which makes it extremely difficult to act or take action against."

commentary directed at the Cove Football Club. We are working with SANFL and the SFL to explore all options to challenge this decision. We will remain united and strong to ... [See More](#)

👍 50    💬 230    ➡ 120

The club said it asked the council for further details but said it was told because the allegations were brought up in an independent investigation it would not be provided those details.

## Investigation found widespread bad behaviour

The two-month investigation, conducted by EMA Consulting, involved interviewing multiple witnesses.

The final investigation outlined complaints of intimidating conduct, inappropriate behaviour and disrespectful language by numerous club members and associates, which had resulted in other sporting clubs not using the facility because they felt unwelcome or unsafe.

The Cove Sports and Community Club serves more than 1,500 players and members of the local community from six sporting clubs.

The Cove Football Club is not associated with The Cove FC soccer club.



PHOTO: The Cove Football Club shares The Cove Sports and Community Club with five other clubs. (Supplied: City of Marion)



## SANFL seeking further advice

In a statement, the SANFL said it was seeking further advice on the matter and would work to better understand the rationale behind the decision.

"While [the] SANFL has not been made aware of the specific allegations surrounding the decision by the council, we express our disappointment in a decision that will have a far-reaching impact on the 438 registered members and the wider community," it said.

"More than 70 per cent of the club's participants are aged between five and 14 and, therefore, such a decision will have a resounding impact on these families.

"[We] will explore every available avenue to ensure participants can continue to play at their local football club."

Local MP David Speirs wrote to Marion Mayor Kris Hanna on Wednesday afternoon, saying the council should "provide leadership and resources to help the club overcome these problems" rather than terminating its lease.

### Cove women's captain Dana O'Brien rubbishes claims of sexual harassment which l...

The Advertiser Daniela Abbracciavento at Adelaide Now on 26 Sep 2019 7:00 PM.



ASR: 100 AUD Audience: 20,123 unique visitors per day / 116 average story audience



#### **Captain stands up for Cove amid sexism claims**

The women's captain of a southern suburbs football club booted from its Hallett Cove home amid sexual harassment allegations has rubbished the claims as

#### **Item Details:**

- Item ID: 1177582194
- Words: 834
- Location: Online
- Type: Online News

LOCAL SPORT

## Cove women's captain Dana O'Brien rubbishes claims of sexual harassment which led to eviction by Marion Council

The women's skipper of a southern suburbs football club has defended it against allegations of sexual harassment which led to the council booting it out of its home.

Daniela Abbracciavento, The Messenger

Subscriber only | September 26, 2019 7:00pm



Cove women's footballers Josie Smith (L) and captain Dana O'Brien with coach Brett Baldey (C). The trio has rubbished claims of sexual harassment at the club which led to Marion Council booting it out of its southern suburbs home. Picture: AAP/Mark Brake



Footballers kicked out of clubrooms for sexist behaviour

- [Council boots out football club after sexual harassment complaints](#)
- [See this month's subscriber rewards](#)

The women's captain of a southern suburbs football club booted from its Hallett Cove home amid sexual harassment allegations has rubbished the claims as "absolutely shocking".

[Marion Council kicked out Cove Cobras Football Club from the Oval Rd complex](#) on Wednesday after a two-month investigation found it had a "culture of inappropriate and intimidating behaviour".

Two netball clubs, a cricket club, BMX club and a soccer club also share the sports hub.

The council investigation found other clubs had stopped using the clubrooms "because they feel unwelcome or unsafe".

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But Dana O'Brien, Cobras women's team skipper, said she had always felt welcomed by all club members and had never experienced sexist behaviour.

O'Brien began playing for Cove in 2018 – its inaugural year in the Southern Football League Women's competition.



She was part of the 2018 and 2019 flag-winning sides.

"They (the club) have been nothing but completely supportive of our women's team," O'Brien said.

"We have an under-14 (girls) team as well that has never felt anything but secure and comfortable at our club.



Cove women's football team celebrates after winning the 2019 SFLW grand final. Picture: Supplied

"I was definitely shocked (by the allegations) and really upset because we've come off the back of such a successful season and we've been nothing but supported by the club.

"The club took a stand to get women's football involved and for (there to be allegations) of sexism at our club ... is absolutely shocking.

"It's really upsetting to think people are portraying us in this light.

"Taking away the green space is going to be detrimental to how many females can play football in the southern suburbs."

The club is fighting the allegations and its eviction.

It will stage an information night for members and supporters on Friday.





Charity cancels \$2.4 million lottery



Council findings that led to the club's eviction included inappropriate behaviour, disrespectful language and intimidating conduct, insulting sexist language directed at a female staff member and sexual harassment of female netball players.

Cove Soccer Club chairman David Brain backed the council's decision.

"As chairman of the soccer club I fully endorse the council's action," Brain said.

"They (the council) don't wake up overnight and go 'we are going to kick somebody out of our sporting complex'."

But Cove Cricket Club president Brett Kinnear said the council's findings shocked him.

"(We've had) not one issue at all with the footy club," Kinnear said.

Brett Baldey, who coached both the women's and men's A-grade football teams this year, believed the allegations were unfounded.

#### MORE LOCAL FOOTBALL NEWS

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"In terms of the culture and the way that the players handle themselves off the field was something we were pretty proud of," Baldey said.

"From my point of view the women's football team has been the heartbeat of the Cove Football Club."

But Cove Cricket Club president Brett Kinnear said the council's findings shocked him.

"(We've had) not one issue at all with the footy club," Kinnear said.

Brett Baldey, who coached both the women's and men's A-grade football teams this year, believed the allegations were unfounded.

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"In terms of the culture and the way that the players handle themselves off the field was something we were pretty proud of," Baldey said.

"From my point of view the women's football team has been the heartbeat of the Cove Football Club."

In a statement on its Facebook page on Thursday night, the club said it was "devastated" by the decision which would have a "far reaching" impact, adding it did not have a fair opportunity to respond to the council.

A SANFL spokeswoman said the league was not made aware of the "specific allegations" but was disappointed "in a decision that will have a far-reaching impact on the 438 registered members and the wider community".

"More than 70 per cent of the club's participants are aged between five and 14 and, therefore,





Southern Football League clubs back embattled Cobras



AFL and AFLW players are no longer content to ignore social media abuse, taking a united stand against internet trolls. ...

### Southern Football League clubs back Cove amid allegations of sexual abuse

The Advertiser Daniela Abbracciavento at Adelaide Now on 27 Sep 2019 12:54 PM.



ASR: 80 AUD Audience: 20,123 unique visitors per day / 116 average story audience



#### **Southern Football League clubs back embattled Cobras**

Southern Football League clubs have rallied behind under siege Cove Football Club amid allegations of sexual harassment and intimidating behaviour.

#### **Item Details:**

- Item ID: 1178012091
- Words: 624
- Location: Online
- Type: Online News

LOCAL SPORT

## Southern Football League clubs back Cove amid allegations of sexual abuse

Rival clubs have thrown their support behind a team which was kicked out of its home by Marion Council following claims of "sexual harassment and inappropriate behaviour".

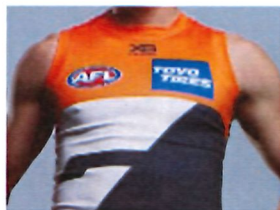
Daniela Abbracciavento, The Messenger

Subscriber only | September 27, 2019 12:54pm



Cove players in a half-time huddle during a Southern Football League game this season. Rival clubs are throwing their support behind the Cobras after they were kicked out of their home amid a council investigation into allegations of sexual abuse. Picture: News Corp

MORE IN MESSENGER >



A big, big sound from the ...  
south of the town?

- [Captain stands up for Cove amid sexism claims](#)
- [See this month's subscriber rewards](#)

Southern Football League clubs have rallied behind under siege Cove Football Club amid allegations of sexual harassment and intimidating behaviour.

Marion Council [kicked out the club from its Lonsdale Highway](#) home on Wednesday after a two-month investigation found a "culture of inappropriate and intimidating behaviour".

The Cobras now have 30 days to leave the sporting complex under the council's eviction order.

The SFL on Wednesday forwarded petitions to its member clubs to sign in support of Cove.

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Clubs contacted by *Messenger Newspapers* say Cove has been treated poorly and should have had more time to address the council findings.



Aldinga president Danny Wilde said the council decision had appeared to have been rash.

"I don't know the exact circumstances but we feel that they (Cove) deserve a fair go," Wilde said.

"If this happened to us we would be very disappointed.



Aldinga president Danny Wilde has thrown his support behind Cove. Picture: Noelle Bobrige

"This seems totally unfair.

"If council is going to evict give them 12 months notice.

"Not just dump this on them now.

"Where is the community spirit and working with them?"

Port Noarlunga president Phil Wood said his club would support Cove but needed to know more details.

"It looks like a dog's breakfast," Wood said.

"We can't see how kicking out a club will achieve anything.

Similar support came from Noarlunga.

"There must be a lot more to the matter than we know," Shoes president Mark Anderson said.

"It's a drastic action by council but we need to know more facts and information.

"Then when we know that we can support the club wholly.

"If there is something to the allegations then it is still a big call to kick them out.

"You can't wipe out a club if it is proved there are a few bad apples."

Christies Beach president Paul Daly said his club was behind Cove as the matter stood.

"Cove is a very viable and large sporting organisation," Daly said.



Captain stands up for Cove  
amid sexism claims



"For (the) council to say they will find a home for the senior women's teams and junior teams will just fragment the club.

"Clubs are one whole, not just different parts."

"For (the) council to say they will find a home for the senior women's teams and junior teams will just fragment the club.

"Clubs are one whole, not just different parts."

Marion Council took over the running of the Cove sporting complex, which includes football, BMX, cricket, soccer and two netball clubs, in January this year.

Cove Football Club president Tony Kernahan said on Thursday the club was trying to make sense of the past few days.

"The Cove Football Club has enjoyed sustained growth, increasing our player numbers by 11.5 per cent in season 2019 alone," Kernahan said.



"For (the) council to say they will find a home for the senior women's teams and junior teams will just fragment the club.

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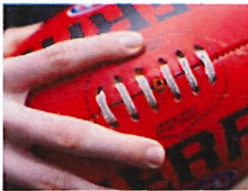
Cove Football Club president Tony Kernahan said on Thursday the club was trying to make sense of the past few days.

"The Cove Football Club has enjoyed sustained growth, increasing our player numbers by 11.5 per cent in season 2019 alone," Kernahan said.

"We have continued to attract new female players to the club and our female program has more than doubled in player numbers in the past three seasons.

"It is these junior and female players who will suffer the greatest loss if the Cove Football Club no longer has a future at the Cove Sports and Community Club."

An information night for members, players and their families to discuss the club's next move will be held at South Adelaide Football Club on Friday at 6.30pm.



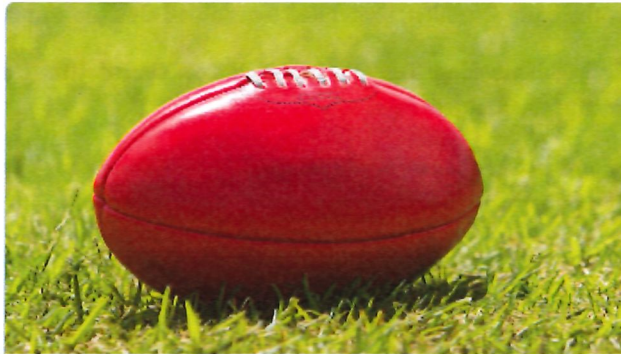
Footballers kicked out of clubrooms for sexist behaviour



### Adelaide football club kicked off sportsground over sexual harassment claims

The Advertiser Ally Foster at Adelaide Now on 27 Sep 2019 11:57 PM.

ASR: 70 AUD Audience: 20,123 unique visitors per day / 116 average story audience



#### **Footy club kicked out over sexism claims**

An Adelaide football club has hit back against allegations of sexual harassment and intimidating behaviour, which saw it kicked out of its clubrooms.

#### **Item Details:**

- Item ID: 1178251651
- Words: 636
- Location: Online
- Type: Online News

## **NEWS**

# **Adelaide football club kicked off sportsground over sexual harassment claims**

**An Adelaide football club said they are "devastated" after being evicted from their local facility following sexual harassment allegations.**

Ally Foster, news.com.au

September 27, 2019 11:57pm

#### **MORE IN NEWS >**



**Tablelands Festival set to kick off this weekend**

An Adelaide football club has hit back against allegations of sexual harassment and intimidating behaviour, which saw it kicked out of its clubrooms.

The Cove Cobras Football Club (CCFC) had their tenancy at the Cove Sports and Community Club removed following a two-month investigation by Marion Council into numerous complaints from members of other clubs.

The football club shared the sportsground with two netball clubs, a cricket club, a soccer club and a BMX club.

The independent investigation by the Council found that "inappropriate behaviour, disrespectful language and intimidating conduct" by members of the football club resulted in other clubs not using the facility because they felt unwelcome or unsafe.

There were also allegations members of the club sexually harassed some of the female netball players and used insulting and sexist language towards female staff.





The community facility is home to a number of other sporting clubs. Picture: City of Marion/Supplied

The Council claimed this type of behaviour and sense of “ownership” of the community facility was part of the club culture and practised by senior members of the CCFC.

The CCFC were given two weeks to respond to the allegations, which they did on Tuesday.

However, the Council still decided to evict the club, claiming the seriousness of the allegations left it with no other choice.

It accepted that this decision would “unfortunately” impact others in the club, which has more than 400 members, that were not a part of the issue.

“Council hopes the women’s and junior teams can continue to play football in some format next year,” the Council said.

The CCFC was given until midnight on October 25 to vacate the premises, with the club saying it was “devastated” by the decision.

“We are devastated by the news that the City of Marion is terminating our lease at the Cove Sports and Community Club,” the club said in a Facebook post.



Aussie tourist killed in Utah  
crash



 The club has said it is 'devastated' by the Council's decision.

"This is a difficult and emotional time in our club's 35-year history and the council's decision will have a far-reaching impact on our club and the community at Hallett Cove.

"We do not believe we have had a fair opportunity to respond to the Council and our committee is working extremely hard to ensure the right outcome is achieved and that our great club can continue."

President of the CCFC, Tony Kernahan, said the club "does not deserve this type of treatment" and the committee was working to ensure the right outcome is achieved.

"It is a difficult and emotional time in the club's history and I am of the opinion



"For (the) council to say they will find a home for the senior women's teams and junior teams will just fragment the club.

"Clubs are one whole, not just different parts."

Marion Council took over the running of the Cove sporting complex, which includes football, BMX, cricket, soccer and two netball clubs, in January this year.

Cove Football Club president Tony Kernahan said on Thursday the club was trying to make sense of the past few days.

"The Cove Football Club has enjoyed sustained growth, increasing our player numbers by 11.5 per cent in season 2019 alone," Kernahan said.

"We have continued to attract new female players to the club and our female program has more than doubled in player numbers in the past three seasons.

"It is these junior and female players who will suffer the greatest loss if the Cove Football Club no longer has a future at the Cove Sports and Community Club."

An information night for members, players and their families to discuss the club's next move will be held at South Adelaide Football Club on Friday at 6.30pm.



Footballers kicked out of clubrooms for sexist behaviour







# Newspaper



## Cove footy club booted from rooms

Tory Shepherd Gordon Armstrong at Adelaide Advertiser(page 1) on 26 Sep 2019.

ASR: 3,823 AUD

Audience: 112,097



[View Original](#)

### Summary:

AN Adelaide football club has been kicked out of its clubrooms for sexual harassment, sexist language and a "culture of inappropriate and intimidating behaviour".

Marion Council launched a two-month investigation into the Cove Cobras Football Club after multiple complaints and found other clubs had stopped using the facility.

CONTINUED PAGE 4

Cove booted from club FROM PAGE 1 This was "because they feel unwelcome or unsafe", the council found.

The council had already spent more than \$8200 on personal duress alarms, extra CCTV cameras and a security guard for events with alcohol.

CCFC was given two weeks to respond to the investigation, which it did this week, but the council still saw fit to evict it.

Acting Council chief executive Fiona Harvey said the behaviour described in the investigation report was "inconsistent with community standards and unacceptable".

The behaviour included: INAPPROPRIATE behaviour, disrespectful language and intimidating conduct (resulting in other sporting clubs not using the facility because they felt unwelcome or unsafe; INSULTING sexist language directed at a female staff member and sexual harassment of female netball players, and; A SENSE of entitlement and "ownership" of the facility, with other clubs experiencing territorial or unwelcome acts when they attempted to use it.

The Hallett Cove facility is also used by two netball clubs, a cricket club, BMX club and soccer club. Ms Harvey said the council needed to send a strong message over the behaviour of the football club "Council has made the decision to cancel the tenancy and send a strong message that it will not condone this type of extreme behaviour in its community facilities," Ms Harvey said.

"Council considered that the actions of some of the members will, unfortunately, have an impact on the rest of the club. The council hopes the women's and junior teams can continue to play football in some format next year." Both SANFL and the Southern Football League have been notified.

CCFC wrote on Facebook that it would work with them to "explore all options to challenge this decision".

"We will remain united and strong to reverse this decision," the club said.

Cove Football Club president Tony Kernahan said he and his club were blindsided by the council's action. "This is unbelievably hard to understand," Mr Kernahan said.

"It is hard to respond when you don't know what the allegations are.

"We have not discussed these alleged matters with anyone so we don't know what they are about."

A meeting was due to be held last night between Cove Football Club officials, Southern Football League executive members and SANFL representatives to discuss the club's response.

The council had not released the full report by press time last night.

### Item Details:

- Item ID: 1177056190

- Section: General News

- Location: Adelaide
- Region: SA
- Classification: Capital City Daily
- Format: 257 cm<sup>2</sup> News Item
- Words: 447
- Type: Newspaper





## Women's skipper stands up for Cove

Daniela Abbracciavento at Adelaide Advertiser (page 6) on 27 Sep 2019.

ASR: 7,914 AUD

Audience: 112,097



[View Original](#)

### Summary:

But soccer club backs call to boot them from clubrooms

THE women's captain of a southern suburbs football club booted from its Hallett Cove home amid sexual harassment allegations has rubbished the "absolutely shocking" claims.

Marion Council kicked out Cove Cobras Football Club from the Oval Rd complex on Wednesday after a two-month investigation found it had a "culture of inappropriate and intimidating behaviour".

Two netball clubs, a cricket club, BMX club and a soccer club also share the sports hub.

The council found other clubs had stopped using the clubrooms "because they feel unwelcome or unsafe".

But Dana O'Brien, Cobras women's team skipper, said she had always felt welcomed by all club members and had never experienced sexist behaviour. O'Brien began playing for Cove in 2018 its inaugural year in the Southern Football League Women's competition and was part of the 2018 and 2019 flag-winning sides.

"They (the club) have been nothing but completely supportive of our women's team," O'Brien said. "We have an under-14 (girls) team as well that has never felt anything but secure and comfortable at our club. I was definitely shocked (by the allegations) and really upset because we've come off the back of such a successful season and we've been nothing but supported by the club. The club took a stand to get women's football involved and for (there to be allegations) of sexism at our club . is absolutely shocking."

The club is fighting the allegations and its eviction and will stage an information session for members today.

In a statement on its Facebook page last night, the club said it was "devastated" by the decision which would have a "far reaching" impact, adding it did not have a fair opportunity to respond to the council.

The council's findings, which led to the club's eviction, included inappropriate behaviour, disrespectful language and intimidating conduct, insulting sexist language directed at a female staff member and sexual harassment of female netball players. Cove Soccer Club chairman David Brain backed the council's decision. "As chairman of the soccer club I fully endorse the council's action," Mr Brain said. "They (the council) don't wake up over night and go 'we are going to kick some body out of our sporting complex'."

But Cove Cricket Club president Brett Kinnear said: "(We've had) not one issue at all with the footy club".

A SANFL spokeswoman said the league was not made aware of the "specific allegations" and said the decision would have a far-reaching impact on 438 registered members and wider community.

Marion Council acting chief executive Fiona Harvey said the football club should not "be surprised by the action of the council, nor of the complaints".

Caption Text:

SUPPORTING THE COBRAS: Cove women's footballers Josie Smith, left, coach Brett Baldey and captain Dana O'Brien outside the Cove Football Club yesterday, have expressed anger at a decision to boot the club out. Picture: MARK BRAKE

### Item Details:

- Item ID: 1177615620
- Section: General News
- Location: Adelaide
- Region: SA
- Classification: Capital City Daily

- Format: 532 cm<sup>2</sup> News Item  
- Words: 484  
- Type: Newspaper



## Footy clubs rally against ban

Daniela Abbracciavento Gordon Armstrong at Adelaide Advertiser(page 13) on 28 Sep 2019.

ASR: 4,810 AUD

Audience: 149,005



[View Original](#)

### Summary:

SOUTHERN football teams have rallied behind under siege Cove Cobras, who have been accused of a culture of "sexual harassment and intimidating behaviour".

A passionate crowd of at least 650 people swarmed the South Adelaide Football Club last night to support Cove who had been booted from its Lonsdale Highway home on Wednesday after a two-month probe found by Marion council.

Former Cove coach and SANFL Hall of Famer Greg Anderson and Cove Cobras founder Barry Ramsey were among last night's attendees.

Cove president Tony Kernahan urged the club's supporters to be supportive, but respectful.

"We will not be moved," Mr Kernahan said.

"There are plenty of us and we won't be bullied anywhere.

But we are being watched all the time, so be respectful."

The Cobras now have 30 days to leave the sporting complex under the council's eviction order.

The Southern Football League on Wednesday forwarded petitions to its member clubs to sign in support of Cove.

Some clubs have told The Advertiser that Cove has been treated poorly and should have been given more time to address the council findings.

Aldinga president Danny Wilde, pictured, said the council decision had appeared to have been rash.

"I don't know the exact circumstances but we feel that they (Cove) deserve a fair go," Wilde said.

"If this happened to us we would be very disappointed.

"This seems totally unfair.

"If council is going to evict give them 12 months notice.

Not just dump this on them now," he said.

Port Noarlunga president Phil Wood said his club would support Cove but needed to know more details.

"It looks like a dog's breakfast," Wood said.

"We can't see how kicking out a club will achieve anything." Similar support came from Noarlunga.

"There must be a lot more to the matter than we know," Shoes president Mark Anderson said. "It's a drastic action by council but we need to know more facts and information.

"You can't wipe out a club if it is proved there are a few bad apples."

Christies Beach president Paul Daly said his club was behind Cove as the matter stood.

"Cove is a very viable and large sporting organisation." He said finding a home for the senior women's and junior teams will just fragment the club.

### Item Details:

- Item ID: 1178171907

- Section: General News

- Location: Adelaide
- Region: SA
- Classification: Capital City Daily
- Format: 235 cm<sup>2</sup> News Item
- Words: 382
- Type: Newspaper





## Combatant Cove's call to arms

Gordon Armstrong at Sunday Mail Adelaide(page.18) on 29 Sep 2019.

ASR: 6,169 AUD

Audience: 182,462



[View Original](#)

### Summary:

COVE Football Club will rely on people power to pressure Marion Council to reverse its decision to punish it over alleged complaints of sexual harassment and intimidation.

More than 600 supporters gave overwhelming backing to the under-siege Cobras at a special call-to-arms at South Adelaide Football Club on Friday night.

Reeling from an "out-of-the-blue" decision from Marion Council to evict the Southern Football League club from its Cove Sporting Complex because of an "ongoing inappropriate culture", its hierarchy and an army of supporters vowed to keep the club at its Hallett Cove home.

The club aims to gather at least 3000 signatures to present to the council by Thursday, the cut-off date for any correspondence to the council on the matter.

Cove president Tony Kernahan gave an emotional address and vowed that "this club will always be around". Strong backing came from many quarters, including SFL clubs, SANFL officials and various MPs.

Cove 2008 premiership coach and recent SANFL Hall of Fame inductee Greg Anderson added his support at the meeting.

"The club has given me two of my greatest memories in football," Anderson said.

"One was the premiership in 2008 and the other was to see the smiles on the faces of the kids that night when they paid homage to the A-grade players."

But it was a letter read to the 600-strong audience from 10-year-old Tom that stole the hearts of the gathering.

They stood as one and gave him a standing ovation.

Tom opened by saying: "My dad played A grade at Cove and I play here too.

"But I'm feeling sad. Marion Council has taken away our club. I love it at Cove and have made a lot of friends here.

"If we leave, my friends may not come with me and we could end up playing against each other. Footy is my No. 1 sport.

"I started when I was five. I can't let this go down the drain.

"Please don't take my club away."

MP David Speirs, who could not attend the meeting, backed the club in a strong-worded message.

"I am appalled by Marion Council's decision," he said.

"I am right behind the club."

The special meeting was held at South Adelaide because Cove needed permission to hold the event at its base. It also would have been forced to book security for the night.

During the evening, vandals smashed windows and tried to break into storage sheds at the Cove Sporting Complex.

The council, which took over the complex in January, oversees the football, soccer, BMX, cricket and two netball clubs. A two-month investigation by the council into the football club's alleged misconduct found serious breaches, which led to the football club's 30-day eviction notice.

The council had already spent more than \$8200 on personal duress alarms, extra CCTV cameras and a security guard for events with alcohol.



Council acting chief executive officer Fiona Harvey previously said the club "should not be surprised by the actions of council nor of the complaints of inappropriate behaviour".

Caption Text:

GREAT MEMORIES: Footy legend Greg Anderson.

**Item Details:**

- Item ID: 1178586036
- Section: General News
- Location: Adelaide
- Region: SA
- Classification: Capital City Daily
- Format: 277 cm<sup>2</sup> News Item
- Words: 511
- Type: Newspaper



## Hundreds rally behind Cobras

Gordon Armstrong at CoastCity Weekly(page 1) on 2 Oct 2019.

ASR: 1,340 AUD

Audience: 65,916



[View Original](#)

### Summary:

**HALLETT COVE COBRAS WOMEN BACK THE CLUB** The women's captain of a southern suburbs football club booted from its Hallett Cove home amid sexual harassment allegations has rubbished the claims as "absolutely shocking".

Dana O'Brien said she had never experienced sexist behaviour.

PAGE 5

HALLETT COVE

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But it was a letter read to the 600-strong audience from 10year-old Tom that stole the hearts of the gathering.

They stood as one and gave him a standing ovation.

Tom opened by saying: "My dad played A grade at Cove and I play here too. But I'm feeling sad. Marion Council has taken away our club. I love it at Cove and have made a lot of friends here. If we leave, my friends may not come with me and we could end up playing against each other. I started when I was five. I can't let this go down the drain. Please don't take my club away." MP David Speirs, who could not attend the meeting, backed the club in a strongworded message.

"I am appalled by Marion Council's decision," he said.

"I am right behind the club." Late last week, Dana O'Brien, Cobras women's team skipper, said she had always felt welcomed by all club members and had never experienced sexist behaviour.

"They (the club) have been nothing but completely supportive of our women's team," O'Brien said. "The club took a stand to get women's football involved and for (there to be allegations) of sexism at our club . is absolutely shocking." The special meeting was held at South Adelaide because Cove needed permission to hold the event at its base.

During the evening, vandals smashed windows and tried to break into storage sheds at the Cove Sporting Complex.

The council oversees the football, soccer, BMX, cricket and two netball clubs. Its twomonth investigation into the football club's alleged misconduct found serious breaches, which led to the football club's 30-day eviction notice.

The council had already spent more than \$8200 on personal duress alarms, extra CCTV cameras and a security guard for events with alcohol.

I am appalled by Marion Council's decision.

David Speirs

Caption Text:

Cove Football Club player Josie Smith, coach Brett Baldey and captain Dana O'Brien.\_PICTURE MARK BRAKE

**Item Details:**

- Item ID: 1179031022
- Section: General News
- Location: Adelaide
- Region: SA
- Classification: Suburban
- Format: 354 cm<sup>2</sup> News Item
- Words: 509
- Type: Newspaper





## Hundreds rally behind Cobras

Gordon Armstrong at Southern Times Messenger(page 7) on 2 Oct 2019.

ASR: 1,584 AUD

Audience: 63,409



[View Original](#)

### Summary:

#### HALLETT COVE

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The council had already spent more than \$8200 on personal duress alarms, extra CCTV cameras and a security guard for events with alcohol.

Caption Text:

Cove Football Club player Josie Smith, coach Brett Baldey and captain Dana O'Brien. PICTURE MARK BRAKE

### Item Details:

- Item ID: 1179464477

- Section: General News

- Location: Adelaide
- Region: SA
- Classification: Suburban
- Format: 378 cm<sup>2</sup> News Item
- Words: 457
- Type: Newspaper

# TV

## The Hallett Cove Football Club has been booted from its club...



Brenton Ragless and Kate Collins at Channel 9, Adelaide, National Nine  
News on 25 Sep 2019 6:01 PM.



**ASR:** 4,707 AUD

**Audience:** 55,000 (30,000 female 16+ / 24,000 male 16+ )

**Duration:** 1mins 38secs

### Summary:

The Hallett Cove Football Club has been booted from its clubrooms over what the Marion Council described as a culture of inappropriate behaviour that resulted in other clubs not using the rooms because they feel unwelcome and unsafe. The club says they will fight the decision, and they are now working with the SANFL and the Southern Football League.

### Interviewees:

- Fiona Harvey, CEO, Marion Council
- Tony Kernahan, President, Hallett Cove Football Club

### Item Details:

- Item ID: X00080448596
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)

## News Headlines - A \$2.4m charity lottery has collapsed. Abo...



Brenton Ragless and Kate Collins at Channel 9, Adelaide, National Nine  
News on 25 Sep 2019 6:48 PM.



**ASR:** 2,791 AUD

**Audience:** 68,000 (40,000 female 16+ / 29,000 male 16+ )

**Duration:** 0mins 47secs

### Summary:

News Headlines - A \$2.4m charity lottery has collapsed. About 18,000 tickets have already been sold. - A Southern Suburbs football club has been booted from its clubrooms over what the Marion Council described as a culture of inappropriate behaviour. The SANFL is disappointed with the decision. - A close friend of a talented chef who was stabbed to death inside a luxury city home has described her as an amazing person. - Alarming new survey shows confidence in SA's economy has plummeted.

### Item Details:

- Item ID: X00080449728
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)



## The Hallett Cove Footy Club is going to fight back after they ...

Rosanna Mangiarelli at Channel 7, Adelaide, Seven News at 4 on 26 Sep 2019  
4:03 PM.

**ASR:** 9,450 AUD

**Audience:** 28,000 (13,000 female 16+ / 15,000 male 16+ )

**Duration:** 1mins 41secs



### Summary:

The Hallett Cove Footy Club is going to fight back after they were booted out from their clubrooms over claims of sexist and inappropriate behaviour. It comes after a secret investigation by Marion Council. Cove Cobras President Tony Kernahan says they are taking allegations very seriously. Fiona Harvey from Marion Council states the findings of the investigation have pointed out significant issues.

### Interviewees:

- Craig Warman, Southern Football League
- Fiona Harvey, Marion Council
- Tony Kernahan, Club President

### Also broadcast from the following 3 stations:

Central GTS/BKN Port Lincoln (Port Lincoln), Central GTS/BKN Port Pirie (Spencer Gulf), Southern Cross GTS/BKN Broken Hill (Port Pirie)

### Item Details:

- Item ID: X00080464196
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)



## SA Government Minister David Speirs has waded into the de...



Edward Godfrey at Channel 9, Adelaide, Nine Afternoon News on 26 Sep 2019  
4:30 PM.



**ASR:** 4,820 AUD

**Audience:** 22,000 (11,000 female 16+ / 10,000 male 16+ )

**Duration:** 1mins 36secs

### Summary:

SA Government Minister David Speirs has waded into the debate over the eviction of Cove Cobras, labelling it as wrong move. The club's members have vowed to fight Marion Council's decision to boot them from the club rooms at Cove Community Sports Facility which is shared by six clubs. The eviction comes amid allegations of sexual harassment and inappropriate behaviour, following a two-month probe by the council. Cove Cobras President Tony Kernahan says they are taking allegations very seriously but hasn't given exact details.

### Interviewees:

- David Speirs, SA Government Minister
- Sara Hamilton, Women's Football Coordinator

### Also broadcast from the following 2 stations:

Channel 9 Darwin (Darwin), Imparja Alice Springs (Alice Springs)

### Item Details:

- Item ID: X00080465399
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)

## SA Government Minister David Speirs has slammed the Mari...



Brenton Ragless and Kate Collins at Channel 9, Adelaide, National Nine  
News on 26 Sep 2019 6:01 PM.



**ASR:** 4,885 AUD

**Audience:** 47,000 (25,000 female 16+ / 22,000 male 16+ )

**Duration:** 1mins 59secs

### Summary:

SA Government Minister David Speirs has slammed the Marion Council for booting the Hallett Cove Football Club from its clubrooms amid allegations of bad behaviour. He says it's the responsibility of the Council to work with the club to overcome cultural problems. Craig Warma from the Southern Football League says the details of the allegations haven't been revealed by the Council yet. According to Cove Cobras Chairman Dave Brain, there is no place in any sport for what has been alleged and investigated. A community meeting will be held tomorrow at the South Adelaide Football Club.

### Interviewees:

- Craig Warma, Southern Football League
- David Speirs, State Government Minister
- Fiona Harvey, CEO, Marion Council
- Sara Hamilton, Women's Football Coordinator

### Item Details:

- Item ID: X00080464896
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)



## The Cove Cobras football club in the Southern Suburbs, whic...

John Riddell at Channel 7, Adelaide, Seven News on 26 Sep 2019 6:05 PM.

**ASR:** 14,156 AUD

**Audience:** 87,000 (45,000 female 16+ / 41,000 male 16+ )

**Duration:** 1mins 36secs



### Summary:

The Cove Cobras football club in the Southern Suburbs, which has been booted out of its club rooms over claims of intimidating behaviour, has vowed to fight back.

### Interviewees:

- Craig Warman, Southern Football League
- Fiona Harvey, Marion Council
- Sara Hamilton, Cove football Club
- Tony Kernahan, President, Cove Cobras

### Visuals:

- City of Marion, Cove Cobras

### Also broadcast from the following 3 stations:

Central GTS/BKN Port Lincoln (Port Lincoln), Central GTS/BKN Port Pirie (Spencer Gulf), Southern Cross GTS/BKN Broken Hill (Port Pirie)

### Item Details:

- Item ID: X00080465002
- Location: Adelaide
- Region: SA
- Type: TV

Order | Stream

### News Headlines - An teenager has been charged after chemi...



Brenton Ragless and Kate Collins at Channel 9, Adelaide, National Nine  
News on 26 Sep 2019 6:49 PM.



**ASR:** 2,439 AUD

**Audience:** 57,000 (32,000 female 16+ / 25,000 male 16+ )

**Duration:** 0mins 49secs

#### Summary:

News Headlines - An teenager has been charged after chemicals used to make illegal drugs and explosives were found in a Hackham West home. - A State Minister has slammed the Marion Council for booting the Hallett Cove Football Club from its clubrooms amid allegations of bad behaviour. - SA Government has introduced changes on pokies, with machines will be directly allowed to accept banknotes. - Drakes Supermarkets has announced it is leaving the Foodland retail group.

#### Item Details:

- Item ID: X00080465396
- Location: Adelaide
- Region: SA
- Type: TV

Order | Stream

### The Marion Council boots their local football team for sexual...



Alina Eacott at ABC, Adelaide, ABC News on 26 Sep 2019 7:22 PM.



**ASR:** 4,617 AUD

**Audience:** 45,000 (24,000 female 16+ / 22,000 male 16+ )

**Duration:** 1mins 48secs

#### Summary:

The Marion Council boots their local football team for sexual harassment and intimidation out of their club rooms. The Hallett Cove Football Club has admitted it has had a drinking culture problem in the past. There will be a discussion tomorrow night among Cobras' women's and junior teams to talk about the allegations.

#### Interviewees:

- Fiona Harvey, Marion Council
- Sara Hamilton, Cobras Women's Team
- Tony Kernahan, president, Cobras

#### Item Details:

- Item ID: X00080475457
- Location: Adelaide
- Region: SA
- Type: TV

Order | Stream



## The Marion Council investigated the Hallett Cove Footy Club ...



Manny Tsigas at ABC News, Sydney, The World on 26 Sep 2019 10:52 PM.

ASR: 6,185 AUD

Audience: 62,000 (29,000 female 16+ / 34,000 male 16+ )

Duration: 1mins 45secs



### Summary:

The Marion Council investigated the Hallett Cove Footy Club over allegations of sexual harassment and intimidation, but won't release specific details. The council says the decision to keep the football club was unprecedented. The club says it wants to work with councils to sort out the issue.

### Interviewees:

- Fiona Harvey, Marion Council
- Sara Hamilton, Cobras Women's Team
- Tony Kernahan, president, Cobras

### Also broadcast from the following 10 stations:

ABC News (Melbourne), ABC News (Regional NSW), ABC News (Brisbane), ABC News (Adelaide), ABC News (Perth), ABC News (Regional Queensland), ABC News (Hobart), ABC News (Canberra), ABC News (Regional Victoria), ABC News (Regional West Australia)

### Item Details:

- Item ID: X00080465830
- Location: Sydney
- Region: National
- Type: TV

Order | Stream



## The Hallett Cove Cobras Football Club will hold a crisis meeti...

Rosanna Mangiarelli at Channel 7, Adelaide, Seven News at 4 on 27 Sep 2019  
4:03 PM.



**ASR:** 7,538 AUD

**Audience:** 30,000 (15,000 female 16+ / 15,000 male 16+ )

**Duration:** 1mins 19secs

### Summary:

The Hallett Cove Cobras Football Club will hold a crisis meeting after being booted from their home ground. The Marion Council controversially evicted the club from their change rooms. This was followed by a secret two-month investigation which found the club has a culture of sexual harassment, intimidating behaviour, and inappropriate conduct. The club has found unlikely supporters in their appeal with rival football clubs helping them.

### Interviewees:

- Craig Warman, Southern Football League

### Also broadcast from the following 3 stations:

Central GTS/BKN Port Lincoln (Port Lincoln), Central GTS/BKN Port Pirie (Spencer Gulf), Southern Cross GTS/BKN Broken Hill (Port Pirie)

### Item Details:

- Item ID: X00080478876
- Location: Adelaide
- Region: SA
- Type: TV

Order | Stream





## The Hallett Cove Cobras Football Club holds a crisis meeting...

John Riddell at Channel 7, Adelaide, Seven News on 27 Sep 2019 6:05 PM.

ASR: 11,796 AUD

Audience: 85,000 (45,000 female 16+ / 40,000 male 16+ )

Duration: 1mins 21secs



### Summary:

The Hallett Cove Cobras Football Club holds a crisis meeting after being booted from their home ground. The Marion Council controversially evicted the club from their change rooms. This was followed by a secret two-month investigation which found the club has a culture of sexual harassment, intimidating behaviour and inappropriate conduct.

### Interviewees:

- Dana O'Brien, women's captain

### Also broadcast from the following 3 stations:

Central GTS/BKN Port Lincoln (Port Lincoln), Central GTS/BKN Port Pirie (Spencer Gulf), Southern Cross GTS/BKN Broken Hill (Port Pirie)

### Item Details:

- Item ID: X00080478555
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)

## Southern Suburbs football club Cove Cobras has launched a ...



Kate Collins at Channel 9, Adelaide, National Nine News (Saturday) on 28 Sep 2019 6:11 PM.



**ASR:** 4,885 AUD

**Audience:** 47,000 (26,000 female 16+ / 21,000 male 16+ )

**Duration:** 1mins 59secs

### Summary:

Southern Suburbs football club Cove Cobras has launched a grassroots campaign to fight its eviction from its clubrooms in the wake of misconduct allegations. This prompted the community to initiate a rally around the embattled club, however tonight, the club is facing another issue. They are looking to secure 2000 signatures to submit to Marion Council which removed them from the Cove Sports Complex amid allegations of sexual harassment and inappropriate behaviour. Meanwhile, the Cobras are tonight facing a fresh issue on speculation that members are behind vandalism at the complex.

### Interviewees:

- Greg Anderson, former Cove coach
- Tony Kernahan, Club President

### Item Details:

- Item ID: X00080483738
- Location: Adelaide
- Region: SA
- Type: TV

[Order](#) | [Stream](#)

## Sports Report Football - A two-month independent investiga...



Newsreader at ABC, Adelaide, ABC News (Weekend) on 28 Sep 2019 7:22 PM.

ASR: 1,881 AUD

Audience: 45,000 (24,000 female 16+ / 21,000 male 16+ )

Duration: 0mins 44secs



### Summary:

Sports Report Football - A two-month independent investigation launched by the City of Marion into The Cove Football Club revealed complaints that some female netball players that share the same council-owned sportsground in Hallett Cove felt they were being sexually harassed. The Covers are hoping a 2000 signatures may reverse the decision.

### Interviewees:

- Tony Kernahan, The Cove Football Club co-president

### Item Details:

- Item ID: X00080483753

- Location: Adelaide

- Region: SA

- Type: TV

Order | Stream

# AM Radio

## Interview with SFL President Craig Warman. Compere says t...



Stephen 'Rowey' Rowe and Mark Bickley at 5AA, Adelaide, Rowey and Bicks on  
25 Sep 2019 4:33 PM.



**ASR:** 2,431 AUD

**Audience:** 26,000 (6,000 female 16+ / 20,000 male 16+ )

**Duration:** 6mins 35secs

### Summary:

Interview with SFL President Craig Warman. Compere says the Marion Council has booted a football club out of its Hallett Cove facility following complaints of sexual harassment and intimidating behaviours. Warman says the behaviours have been, allegedly, going on for a little while. He says they have been in conversation with the council over various things, but they received a letter just a while ago, saying the council will run a private investigation into the alleged bad behaviour and people not feeling safe at the football club. Warman notes they do not know any information about the investigation as it was done under council confidentiality. He argues they weren't given the chance to respond to the wild allegations. Warman says asking the Hallett Cove Football Club to leave their premises in 30 days is not right. Rowey says Acting CEO Fiona Harvey cited insulting sexist language, inappropriate behaviour, and intimidating behaviour. Warman argues they need to know the allegations, who made them, and over what timeframe, for them to respond and work through the process. He then questions the timing of the allegations as the season is over and the facility goes into caretaker mode over the summer period. Warman says he knows that the Cove soccer club looked at leaving the complex and building a new one on Majors Rd and then at Capella Drive, but feasibility studies show it will cost them three times as much as the ground they have. He says the Cove Football Club will hold an emergency meeting tonight to map out a plan of attack. Warman insists they just want an opportunity for natural justice to occur.

### Interviewees:

- Craig Warman, President, SFL

### Item Details:

- Item ID: X00080447668
- Location: Adelaide
- Region: SA
- Type: AM Radio

Order | Stream



### SMS: Texter says Local Member David Speirs is now trying t...



Stephen 'Rowey' Rowe and Mark Bickley at 5AA, Adelaide, Rowey and Bicks on  
25 Sep 2019 4:39 PM.



**ASR:** 302 AUD

**Audience:** 26,000 (6,000 female 16+ / 20,000 male 16+ )

**Duration:** 0mins 49secs

#### Summary:

SMS: Texter says Local Member David Speirs is now trying to get into the bottom of [the allegations against the Hallett Cove Football Club]. Rowey notes he also contacted the spokesperson at the Marion Council about the issue.

#### Item Details:

- Item ID: X00080447902
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

### Sports Report Football - The Cove Cobras Football Club says...



Newsreader at ABC Radio Adelaide, Adelaide, 17:00 News on 25 Sep 2019  
5:03 PM.



**ASR:** 675 AUD

**Audience:** 19,000 (9,000 female 16+ / 9,000 male 16+ )

**Duration:** 0mins 34secs

#### Summary:

Sports Report Football - The Cove Cobras Football Club says it will look at challenging a decision to evict it following an investigation that found a culture of inappropriate and intimidating behaviour from some members or associates of the club. The Marion Council decided to cancel the club's tenancy from its Hallett Cove club rooms.

#### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

#### Item Details:

- Item ID: X00080447023
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



## The Marion Council has launched an investigation into the C...



Newsreader at ABC Radio Adelaide, Adelaide, 18:00 News on 25 Sep 2019  
6:03 PM.

**ASR:** 726 AUD

**Audience:** 16,000 (9,000 female 16+ / 7,000 male 16+ )

**Duration:** 0mins 39secs



### Summary:

The Marion Council has launched an investigation into the Cove Cobras Football Club after multiple complaints of some female netball players who felt they were being sexually harassed, while some members of other sporting clubs stopped using the facility due to security concerns.

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080447662
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The Cove Football Club has been evicted from their Hallett C...



Newsreader at ABC Radio Adelaide, Adelaide, 06:00 News on 26 Sep 2019  
6:02 AM.



**ASR:** 1,546 AUD

**Audience:** 18,000 (10,000 female 16+ / 8,000 male 16+ )

**Duration:** 1mins 27secs

### Summary:

The Cove Football Club has been evicted from their Hallett Cove club rooms following a report revealing a culture of inappropriate and intimidating behaviour from some members and associates of the club. A two-month investigation launched by the Marion Council revealed some female netball players felt they were being sexually harassed while some sporting clubs were not using the facility as they felt unwelcome. The club is looking at challenging the decision.

### Interviewees:

- Fiona Harvey, acting CEO, Marion Council
- Tony Kernahan, co-president, Cove Football Club

### Also broadcast from the following 5 stations:

ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080451947
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The SANFL is investigating a move by Marion Council to evic...



Newsreader at Cruise, Adelaide, 07:00 News on 26 Sep 2019 7:04 AM.

**ASR:** 94 AUD

**Audience:** 13,000 (6,000 female 16+ / 7,000 male 16+ )

**Duration:** 0mins 19secs



### Summary:

The SANFL is investigating a move by Marion Council to evict the Cove Football Club from its clubrooms. A two-month investigation has been launched by the council after a series of complaints citing sexual harassment, sexist language, and the culture of inappropriate and intimidating behaviour at the facility.

### Item Details:

- Item ID: X00080452802
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The Marion Council's Acting CEO Fiona Harvey says the Cove...



Newsreader at ABC Radio Adelaide, Adelaide, 07:00 News on 26 Sep 2019  
7:05 AM.



**ASR:** 2,499 AUD

**Audience:** 44,000 (22,000 female 16+ / 21,000 male 16+ )

**Duration:** 1mins 14secs

### Summary:

The Marion Council's Acting CEO Fiona Harvey says the Cove Football Club's tenancy from its Hallett Cove clubrooms has been terminated after a report revealed a culture of inappropriate and intimidating behaviour. A two-month investigation by the Council revealed complaints that some female netball players felt they were being sexually harassed and some other sporting clubs weren't using the facility because they felt unwelcome. Club Co-President Tony Kernahan says there is an enormous amount of anger from members about the decision and it is looking into challenging it. He says the club has been operating for 37 years and has to close if it can't relocate.

### Interviewees:

- Fiona Harvey, acting CEO, Marion Council
- Tony Kernahan, Co-President, The Cove Football Club

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080452914
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



**Interview with City of Marion Acting CEO Fiona Harvey. Clark...**

Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:12 AM.



**ASR:** 4,494 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+)

**Duration:** 5mins 36secs

**Summary:**

Interview with City of Marion Acting CEO Fiona Harvey. Clarke says the City of Marion has cancelled the lease of the Hallett Cove Cobras Football Club from the Cove Sports and Community Club. Harvey notes they are referring to the Cove Cobras Australian Rules Football Club. She states they also have a soccer club at Hallett Cove. Harvey says Council has been made aware of inappropriate and intimidating behaviour that has been happening at the Hallett Cove facility. She explains Council commissioned an independent investigation that happened over July and August this year to uncover what is happening there. Harvey says a report was submitted to Council in September. She says the Council has given the Cobras 14 days notice to provide a response to the allegations raised through the investigation. Harvey states the investigation discovered a sense of entitlement that the football club seems to have over the facility, use of disrespectful language and intimidating conduct. She says other clubs and community members don't feel welcome and safe going to the facility. Harvey adds there appears to be a strong drinking culture that exacerbates poor behaviour as well as sexist behaviour. She says the investigation interviewed various witnesses including staff from the facility and representatives of the Cove Cobras Football Club. Harvey says the club was on a lease arrangement that allows them to be in the facility. She says the football club came back to Council on 24 September with a response to the findings of the investigation. Harvey says the club's President gave a presentation to the Council in support of his team. Clarke says the club stated on Facebook that they are working with the SANFL and the SFL to explore all options to challenge the Council's decision. She adds the SA National Football League has released a statement stating that they are disappointed in the decision that will have a far-reaching impact on the 438 registered members within the wider community. Harvey says Council acknowledges that the club comprises of several junior and women's teams. She says over 1500 people stretching across different clubs and sports use the Cove Sports and Community Club.

[cont]

**Interviewees:**

- Fiona Harvey, Acting CEO, City of Marion

**Item Details:**

- Item ID: X00080453501
- Location: Adelaide
- Region: SA
- Type: AM Radio

Order | Stream



## Interview with SA Liberal MP for Bright David Speirs. Clarke ...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:18 AM.



**ASR:** 2,060 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 2mins 34secs

### Summary:

Interview with SA Liberal MP for Bright David Speirs. Clarke says Speirs has written to the Mayor of the City of Marion [Kris] Hanna on the Council's decision to evict the Cove Football Club from the Cove Sports and Community Club. Speirs says he is unsure whether a sense of entitlement and a drinking culture meet the threshold to force them to leave the facility that they have been in since 1983. He says the club is woven into the fabric of the southern suburbs. Speirs states people in the community are devastated by the Council's decision. He says the Council needs to work with the club through their cultural issues. Clarke says the Council's independent investigation has found that there is sexism and sexual harassment of female netball players. Speirs says this behaviour is unacceptable but they cannot extinguish a club that has been around for more than 40 years. He says the club has called Hallett Cove home for decades. Speirs says the club told him they have been blindsided over this. He says there may be a minority involved in bad behaviour but a club with many hundreds of people is at stake. Speirs suggests the Council must work with the club and the SANFL to resolve this issue.

### Interviewees:

- David Speirs, SA Liberal MP for Bright

### Item Details:

- Item ID: X00080453797
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## Continuing interview with City of Marion Acting CEO Fiona H...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:20 AM.



**ASR:** 1,953 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 2mins 26secs

### Summary:

Continuing interview with City of Marion Acting CEO Fiona Harvey. Clarke says Liberal MP for Bright David Speirs claimed that the Cove Football Club felt blindsided when they were evicted by the Council from the Cove Sports and Community Club. Harvey says they have been working with the club since January 2019, when they took over management of the facility. She says since the investigation into behaviour within the club proceeded, they worked with the club, the Southern Football League and the SANFL on several occasions in the lead-up to yesterday's meeting. Harvey says she had a quick discussion with Speirs yesterday on the letter he wrote to the Council. She says she is willing to continue having discussions with Speirs over the coming months. Harvey says the Council does not make money over the facility's bar. She explains the Council became owners of the liquor licence and deployed staff who are responsible for the service of alcohol at the bar after they took over. [cont]

### Interviewees:

- Fiona Harvey, Acting CEO, City of Marion

### Item Details:

- Item ID: X00080453962
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## Correspondence: Listener says the Marion Council made the ...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:24 AM.



**ASR:** 94 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 0mins 07secs

### Summary:

Correspondence: Listener says the Marion Council made the right decision in evicting the Cove Football Club from their clubhouse for poor behaviour.

### Item Details:

- Item ID: X00080454127
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

### Correspondence: Listener says the Marion Council's eviction ...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:24 AM.



**ASR:** 40 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 0mins 03secs

#### Summary:

Correspondence: Listener says the Marion Council's eviction of the Cove Football Club from their clubhouse is the best decision ever.

#### Item Details:

- Item ID: X00080454151
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

### Correspondence: [Regarding the Marion Council's eviction of...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:24 AM.



**ASR:** 107 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 0mins 08secs

#### Summary:

Correspondence: [Regarding the Marion Council's eviction of the Cove Football Club from their clubhouse]  
Listener asks why the Local MP [for Bright David Speirs] is depicting the wrongdoing club as the victims. He says they are the perpetrators.

#### Item Details:

- Item ID: X00080454159
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



### SMS: Listener praises the Marion Council [for evicting the Co...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:26 AM.



**ASR:** 40 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 0mins 03secs

#### Summary:

SMS: Listener praises the Marion Council [for evicting the Cove Football club from their clubhouse].

#### Item Details:

- Item ID: X00080454311
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

### SMS: [Regarding the Marion Council's eviction of the Cove F...



Ali Clarke at ABC Radio Adelaide, Adelaide, Breakfast on 26 Sep 2019 7:26 AM.



**ASR:** 294 AUD

**Audience:** 34,000 (16,000 female 16+ / 17,000 male 16+ )

**Duration:** 0mins 22secs

#### Summary:

SMS: [Regarding the Marion Council's eviction of the Cove Football Club from their clubhouse] Listener asks what steps the football club will now take. Clarke says they are in the midst of meetings last night. She adds they will have an information session for their members this Friday.

#### Item Details:

- Item ID: X00080454324
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The Cove Football Club says there is enormous anger from ...



Newsreader at ABC Radio Adelaide, Adelaide, 07:45 News on 26 Sep 2019  
7:56 AM.



**ASR:** 1,547 AUD

**Audience:** 31,000 (16,000 female 16+ / 14,000 male 16+ )

**Duration:** 1mins 09secs

### Summary:

The Cove Football Club says there is enormous anger from members after they were evicted by the Marion Council from their home ground. A two month investigation by the council has revealed some netball complained they felt they were being sexually harassed while other sporting clubs were not using the facility as they felt unwelcome. The council had no choice but to evict the club due to the severity of the allegation.

### Interviewees:

- Fiona Harvey, acting CEO, Marion Council
- Tony Kernahan, co-president, Cove Football Club

### Also broadcast from the following 5 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier)

### Item Details:

- Item ID: X00080454321
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



## Regular Segment: Breaking at Eight with Tony Kernahan and ...

David Penberthy and Will Goodings at 5AA, Adelaide, Breakfast on 26 Sep 2019 8:08 AM.



**ASR:** 5,276 AUD

**Audience:** 35,000 (15,000 female 16+ / 19,000 male 16+ )

**Duration:** 10mins 37secs

### Summary:

Regular Segment: Breaking at Eight with Tony Kernahan and Fiona Harvey. Penberthy reported the Marion Council launched a two-month investigation into the Cove Cobras Football Club after multiple complaints of sexual harassment, sexist language and culture of inappropriate and intimidating behaviour claims. Kernahan feels disappointed the club wasn't given a chance to address the allegations made against it, noting they'll get to the bottom of it. He adds they don't know who was investigated. Kernahan says he was involved in a change in culture, allowing them to bring in the female football sides. He explains they have to check other options for a clubroom. Harvey says they held numerous conversations with the football club since it took over running the facility in January, noting the investigation kicked-off in July. She adds they also met with the club on numerous occasions alongside the SANFL and Southern Football League representatives. Harvey notes they don't want the club to close and they will offer to meet with them again to look at other options.

### Interviewees:

- Fiona Harvey, acting CEO, Marion Council
- Tony Kernahan, co-president, Cove Football Club

### Item Details:

- Item ID: X00080453823
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The SANFL has expressed its disappointment over the decisi...

Kate Collins at 5AA, Adelaide, Nine News on FiveAA on 26 Sep 2019 12:02 PM.



ASR: 222 AUD

Audience: 14,000 (6,000 female 16+ / 8,000 male 16+ )

Duration: 1mins 07secs

### Summary:

The SANFL has expressed its disappointment over the decision by Marion Council to evict the Hallett Cove Football Club from its clubrooms. The move comes following a two-month independent investigation into inappropriate behaviour and intimidating conduct.

### Interviewees:

- Tony Kernahan, Co-president, Hallett Cove Football Club

### Item Details:

- Item ID: X00080458616

- Location: Adelaide

- Region: SA

- Type: AM Radio

[Order](#) | [Stream](#)

## Marion Council, which was kicked out from Hallett Cove club...



Newsreader at ABC Radio Adelaide, Adelaide, 18:00 News on 26 Sep 2019 6:03 PM.



ASR: 607 AUD

Audience: 10,000 (4,000 female 16+ / 5,000 male 16+ )

Duration: 0mins 41secs

### Summary:

Marion Council, which was kicked out from Hallett Cove clubrooms over allegations of poor behaviour, is considering going to the state Ombudsman to overturn the eviction plan. The council found there is a culture of sexual harassment by members.

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080462584

- Location: Adelaide

- Region: SA

- Type: AM Radio

[Order](#) | [Stream](#)

## The Cove Football Club, the southern suburbs club evicted fr...



Newsreader at ABC Radio Adelaide, Adelaide, 07:00 News on 27 Sep 2019  
7:03 AM.



**ASR:** 1,681 AUD

**Audience:** 44,000 (21,000 female 16+ / 21,000 male 16+ )

**Duration:** 0mins 48secs

### Summary:

The Cove Football Club, the southern suburbs club evicted from its Hallett Cove clubrooms over allegations of poor behaviour by its members, will meet tonight to discuss their plans to overturn the Marion Council's decision to terminate its lease after 35 years there. It claims it lacked a fair opportunity to respond. The club says it will be forced to close if it fails to reach a resolution with the Council. President Tony Kernahan says junior and female players will suffer the most with the closure.

### Interviewees:

- Tony Kernahan, President, The Cove Football Club

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080467650
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The Cove Football Club has launched a petition against their ...



Newsreader at ABC Radio Adelaide, Adelaide, 07:45 News on 27 Sep 2019  
7:50 AM.



**ASR:** 981 AUD

**Audience:** 32,000 (17,000 female 16+ / 14,000 male 16+ )

**Duration:** 0mins 43secs

### Summary:

The Cove Football Club has launched a petition against their lockout from their club rooms at Hallett Cove by the Marion Council. According to the council, the club has been evicted over allegations of poor behaviour by some of their members. President Tony Kernahan says the council will not tell the clubs leaders what the specific allegations are and will be holding a community meeting tonight.

### Interviewees:

- Tony Kernahan, President, The Cove Football Club

### Also broadcast from the following 5 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier)

### Item Details:

- Item ID: X00080468776
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



## Interview with Cove Football Club women's team captain Dan...

David Penberthy and Will Goodings at 5AA, Adelaide, Breakfast on 27 Sep  
2019 8:38 AM.



**ASR:** 2,816 AUD

**Audience:** 35,000 (15,000 female 16+ / 21,000 male 16+ )

**Duration:** 5mins 40secs

### Summary:

Interview with Cove Football Club women's team captain Dana O'Brien. Goodings says the [Marion] Council has evicted the Hallett Cove Football Club from its clubrooms following complaints of inappropriate conduct by some people in the football club. O'Brien says she's just really disappointed with the decision by the council. She says she's been the women's team captain for two years now and she's never seen anything like the allegations that are being put against the football club. O'Brien says the club just wants to have a fair go and play football at the oval that's close to their homes and where they have been playing. She says they have players now that have nowhere to play football. O'Brien thinks the culture at Cove these days is fantastic.

### Interviewees:

- Dana O'Brien, women's team captain, Cove Football Club

### Item Details:

- Item ID: X00080469345
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)



## The Cove Cobras Football Club has launched a petition and ...



Newsreader at ABC Radio Adelaide, Adelaide, 09:00 News on 27 Sep 2019  
9:03 AM.



**ASR:** 1,129 AUD

**Audience:** 36,000 (18,000 female 16+ / 18,000 male 16+ )

**Duration:** 0mins 41secs

### Summary:

The Cove Cobras Football Club has launched a petition and will hold a public meeting tonight to fight its eviction by the Marion Council from its clubrooms at Hallett Cove over allegations of poor behaviours by some of its members. Cove President Tony Kernahan says the club hasn't had a fair opportunity to respond but says Council won't tell them the specific allegations.

### Interviewees:

- Tony Kernahan, Co-President, The Cove Cobras Football Club

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080469961
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## The South Adelaide Football Club will hold a public informati...



Newsreader at 5AA, Adelaide, 09:00 News on 27 Sep 2019 9:03 AM.

**ASR:** 650 AUD

**Audience:** 35,000 (15,000 female 16+ / 21,000 male 16+ )

**Duration:** 0mins 44secs



### Summary:

The South Adelaide Football Club will hold a public information tonight after the Marion Council's decision to remove the club off the Harlett Cove home ground.

### Interviewees:

- Dana O'Brien, skipper

### Also broadcast from the following 4 stations:

5AU (Port Augusta), 5CS (Port Pirie), 5MU (Murray Bridge), 5RM (Berri)

### Item Details:

- Item ID: X00080470004
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

## Sports Report The southern suburb's Cove Football Club evic...



Newsreader at ABC Radio Adelaide, Adelaide, 16:00 News on 27 Sep 2019  
4:03 PM.



**ASR:** 893 AUD

**Audience:** 17,000 (7,000 female 16+ / 9,000 male 16+ )

**Duration:** 0mins 46secs

### Summary:

Sports Report The southern suburb's Cove Football Club evicted from the Hallett Cove club rooms over accusations of poor behaviour by members will gather tonight in a bid to overturn an eviction plan after the Marion Council terminated its lease.

### Interviewees:

- Tony Kernahan, Cove FC president

### Also broadcast from the following 6 stations:

ABC Broken Hill (Broken Hill), ABC Eyre Peninsula and West Coast (Port Lincoln), ABC North and West SA (Port Pirie), ABC Riverland SA (Renmark), ABC South East SA (Mt Gambier), Radio National (Adelaide)

### Item Details:

- Item ID: X00080476178
- Location: Adelaide
- Region: SA
- Type: AM Radio

[Order](#) | [Stream](#)

### Regular Segment: Breaking at Eight Penberthy discusses the...

David Penberthy and Will Goodings at 5AA, Adelaide, Breakfast on 30 Sep 2019 8:09 AM.



**ASR:** 1,406 AUD

**Audience:** 36,000 (17,000 female 16+ / 19,000 male 16+ )

**Duration:** 2mins 45secs

#### Summary:

Regular Segment: Breaking at Eight Penberthy discusses the Marion Council and the Cove FC's issue, noting the Cobras held an emergency meeting on Friday night. He adds the list of those backing the club is growing including former Crows star Greg Anderson, Federal MP Amanda Rishworth alongside the Cove Cricket Club and the Cove BMX Club, two of their co-tenants in the facility. Penberthy recalls the claims were the club was kicked out due to issues with other tenants and inappropriate behaviour. He notes the chorus of support behind the Cobras is making the Marion Council's move more difficult to justify.

#### Item Details:

- Item ID: X00080491473
- Location: Adelaide
- Region: SA
- Type: AM Radio

Order | Stream

# FM Radio

## Hallett Cove Football Club is homeless after being evicted by...



Newsreader at hit107 Adelaide, Adelaide, 17:00 News on 25 Sep 2019 5:01 PM.



**ASR:** 84 AUD

**Audience:** 14,000 (7,000 female 16+ / 5,000 male 16+ )

**Duration:** 0mins 21secs

### Summary:

Hallett Cove Football Club is homeless after being evicted by Marion Council after allegations of sexual harassment and intimidation.

### Item Details:

- Item ID: X00080448966
- Location: Adelaide
- Region: SA
- Type: FM Radio

[Order](#) | [Stream](#)

## Hallett Cove Football Club is homeless after being evicted by...



Newsreader at Triple M Adelaide, Adelaide, 17:00 News on 25 Sep 2019 5:01 PM.



**ASR:** 82 AUD

**Audience:** 15,000 (5,000 female 16+ / 9,000 male 16+ )

**Duration:** 0mins 21secs

### Summary:

Hallett Cove Football Club is homeless after being evicted by Marion Council after allegations of sexual harassment and intimidation.

### Item Details:

- Item ID: X00080449319
- Location: Adelaide
- Region: SA
- Type: FM Radio

[Order](#) | [Stream](#)



### Marion Council says sexual harassment and other bad behav...



Newsreader at hit107 Adelaide, Adelaide, 18:00 News on 25 Sep 2019 5:57 PM.

**ASR:** 57 AUD

**Audience:** 11,000 (5,000 female 16+ / 4,000 male 16+ )

**Duration:** 0mins 18secs



#### Summary:

Marion Council says sexual harassment and other bad behaviours will not be condoned in its facilities after booting out Hallett Cove Football Club out of its clubrooms. It shares with netball, cricket, and BMX clubs. The Cove Cobras have not addressed the allegations thrown against them but say they are exploring their options.

#### Item Details:

- Item ID: X00080449464
- Location: Adelaide
- Region: SA
- Type: FM Radio

[Order](#) | [Stream](#)

### The SANFL says they are investigating a move by Marion Co...



Newsreader at MIX FM 102.3, Adelaide, 08:30 News on 26 Sep 2019 8:34 AM.

**ASR:** 209 AUD

**Audience:** 32,000 (22,000 female 16+ / 8,000 male 16+ )

**Duration:** 0mins 22secs



#### Summary:

The SANFL says they are investigating a move by Marion Council to evict the Cove Football Club from their club rooms. According to the council, sexual harassment, sexist language, and a culture of inappropriate and intimidating behaviour as the reason.

#### Item Details:

- Item ID: X00080455334
- Location: Adelaide
- Region: SA
- Type: FM Radio

[Order](#) | [Stream](#)



### A two-month investigation has been launched by the Marion ...

Newsreader at MIX FM 102.3, Adelaide, 09:00 News on 26 Sep 2019 9:03 AM.



**ASR:** 171 AUD

**Audience:** 32,000 (22,000 female 16+ / 8,000 male 16+ )

**Duration:** 0mins 18secs

#### Summary:

A two-month investigation has been launched by the Marion Council after it evicted the Cove Football Club from its clubrooms. It's understood there was a culture of sexual harassment, sexist language, and inappropriate and intimidating behaviour at the facility.

#### Item Details:

- Item ID: X00080458382
- Location: Adelaide
- Region: SA
- Type: FM Radio

[Order](#) | [Stream](#)



### The Hallett Cove Footy Club is going to fight back after they ...

Newsreader at hit107 Adelaide, Adelaide, 18:00 News on 26 Sep 2019 6:00 PM.



**ASR:** 59 AUD

**Audience:** 9,000 (5,000 female 16+ / 3,000 male 16+ )

**Duration:** 0mins 23secs

#### Summary:

The Hallett Cove Footy Club is going to fight back after they were booted out from their clubrooms due to alleged sexual harassment. Cove Cobras President Tony Kernahan has told Seven, the decision from Marion Council has come as a surprise.

#### Interviewees:

- Tony Kernahan, Cove Cobras President

#### Item Details:

- Item ID: X00080463463
- Location: Adelaide
- Region: SA
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**The Cove Football Club Inc.**

September 29 at 12:12 PM · 🌐



Thank you to Cove Bmx. We are hopeful that our strong, respectful and supportive relationship can continue at the Cove Community and Sports complex in 2020.



**Cove Bmx**

September 28 at 7:32 PM · 🌐



**Follow**

The Cove BMX Club has traditionally and most recently enjoyed a strong, supportive and respectful sporting and working relationship with all the sporting clubs sharing the Cove Community and Sports Complex including the Cove Cobras Football Club. The City of Marion has also been instrumental in facilitating The Cove BMX Club and its ability to hold major events such as our recent successful hosting of South Australia's round of the 2019 BMX Australia National Series at the complex.

News of recent allegations and decisions relating to the complex have also come as a complete shock to our club and we wish to ensure that it is understood that these actions have in no way been initiated or driven by any disharmony between the Cove BMX Club and the Cove Cobras or any other club, nor has the club any interest or benefit to be gained by these decisions as plans proceed toward the proposed new international standard BMX complex at O'Halloran Hill.

We understand that all sporting club members typically are extremely passionate and protective of their respective clubs and we wish to remind our own members that we remain an open and proud part of the Cove Sports and Community Club complex.



Michelle Louise, David Egan and 143 others

3 Comments 7 Shares



**The Cove Football Club Inc.**

September 25 at 11:55 AM · 🌐

...

The Cove Football Club have been advised today at 10.30am that Marion Council in a confidential meeting last night passed a resolution to terminate our occupancy at the Cove Sports and Community Club within 30 days. A media release will be issued by Marion Council later today, which may include negative commentary directed at the Cove Football Club. We are working with SANFL and the SFL to explore all options to challenge this decision. We will remain united and strong to reverse this decision. Please refrain from being negative on social media.... this will not help! Further details to come soon - including a members meeting to be confirmed.



294

410 Comments 125 Shares



**The Cove Football Club Inc.** Information night! 6:30pm Friday 27th September at South Adelaide Football Club. Please show us your support and come along! This is a time where we need to band together and show our united front as a strong and respectful community - wear your club colours! 🇷🇪 🇬🇧 🇦🇺 We thank you all for the on-going support. 🙏

...



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**The Cove Football Club Inc.**



September 26 at 5:09 PM · 🌐

Please see our official media statement below:

#### Statement from Cove Football Club

The Cove Football Club and it's volunteers have worked tirelessly since it was founded in 1984 to create a strong and successful football club for the Hallett Cove and surrounding areas.

We are devastated by the news that the City of Marion is terminating our lease at the Cove Sports and Community Club. This is a difficult and emotional time in our club's 35-year history and the council's decision will have a far-reaching impact on our club and the community at Hallett Cove.

We do not believe we have had a fair opportunity to respond to the Council and our committee is working extremely hard to ensure the right outcome is achieved and that our great club can continue.

Of all football participation within the City of Marion, 15% is played at the Cove Football Club. The majority of these players – 72% in fact – are aged between 5 and 14.

The Cove Football Club has enjoyed sustained growth, increasing our player numbers by 11.5% in season 2019 alone. We have continued to attract new female players to the club and our female program has more than doubled in player numbers in the past three seasons.

It is these junior and female players who will suffer the greatest loss if the Cove Football Club no longer has a future at the Cove Sports and Community Club.

Quite simply, we have nowhere to go. There are no spare ovals or facilities in the Southern region to accommodate the Cove Football Club. Ovals are already at capacity and losing the Cove Sports and Community Club will have a severe and negative impact on football as a whole in the region.

An information night for members, players and their families will be held this Friday 6:30pm South Adelaide Football Club and we believe this will be a true indication of the impact of this decision by Council.



Nic Catanzariti, Sam Franson and 192 others · 66 Comments · 79 Shares

Like

Comment

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**The Cove Football Club Inc.**

September 26 at 8:59 AM · 🌐



To all our Members and Supporters

We sincerely thank everyone who has voiced their support on our post from yesterdays heart breaking news that we had to deliver.

There are number of people to thank so far for their fantastic efforts and more support is needed, but rest assured we are gaining some very important support to assist the club through this very difficult time.

To all the families/players/members who are affected by this decision, please stay strong, your support and presence at our information night (Friday 6.30 pm South Adelaide Football Club) will be a true indication on the effect this decision will have on our community and club at Hallett Cove.

It is a difficult and emotional time in the clubs history and I am of the opinion that the club as a whole can be proud of the way it conducts itself. This club should not be banished by the method in which the decision was arrived at, we have not had a fair opportunity to respond.

Our club does not deserve this type of treatment. You are a wonderful and supportive group of people who have built this club! The committee is working extremely hard to ensure the right outcome is achieved. They are all volunteers and they are giving up an enormous amount of their time for the club, not because they have to or are looking for thanks, they are doing this because it is their club also!

Tony Kernahan  
President



Noel Simper, Chris Kernahan and 239 others · 10 Comments · 17 Shares



## The Cove Football Club Inc.

@thecovefootballclubinc

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**The Cove Football Club Inc.**

September 28 at 12:55 PM · 🌐

The Cove Cobras have been made aware of damage to the clubs at the Cove Sports and Community Club overnight. We hope the affected clubs can get the damage repaired quickly.

The Cove Cobras do not condone any vandalism of any property and we hope the CCTV footage captures those guilty of committing this crime, and they are punished by the law.

There are comments circulating on social media putting the blame on members of the football club. At this stage, this is pure speculation and we hope a full investigation finds those who are guilty. Until that time, let's keep the discussion civil and respectful.

If it is found to be one of our members who have committed this crime, their membership will be removed immediately and they will be banned for life from our club.

We, as a club, are prepared to offer assistance to help with any repairs, as we value the community complex and all the sporting clubs that reside there.



Christine Geddie, Sean Oh and 120 others

14 Comments 2 Shares



Like



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Write a comment...





### **Cove Cricket Club**



September 26 at 9:12 AM · 🌐

After yesterday's announcement from the Marion Council regarding the Cove Football Clubs eviction from The Cove Sports & Community Club, the Cove Cricket Club would firstly like to express its disappointment in this decision and harsh reaction over this matter, we feel it is unnecessary and quite damaging to a community as a whole.

The Cove Cricket Club has had a good history sharing the oval and complex with the football club where our seasons overlapped and have always enjoyed supporting their teams from Juniors through to A Grade along with our families as they have with ours.

We all strive to create a safe and supportive sporting facility to help encourage youth and families to be involved in sport as it can be a very strong support. We are saddened for the many many players, children and families whom are now without a complex and will support wherever we can. As we teach children through sport to respect and encourage eachother, we now hope the Marion Council can do the same



Keith Noble, Fiona Milliken and 133 others

11 Comments 23 Shares



25 September 2019

### **SANFL Statement regarding the Cove Football Club**

The following can be attributed to a SANFL spokesperson:

SANFL has been made aware that the City of Marion last night passed a resolution to evict the Cove Football Club from the Cove Sports and Community Club within the next 30 days.

While SANFL has not been made aware of the specific allegations surrounding the decision by the council, we express our disappointment in a decision that will have a far-reaching impact on the 438 registered members and the wider community.

More than 70 per cent of the club's participants are aged between five and 14 and, therefore, such a decision will have a resounding impact on these families.

SANFL is currently seeking further advice on the matter and is committed to working to better understand the rationale behind this decision and will explore every available avenue to ensure participants can continue to play at their local football club.

SANFL will not be commenting any further on the issue at this stage.

#### **Media inquiries:**

Caroline Plant, Michels Warren PR, 0431 287 093 or [cplant@micwar.com.au](mailto:cplant@micwar.com.au)

Paula Brinkworth, SANFL Senior Media and Communications Advisor, 0414 805 153 or [paula.brinkworth@sanfl.com.au](mailto:paula.brinkworth@sanfl.com.au)

**SANFL | Adelaide Oval – Level 2 Riverbank Stand, North Adelaide SA 5006**

Phone: (08) 8424 2200 | Website: [sanfl.com.au/communityfootball](http://sanfl.com.au/communityfootball)







## Request for Review of Decision - Cove Cobra's Football Club

<b>Originating Officer</b>	Manager Corporate Governance - Kate McKenzie
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R06

### REPORT OBJECTIVE

To advise Council that a request for a review of decision has been received from the Cove Cobra's Football Club and for Council to determine how to proceed with the review.

### EXECUTIVE SUMMARY

Section 3 of the Policy states that "Any complaint or grievance relating to a decision made by the Chief Executive Officer or the Council at a Council or Committee Meeting, will be referred to the next General Council Meeting to determine how the matter will be reviewed, either by an internal Review Panel or outsourced to an independent investigator. Complaints of this nature must be made in writing to the Manager Corporate Governance and outline the specific nature of the complaint and the dis-satisfaction with any internal review completed so far."

A copy of the request from Cove Cobra's Football Club is attached in **Appendix 1**.

Due to the scope of the request, it is recommended that this review be outsourced to an independent investigator with experience in local government decision making and administrative law.

### RECOMMENDATION

**That:**

- 1. Council supports the recommendation to appoint an independent investigator to complete a Review of Decision regarding the decision of Council from the 24th September 2019 General Council Meeting regarding the termination of the Cove Cobras Football Club Licence.**
- 2. Management advise the Cove Cobras Football Club of the appointment of an independent investigator to complete the review.**

**Legal / Legislative / Policy:** The Review will be completed in accordance with the City of Marion's Complaints a Grievance Policy (Appendix 2)

**Timeline** The Policy state that section 270 Reviews can take 6 -8 weeks depending on the complexity. An attempt will be made to bring this matter to Council on the 22 October 2019. If this is not possible, the next General Council meeting is 26 November 2019.

**Current Budget Allocation** This review will be absorbed within current budget.

**Attachment**

#	Attachment	Type
1	270 Review request Cove Cobras - Appendix 1	PDF File
2	Complaints_and_Grievance_Policy - appendix 2	PDF File



## **The Cove Football Club Inc.**

***Believe in us!***

Mr Adrian Skull  
Chief Executive Officer  
City of Marion  
council@marion.sa.gov.au

Dear Mr Skull

We wish to formally request a review of a decision under Section 270 of the *Local Government Act, 1999*.

As you are aware, the Cove Football Club tenancy has been terminated from the Cove Sports and Community Facility.

The reasons provided for our termination include:

- Intimidation of council staff or other users of the facility
- Behaviour inconsistent with a shared family-friendly facility
- Sexual harrassment
- Any other inappropriate behaviour

In a letter that we received on the 3<sup>rd</sup> September 2019, we were asked to respond to these matters, however we were provided no context or details for the allegations. We requested additional information via a letter that we sent to you on the 12<sup>th</sup> September 2019. However, in an email from Fiona Harvey, Acting General Manager City Development, we were told that the City of Marion could not provide any additional request for information as the matter was 'confidential'.

The Cove Football Club and its volunteers have worked tirelessly since it was founded in 1984 to create a strong and successful football club for the Hallett Cove and surrounding areas.

We are devastated by the news that the City of Marion has terminated our lease at the Cove Sports and Community Club. This is a difficult and emotional time in our club's 35-year history and the council's decision will have a far-reaching impact on our club and the community at Hallett Cove.

We do not believe we have had a fair and reasonable opportunity to respond to the Council. We have had no right of reply. We have not been provided natural justice or procedural fairness. We have not been able to provide a detailed response to our actions without knowing and understanding the accusations and the findings of the investigation which has been held in confidence.

The Cove Football Club has a Member Protection Policy and always work with members who are displaying inappropriate/unacceptable behavior and we are not averse to removing members from the Cove Football Club if and when required. If matters are brought to our attention we will take action to ensure that the matter is appropriately dealt with. However, if these matters have not been raised, in detail with us and preferably in writing, how can we possibly know about them and provide specific responses including if this was known to the club and understood to have been dealt with?

One of our major concerns is the sexual harassment allegations that have been mentioned. Why were they not immediately reported or brought to our attention? Was this reported to SAPOL immediately if it was not mentioned to us or was this left until now to be brought up? Has this been allowed to potentially continue? If these are in fact matters we have previously dealt with and it is found that we could (or should) have done things differently or with a better outcome then please work with us and help us to grow and learn. We are volunteers doing our best to provide an environment for all to have fun participating in a sport we love and socialising with friends – we are not experts in human resources.

The loss of the Cove Football Club will have a devastating impact on the community and access to sport in the Hallett Cove area. In a time of increased obesity and lack of activity in children, as well as them spending way too much time in front of digital screens, removing a club full of energetic children from what is potentially their only exercise, is just absurd. We are believers that a team sport environment builds many skills that help young people develop into mature young adults and exemplary members of society – traits like confidence, honesty, integrity, respect of their coaches, teammates and others, and commitment to a team. These skills cannot be learnt on an iPad.

Of all football participation within the City of Marion, 15% is played at the Cove Football Club- with over 2000 members. The majority of the players at Cove – 72% in fact – are aged between 5 and 14. The public outpouring of emotion on social media since the announcement has signified the impact this decision is already having on our young members and their families.

The Cove Football Club has enjoyed sustained growth, increasing our player numbers by 11.5% in season 2019 alone. We have continued to attract new female players to the club and our female program has more than doubled in player numbers in the past three seasons. Our female A Grade side has just won a premiership, for the second year in a row, attracting more members, interest, players, potentially leading to an additional senior women's team at Cove.

It is these junior and female players who will suffer the greatest loss if the Cove Football Club no longer has a future at the Cove Sports and Community Club.

We request a formal review of the Councils decision on removing the Cove Football Club from the Cove Sports and Community Complex to ensure that we are provided with a fair solution to prevent further deformation and damage to our brand – The Cove Football Club.

If you require any additional information, or would like to discuss this letter in more detail, please feel free to contact me 0409 632 378 or via email: [cove.president@mail.com](mailto:cove.president@mail.com)

Kind regards,

Tony Kernahan  
President  
Cove Football Club



# Complaints and Grievance Policy

## 1. RATIONALE

This Policy is consistent with the Australian Standards for complaint handling and the Ombudsman SA *Right of Review* Audit (completed November 2016).

## 2. POLICY STATEMENT

The City of Marion:

- Is committed to providing good governance practices through efficient fair and accessible mechanisms to resolve services complaints or grievances.
- Encourages customers and the community to raise issues and complaints with the Council as it provides the opportunity to improve services to the community.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective process for the review of all decision and actions.

## 3. OBJECTIVES

The purpose of this Policy is to provide a fair, consistent and structured process for City of Marion's customers if they are dissatisfied with an action, decision or services. These actions, decisions or services may be delivered by the Council (being the elected body as a whole), an employee of the council or another person acting on behalf of the council.

Lessons learnt from a complaint investigation will be used to directly inform service improvement.

Where complaints cannot be settled in the first instance the City of Marion will ensure that they are dealt with through appropriate, more formal procedures by staff or Council with the authority to make decisions. Complainants will be referred to this Policy and the associated procedure which details the steps required for further review.

## PRINCIPLES

This policy is based on the following principles:

- Fairness – All Complaints and grievances will be treated with procedural fairness, impartiality and transparency at all stages of the review.
- Responsiveness – taking into consideration the complexity of the matter, all complaints and grievances will be resolved in a timely manner.
- Efficiency – those involved in the complainant process will have the required skills, knowledge and resources to undertake the review.

# Complaints and Grievance Policy

## 4. POLICY SCOPE AND IMPLEMENTATION

### MANAGING INTERNAL COMPLAINTS AND GRIEVANCE

Complaints and grievances can vary in their complexity and seriousness. There are three ways in which a complaint or grievance can be resolved/reviewed:

#### 1. Immediate response to resolve the matter

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level where ever possible.

#### 2. Escalated to a supervisor or manager

When a complaint cannot be resolved in the first instance, it will be referred to either a supervisor or manager. Additionally, where the circumstances indicate that the complaint would be more appropriately dealt with at a high level, the matter will be escalated. Complaints of this nature must be made in writing and outline the specific nature of the complaint.

#### 3. Internal Grievance Review – Review of Decision (pursuant to section 270 of the Local Government Act 1999)

When a complaint cannot be resolved in the first instance and/or by a supervisor or manager, it will be referred for internal review in accordance with the Complaints and Grievance Procedure. The complaint or grievance will be reviewed by the Manager Corporate Governance. The Manager Corporate Governance may investigate the matter themselves, or establish an internal Review Panel (depending on the complexity of the matter) or refer the matter to an independent investigator.

Any complaint or grievance relating to a decision made by the Chief Executive Officer or the Council at a Council or Committee Meeting, will be referred to the next General Council Meeting to determine how the matter will be reviewed, either by an internal Review Panel or outsourced to an independent investigator.

Complaints of this nature must be made in writing to the Manager Corporate Governance and outline the specific nature of the complaint and the dis-satisfaction with any internal review completed so far.

Applications for the review of decisions must be lodged within six (6) months of the decision in question being made. However, in exceptional but reasonable circumstances, the Manager Corporate Governance may agree to accept a late application. This will be assessed on a case by case basis.

# Complaints and Grievance Policy

This process will be the last level of internal review for the Council's complaint and grievance process.

## ALTERNATIVE DISPUTE RESOLUTION METHODS

The City of Marion prefers to try and resolve complaints and grievances internally but there will be circumstances where this is not possible. If this occurs, the dispute resolution methods available to complainants include:

1. Mediation – refer to Mediation SA  
 Contact details:  
 Address: 175 Oaklands Road, Warradale SA 5046  
 Email: [wreception@mediationsa.org.au](mailto:wreception@mediationsa.org.au)  
 Phone: (08) 8350 0376
2. Ombudsman Review – refer to Ombudsman SA  
 Contact details:  
 Address: Level 9, 55 Currie Street, Adelaide SA 5000  
 Email: [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)  
 Telephone: (08) 8226 8699
3. Legal action

## TIMEFRAME

Timeframes for complaints and grievances will be dependent on the complexity of the matter. Complainants will be advised upfront of the likely timeframe required to investigate a matter and updated on progress where necessary. Timeframes may change as matters progress. The estimated timeframe for complaints and grievances are as follows:

1. Immediate response to resolve the matter  
 1-3 working days
2. Escalated to a supervisor or manager  
 10 working days of the matter being escalated
3. Internal Grievance Review (pursuant to section 270 of the Local Government Act 1999)  
 6 – 8 weeks of the matter being referred to the Manager Corporate Governance but may take up to six months for complex matters.

# Complaints and Grievance Policy

## ITEMS EXCLUDED FROM THIS POLICY

The following matters are excluded from being reviewed pursuant to this Policy and associated procedure:

- If the complaint is made by an employee of the council and relates to an issue concerning his or her employment.
- It appears that the complaint is frivolous or vexatious.
- If the Complainant does not have a sufficient interest in the matter.
- Complaints which are determined to be about matters that are not Council's responsibility (i.e. neighbourhood disputes).
- Complaints that refer to staff or elected member misconduct or behaviour (will be referred to relevant Code of Conduct).
- Reports of fraudulent, corrupt or illegal activity (will be referred to the relevant authority).
- Matters that have existing appeal rights through their own legislations (i.e. Freedom of Information, Expiation of Offences act 1996, Development Act 1993 etc).
- Claims and Insurance decisions made by other agencies.

Matters that fall outside statutory appeals procedures will be considered for the conduct of an Internal Grievance Review on the merits of the individual application.

## UNREASONABLE COMPLAINANT

All complaints received by the City of Marion will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviours.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the complainant. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restriction may be applied.

Any decision to restrict contact or suspend action on a complaint process will be made by the Chief Executive Officer and/or a General Manager. This will be communicated to the complainant in writing.

# Complaints and Grievance Policy

## REPORTING

All matters reviewed via an Internal Grievance Review will be reported via the City of Marion Annual Report.

### Part 2 – Complaints regarding Code of Conduct for Council Employees

#### Complaint procedure

Where a person alleges –

- an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonable be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or
- an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or
- the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council,

they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the *Local Government (General) Regulations 2013*.

A complaint must be given to the Chief Executive Officer, Manager Human Resources or Manager Corporate Governance. In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and human resource procedures of the council.

## 5. POLICY AVAILABILITY AND REVIEW

This policy will be made available to all staff, elected members and the community via the City of Marion website and intranet. This policy will be reviewed every three years.

## 6. DEFINITIONS

### Request for Services

A request for service is an application to have Council or its representative take some form of action to provide a Council service. Council receives thousands of requests for services

**City of Marion** 245 Sturt Road, Sturt SA 5047  
PO Box 21, Oaklands Park SA 5046  
T 08 8375 6600  
F 08 8375 6699  
[www.marion.sa.gov.au](http://www.marion.sa.gov.au)

**Category:** Legislative  
**Owner:** Manager Corporate Governance  
**Authorisation Date:** 10 October 2017 (GC101017R07)  
Amended and adopted GC270318  
**Review Date:** 2021



# Complaints and Grievance Policy

each year. This will include matters such as hard rubbish collection, street sweeping, pot holes, home care, etc. All requests for services will be logged within the City of Marion Customer Event System, and managed through this process.

## Feedback

The City of Marion may receive feedback from customers on services provided. It is important to distinguish between feedback and a complaint. Feedback can take the form of comments, both positive and negative, which do not necessarily require a corrective action, alternation of service or a formal review of the decision.

## Complaint

A Complaint is defined as an expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standards set, implied or expected. This includes complaints about a service that has been, or should have been delivered.

## Grievance

A grievance is defined as a wrong decision or action of Council, Council staff or representative. A grievance often occurs when complaints cannot be resolved or have caused significant distress to the complainant.

# Complaints and Grievance Policy

## 7. REFERENCES

- Complaints and Grievance Procedure
- Employee Code of Conduct
- Elected Member Code of Conduct
- Fraud and Corruption Policy
- Whistleblowers Policy

## 8. REVIEW AND EVALUATION

This policy will be made available to all staff, elected members and the community via the City of Marion website and intranet. This policy will be reviewed every three years.

## Housing Diversity DPA

<b>Originating Officer</b>	Executive Assistant to General Manager Corporate Services - Louise Herdegen
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R07

### REPORT OBJECTIVE

The objective of this report is to provide Council with an update and recommendations from the Special Urban Planning Committee meeting held 3 September 2019 in relation to the Housing Diversity Development Plan Amendment

### RECOMMENDATION

It is recommended:

1. That Council notes:

(a) the decision of the Minister for Planning to approve the Housing Diversity Development Plan Amendment (DPA) (Part 1); and,

(b) the decision of the Minister for Planning not to proceed at this time with the proposed Housing Diversity DPA (Part 2) in relation to the suburbs of Darlington, Marino, Seacliff Park, Seacombe Heights and Seaview Downs, and the Urban Corridor Zone along Marion Road (Plympton Park, South Plympton, Park Holme, Ascot Park, Marion and Mitchell Park).

2. That Council waits for the transition to the Planning and Design Code before taking any further action in relation to the Housing Diversity DPA.

### GENERAL ANALYSIS

In late December 2017 Council sought the Minister's approval for the Housing Diversity DPA.

On 4 April 2019 the Minister advised Council that there were a number of issues that required further consideration and proposed to split the DPA:

- Part 1 (to be progressed)

Included the Marion Plains Policy Area, the Foothills and Seaside Policy Area in the suburb of Hallett Cove, changes to the Residential Character Policy Area, the Suburban Activity Node Zone around Marion Shopping Centre and the retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of the shopping centre

- Part 2 (to be subject to further consultation)

Included the Foothills and Seaside Policy Area in the suburbs of Marino, Seacliff Park, Seaview Downs, Seacombe Heights and Darlington and the Urban Corridor Zone along Marion Road.

On 15 May 2019 Council advised the Minister that it supported the proposal to split the DPA but was unable to support the Minister's proposed amendments to Part 1 of the DPA (retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of Marion shopping centre).



On 8 August 2019 the Minister advised the resolution to approve Part 1 of the DPA as amended in accordance with the letter dated 4 April 2019 (the Gazette notice backdated the resolution to 1 August 2019).

Part 1 of the DPA was consolidated into Marion's Development Plan on 15 August 2019.

The Minister requested that should Council wish to proceed with Part 2 of the DPA, that it should complete consultation by no later than January 2020, and be lodged for final approval by no later than March 2020, to ensure sufficient time is available to capture the rezoning in the final Phase 3 (the metropolitan section) of the transition to the Planning and Design Code.

At the special meeting of Council's Urban Planning Committee on 3 September 2019, the Housing Diversity DPA report was considered (attached) and the UPC recommended that:

*"1. Council note:*

- (a) the decision of the Minister for Planning to approve the Housing Diversity DPA (Part 1); and,*
- (b) the decision of the Minister for Planning not to proceed at this time with the proposed Housing Diversity DPA (Part 2) in relation to the suburbs of Darlington, Marino, Seacliff Park, Seacombe Heights and Seaview Downs, and the Urban Corridor Zone along Marion Road (Plympton Park, South Plympton, Park Holme, Ascot Park, Marion and Mitchell Park).*

*Council waits for the transition to the Planning and Design Code before taking any further action in relation to the Housing Diversity DPA.*

*(Carried Unanimously)"*

It is recommended that Council accepts the recommendation from the SUPC meeting.

## Attachment

#	Attachment	Type
1	SUPC190903R03 Housing Diversity DPA	PDF File

## Housing Diversity DPA

<b>Originating Officer</b>	Manager - Development and Regulatory Services. - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	SUPC190903R03

### REPORT OBJECTIVE

The objective of this report is to give the Urban Planning Committee an update on the Housing Diversity DPA and seek feedback on next steps for Part 2 of the DPA.

### EXECUTIVE SUMMARY

In late December 2017 Council sought the Minister's approval for the Housing diversity DPA.

On 4 April 2019 the Minister advised Council that there were a number of issues that required further consideration and proposed to split the DPA:

- Part 1 (to be progressed)

Included the Marion Plains Policy Area, the Foothills and Seaside Policy Area in the suburb of Hallett Cove, changes to the Residential Character Policy Area, the Suburban Activity Node Zone around Marion Shopping Centre and the retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of the shopping centre

- Part 2 (to be subject to further consultation)

Included the Foothills and Seaside Policy Area in the suburbs of Marino, Seacliff Park, Seaview Downs, Seacombe Heights and Darlington and the Urban Corridor Zone along Marion Road.

On 15 May 2019 Council advised the Minister that it supported the proposal to split the DPA but was unable to support the Minister's proposed amendments to Part 1 of the DPA (retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of Marion shopping centre).

On 8 August 2019 the Minister advised the resolution to approve Part 1 of the DPA as amended in accordance with the letter dated 4 April 2019 (the Gazette notice backdated the resolution to 1 August 2019).

Part 1 of the DPA was consolidated into Marion's Development Plan on 15 August 2019.

The Minister has requested that Part 2 of the DPA should have completed consultation by no later than January 2020, and be lodged for final approval by no later than March 2020, to ensure sufficient time is available to capture the rezoning in the final Phase 3 (the metropolitan section) of the transition to the Planning and Design Code.

The Planning and Design Code will become live on 1 July 2020.

If Council does not meet the above timelines the changes proposed in Part 2 of the DPA would need to be undertaken as a Code Amendment under the Code. Although purportedly a more flexible process, the changes would still require Council to undertake an engagement/consultation process.



## RECOMMENDATION

The Urban Planning Committee recommends to Council that:

1. Council commences consultation for Part 2 of the Housing Diversity DPA under the Development Act 1993, to be completed by no later than January 2020.

OR

1. Council waits until the Planning and Design Code is implemented in July 2020 and undertakes a Code Amendment process for Part 2 of the Housing Diversity DPA.

OR

1. Council waits for the transition to the Planning and Design Code before making any further policy amendments.

## DISCUSSION

Administration seeks the UPC's feedback on recommendations to Council to proceed with Part 2 of the Housing Diversity DPA.

There are the following options available to Council:

1. Council commences consultation for Part 2 of the DPA under the Development Act 1993, which is required to be completed by no later than January 2020)
2. Council waits until July 2020 to undertake an engagement/consultation process for the changes proposed in Part 2 of the DPA as a Code Amendment under the Planning and Design Code.
3. Council takes no further action on the Housing Diversity DPA at this time.

With each of these options, community and community groups may have differing opinions. Administration is currently fielding calls from residents/developers in these areas seeking updates on the timeline for Part 2 of the Housing Diversity DPA.

The following should be taken into consideration for each option:

1. This option was previously supported by Council in its letter to the Minister for Planning on 15 May 2019 and, barring any major issues raised during consultation, the Minister's timeline for this part of the DPA can be met if commenced by the end of September 2019
2. Delaying the process and consultation for this particular DPA is less preferred as circumstances / opportunities may change under the new Planning and Design Code next year and further analysis would likely be required.
3. If Council resolved not to proceed with Part 2 of the Housing Diversity DPA at this time, there would likely be opposition from people whose sites would benefit from the higher development potential.

The Committee's feedback on its preferred option for progressing Part 2 is sought and will be provided to Council for consideration.

## Local Government Reforms - Council Submission

<b>Originating Officer</b>	Manager Corporate Governance - Kate McKenzie
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R08

### REPORT OBJECTIVE

*For Council to consider and adopt a submission to the Minister for Local Government regarding the proposed 72 reforms within the "Reforming Local Government Discussion Paper".*

### EXECUTIVE SUMMARY

The Minister for Transport, Infrastructure and Local Government, Hon. Stephan Knoll, is undertaking a review of local government legislation that currently operates within South Australia. The Minister first sought submissions from the sector earlier this year and at its meeting of 23 April 2019 Council considered and adopted a submission (GC190423R11) to be forwarded to the Government.

Following this consultation, in August 2019 the Minister released a discussion paper 'Reforming Local Government in South Australia' (**Appendix 1**).

Four (4) key areas of reform with a total of 72 proposals have been put forward by the Government. The key areas are being:

- Stronger Council Member Capacity and Better Conduct
- Lower Costs and Enhanced Financial Accountability
- Efficient and transparent Local Government Representation
- Simpler Regulation.

Feedback has been sought from Elected Members to prepare a draft submission (Appendix 2) for Council to consider and adopt (subject to any required changes).

The responses have been based on survey data collected from members with the response based on the majority view. Items noted as 'undecided' means the feedback was either equal or only one person difference.

Submissions are due by 1 November 2019.

### RECOMMENDATION

**That Council adopts the submission to Minister Knoll provided in Appendix 1 to this report regarding the proposed Local Government Reforms subject to the following amendments:**

### GENERAL ANALYSIS

#### Attachment

#	Attachment	Type
1	Reforming_Local_Government_in_South_Australia_-_Discussion_Paper_-_August_2019 - Appendix 1	PDF File
2	Local Government Reform - submission letter	PDF File
3	Local Government Reform - Submission	PDF File



# REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA DISCUSSION PAPER



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

AUGUST 2019



# FOREWORD

Every four years, thousands of people stand for election to their local council, with more than 700 chosen to serve and lead their communities.

High expectations are rightly placed on those elected, as they take on real responsibilities for support and services in their local area. Like all governments, councils need to make decisions about the services they provide, and the revenue that they need to bring these services to life.

To achieve good outcomes for ratepayers we need the ecosystem in and around local government to be as robust as possible. From the internal structures around how councils operate, to the integrity bodies that oversee them and the media that report on them, every part of the ecosystem needs to work to deliver quality services for local communities, whilst also ensuring that ratepayer dollars are used as wisely as possible.

As Minister for Transport, Infrastructure and Local Government, I have a responsibility to ensure that this legislation offers councils the support they need, provides appropriate oversight and gives each community certainty that their council is making good decisions, understands local needs and is operating efficiently and sustainably.

This discussion paper proposes reforms to local government legislation that aims to achieve this. Some of the key reforms proposed include a new conduct management framework for council members, an expanded role for council audit committees to provide expert, independent advice to councils on a range of critical financial and governance matters, and improvements to regulation to reduce councils' costs.

I am grateful to the people who provided their ideas for reform in the first stage of the Local Government Reform program. I was impressed by the range and number of considered ideas that were submitted. Likewise, I am keen to hear as many views as possible on the reforms contained in this discussion paper. Which do you think will work? Are there other ideas for reform that should be considered?

I look forward to receiving all submissions on this discussion paper, and to work together to ensure we have local government legislation that will set the future direction for councils in our State.

**HON STEPHAN KNOLL MP**

*Minister for Transport, Infrastructure and Local Government*

*Minister for Planning*





# REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA DISCUSSION PAPER

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# WHY IS LOCAL GOVERNMENT REFORM NEEDED?

The *Local Government Act 1999* (the Act) was put in place following significant council amalgamations in the late 1990s that created our current 68 councils. In 1999, the Act recognised that councils are government bodies elected by their communities to make decisions about the services that need to be delivered for their local area.

This means that councils have serious responsibilities. The services they provide—roads, footpaths, ovals, parks, sporting grounds, waste management, libraries, community centres and community support services to name just a few—are what makes our local communities work.

The State Government also has a responsibility to ensure that the legislative framework around councils enables them to act, make decisions, and provide services in the way in which their communities expect. It ‘sets the rules’ for how councils are elected; what their roles and responsibilities are; how they can raise revenue; how they make decisions; and how they inform and engage their communities.

The four reform areas put forward by the Government recognise that there are areas in this legislative framework that currently aren’t working as well as they should, and need to be reviewed.

These areas are—

## REFORM AREA 1



**STRONGER COUNCIL MEMBER  
CAPACITY AND BETTER CONDUCT**

## REFORM AREA 2



**LOWER COSTS AND ENHANCED  
FINANCIAL ACCOUNTABILITY**

## REFORM AREA 3



**EFFICIENT AND TRANSPARENT  
LOCAL GOVERNMENT  
REPRESENTATION**

## REFORM AREA 4



**SIMPLER REGULATION**

## REFORM AREA 1

# STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT



Communities have high expectations of how their council members should behave. They are leaders in their communities, who speak and make decisions on their behalf. There are more than 700 council members in South Australia, and most meet this expectation admirably. They step forward to serve on their council, and commit considerable time and energy to make their local community a better place to live.

However, from time to time, some council members conduct themselves in a way that is not acceptable.

This can be poor behaviour, such as rudeness or a lack of respect to fellow council members or community members. It may be poor behaviour in a council meeting, through an unwillingness to engage in the respectful debate that's needed to ensure good decisions. Or it may be conduct that calls the integrity of their decisions into question, such as not managing a conflict of interest properly, or accepting gifts and other benefits that may improperly influence what they do.

Whatever the issue is, council members and their communities expect that it should be dealt with in the right way. This means that it is investigated at the right level; that sanctions are applied that fit the behaviour, and that council members who choose to repeat poor conduct receive escalating penalties.

There is a strong view that the current system for managing the conduct of council members is not delivering on these expectations. Feedback has been that councils have a desire to be better equipped to manage low-level behavioural issues on a local level, but also want a clearer pathway to resolving more serious conduct matters. Proposed reforms will create a better framework for managing and improving council member conduct and capacity. The Act will make a clear distinction between lower-level 'behavioural' matters that can be dealt with at a council level, and more serious 'integrity' matters that should be investigated and dealt with by an independent body.

The new framework will also recognise that while most behavioural matters are low-level, occasionally poor behaviour can be serious enough, or can be repeated to an extent that it causes a risk to the health and safety of others, or prevents an elected member body from acting effectively. Councils should be able to refer these 'serious behavioural matters' to an independent body for investigation and resolution as integrity breaches.

One question that this discussion paper poses is which model should be put in place to deliver this new framework. Three alternatives are proposed—a 'light touch' model that clarifies the current legislative provisions; a model that uses a new council 'governance committee' to support councils' conduct management; and a significant change through the introduction of a 'Local Government Conduct Commissioner'.



## REFORM AREA 2

# LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY

It is fair to say that of all the decisions a council makes, the one that receives the most attention is setting the rates that are paid by its community. This decision is what enables councils to provide the services that we rely on—roads, waste management, libraries, and all the other council services and facilities that our communities use. It also enables councils to manage the very significant assets that underpin these services—over \$23 billion worth across the State.

Most people realise this and are prepared to contribute their fair share to these services. However, ratepayers must have confidence that their money is being raised fairly and spent sensibly. This means that their council is managing its finances responsibly, with the right level of oversight and assurance; that it makes every effort to keep costs low; and that it also provides clear and easily understood information about these critical decisions. The Act establishes clear standards of financial management and accountability, which have been reviewed and improved a number of times over the past decade.

However, given the critical importance of councils' financial position, the need for all councils to make well informed and effective decisions on revenue and expenditure, and a continuing need for independent oversight that assures both councils and their communities that councils are well managed and sustainable; another review of these standards is timely.

The discussion paper proposes several reforms to improve council auditing and oversight, to improve decision making by council member bodies and to improve the information that councils provide each year to their communities on their rating decisions.

Feedback on all proposals is welcome. However, it should also be noted that the State Government has charged the SA Productivity Commission (SAPC) to undertake an inquiry into cost pressures and efficiencies in the local government sector. It is likely that any recommendations the SAPC makes in its final report in November 2019 will have a significant impact on reforms in this area.

## REFORM AREA 3

# EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION



It is the election of our councils that makes them a government.

Like State and Federal Government elections, Local Government elections give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us. Many aspects of these elections are the same. They are run by an independent body, which for councils and the State Government is the Electoral Commission of South Australia (ECSA). They are based on a fundamental principle of ‘one vote, one value’—that is, that each vote held by each voter is equal.

However, there are also unique features of council elections in South Australia. Most notably, voting for councils is voluntary, and done by a postal vote. The franchise is different—property owners, as well as residents, can vote. The method of voting and counting is also different in council elections. Other differences are in the role of formal political parties, which is much less apparent in council elections; and how voters learn about the candidates that are standing for election.

In the call for reform ideas, council elections attracted the most submissions and comments. Many contributors asked for the introduction of online voting, to make voting more convenient and to improve the numbers of people choosing to vote. There is general agreement that online voting is desirable, however, a range of technological challenges must be overcome before its introduction to ensure the security of our elections. This is why this discussion paper does not propose this reform.

Other calls for improvement to local government elections centred on clarifying the roles of ECSA and councils in elections; particularly for people who wish to nominate for council, and then become candidates. There was also a widespread view that candidates should be required to provide more information that would be of interest to people considering whether to vote for them—any political affiliations the candidate may have; whether they live in the area for which they are standing; and any significant donations they may have received.

The reforms in the discussion paper therefore propose a greater role for ECSA in receiving nominations and publishing information on candidates—all online, to provide a more convenient, centralised service for both candidates and voters. The reforms also propose greater information disclosure by candidates in an easily accessible form.





## REFORM AREA 4

# SIMPLER REGULATION

Councils are required to act within a range of regulations that are put in place to deliver or protect the public interest. For example, they are required to undertake a specific, regulated process before they decide to revoke the community land status of some of their land. This regulation is in place to ensure that councils fully consider all aspects of this decision, to provide assurance that this decision is made in their community's best interest.

However, it also must be recognised that regulations can be costly—in time and resources. This is why regulation is often referred to as 'red tape'—or perceived only as a barrier to timely and effective actions. There's no question that regulation should be regularly examined to ensure that it delivers on the public good it aims to protect. Every dollar that a council spends on compliance is a dollar that must be raised by rates or not spent on a local service. It's therefore essential that regulations are regularly reviewed to ensure that the cost of compliance is justified by the benefits they deliver.

The many ideas for local government reform received suggested a number of areas where regulation can be simplified. This paper therefore proposes reforms to a range of current regulations. These include a more modern approach to community engagement; a faster process for simple community land revocation proposals; clarifying councils' ability to hold workshops and information sessions for its council members; reducing regulations that apply to permits for use of council roads; and improving aspects of council meetings.



## HOW TO MAKE A SUBMISSION

This discussion paper puts forward a range of proposals for local government reform.

In some instances, these include a number of potential models for discussion and debate. In other cases, a single proposal is put forward for comment.

We are seeking your views on the proposed reforms. Which do you think would best address the issues that have been identified? Are there changes that you would make to the proposals? And are there any new ideas and alternative proposals that you think we should consider?



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## REFORM AREA 1



**STRONGER COUNCIL  
MEMBER CAPACITY  
AND BETTER CONDUCT**



## 1 INTRODUCTION

Under the *Local Government Act 1999* (the Act), a council is a body corporate and consists of members elected to the council. A council's elected member body is made up of a principal member who is known as either a 'Mayor' (elected to the position) or a 'Chairperson' (appointed by the other elected members, although may also be referred to as a 'Mayor') and several council members often referred to as 'Councillors'

The reforms proposed in this discussion paper aim to improve the legislative framework to support and promote better conduct and stronger capacity of council members, while recognising the status of council members as democratically elected representatives, who are primarily accountable to their communities and will ultimately be judged at local government elections.

## 2 COUNCIL MEMBER CONDUCT

### BACKGROUND

### 2.1

Council members are elected to council to make decisions for, and to act in the best interests of, their community. Being a council member is a position of trust bestowed on them by their local communities.

Because local governments today have many complex responsibilities and a great deal of discretion, their communities understandably have high expectations of standards of behaviour, integrity and performance. As representatives and leaders of their communities, council members are generally expected to act ethically, diligently, respectfully, honestly and with integrity.

Generally, the South Australian community is well served by those who serve as council members in local government, who overwhelmingly conduct themselves in accordance with the high standards expected of them. However, from time to time, inappropriate or improper conduct by council members can lead to council dysfunction, impairment of local government integrity and performance, and a reduction in community trust and confidence.

State legislation plays an important role in council member conduct. It can set the standards of behaviour, and provide arrangements for dealing with breaches across all areas of conduct.

This is a spectrum of behaviour that ranges from lower-level behavioural matters, such as how council members relate to others, to more serious matters that may affect the integrity of council members' decisions, such as poor

management of conflicts of interest, or the inappropriate acceptance of gifts and benefits. At the highest, or most serious, end of this spectrum is criminal conduct and corruption<sup>1</sup>.

The various pieces of legislation that make up the council member conduct framework are intended to operate as an escalating system that addresses the varying levels of seriousness of poor behaviour with increasing levels of sanctions and penalties.

The chief parts of the current council member conduct management framework are set out below.

## THE CODE OF CONDUCT FOR COUNCIL MEMBERS

### 2.1.1

The Act requires council members to observe a Code of Conduct that is set in regulation. When people think about the ‘rules’ that apply to the conduct of council members, this Code of Conduct is often what comes to mind. The Code of Conduct has several functions. One is to establish the standards of behaviour and integrity that council members should adhere to. Reflecting the spectrum of conduct, the Code has three core ‘levels’ of standards.

The first of these is a statement of high-level principles of behaviour that council members are expected to demonstrate, such as a commitment to serving the best interests of the community, to discharging duties conscientiously, to work together constructively and to uphold the values of honesty, integrity, accountability and transparency.

The second is to set out the specific behaviours that council members should adhere to, in Part 2 of the Code—the ‘Behavioural Code’. These range from more general statements about behavioural standards (such as ‘act in a way that generates community trust and confidence in the Council’), to more detailed instructions on particular behaviours (such as ‘ensure that personal comments to the media or other public comments on Council decisions and other matters, clearly indicate that it is a private view and not that of Council’).

The third level is contained within Part 3 of the Code, ‘Misconduct’. This section contains matters that, if breached, could affect the integrity of council decisions, such as the poor management of conflict of interest, or the inappropriate acceptance of gifts and benefits. Many of these matters are also contained within the Act.

An appendix to the Code outlines the most serious conduct matters—those that could be criminal conduct or corruption.

Along with ‘setting the standards’, the Code also establishes the process by which alleged breaches of these standards are investigated. The high-level principles are not intended to be enforceable, as these express the broader expectations of council members. The Code is clear that breaches of ‘behavioural matters’ in Part 2 should be dealt with at a council level, but allows each council to determine a process to do so that best fits their own needs.

<sup>1</sup>**NOTE:** This paper does not consider ‘corruption’ or ‘serious and systemic misconduct or maladministration’, which is within the jurisdiction of the Independent Commissioner Against Corruption (ICAC) and the Office of Public Integrity (OPI). Any reasonable suspicion of corruption, misconduct or maladministration in public administration should be reported to OPI—which is responsible to ICAC—in the first instance. It is noted that misconduct and maladministration complaints or reports may be referred by the ICAC to the Ombudsman for investigation.



Alleged breaches of Part 3, 'Misconduct', are referred to the Ombudsman, as integrity matters should be investigated by an independent statutory body. The Code of Conduct also allows for repeated breaches of the 'Behavioural Code', or non-co-operation with a council investigation or finding under the Behavioural Code, to be elevated to the Ombudsman.

Any suspected breaches of the most serious criminal matters should, of course, be referred to the Independent Commissioner Against Corruption (ICAC).

Finally, the Code of Conduct and Act set the penalties or sanctions that can apply when it has been breached. Again, these are designed to escalate in accordance with the seriousness of the breach.

#### IF A COUNCIL FINDS THAT A MEMBER HAS BREACHED PART 2 (THE BEHAVIOURAL CODE) IT MAY—



Pass a censure motion in respect of the council member.



Request a public apology, whether written or verbal.



Request the council member to attend training on the specific topic found to have been breached.



Resolve to remove or suspend the council member from a position within the council (not including the member's elected position on council).



Request the member to repay monies to the council.

#### IF THE OMBUDSMAN HAS INVESTIGATED A MEMBER, HE MAY MAKE THE FOLLOWING RECOMMENDATIONS TO THE COUNCIL TO—



Reprimand the member (including by means of a public statement).



Require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps.



Require the member to reimburse the council a specified amount.



Ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal (SACAT).

If a council member fails to comply with a requirement made by a council on the Ombudsman's recommendation, then the council must lodge a complaint against the member with the South Australian Civil and Administrative Tribunal (SACAT). This could result in stronger sanctions for the member, including their suspension or disqualification from office.

## OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT

### 2.1.2

Along with establishing the Code of Conduct, the Act includes a number of specific conduct requirements that apply to council members.

In summary, these requirements are—



To act honestly, and with reasonable care and diligence in the performance of official duties;



Not to disclose information that is confidential;



To declare all financial and non-financial interests in the 'Register of Interests';



To properly manage any conflict of interest.



Not to make improper use of their position, or of information they have gained through this position, for their own advantage or to cause detriment to the council;

## OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT

### 2.1.3

Other pieces of legislation that form part of the council member conduct framework include the *Independent Commissioner Against Corruption Act 2012* and the *Ombudsman Act 1972* (which provide for the powers and functions of the integrity agencies in South Australia) and the *Criminal Law Consolidation Act 1935* (which covers serious criminal offences by 'public officers').

## ISSUES

### 2.2

There is general agreement from the local government sector and the community more widely that the current conduct management system is not working as effectively as it should.

One key issue identified is that the use of the Code of Conduct, particularly the 'Behavioural Code', results in an overly formal process that exacerbates conflicts between elected members, and creates a long, difficult and costly process for councils to resolve behavioural matters.

Before the current Code of Conduct was introduced, each council had its own code of conduct for council members that it was required to review within 12 months after each general election. The intent of the uniform, regulated Code of Conduct was to provide consistent standards of behaviour across all councils. However, feedback has been that formally regulating detailed behavioural matters can result in an excessively combative or legalistic approach to these matters.

Both the ICAC and the Ombudsman have raised public concerns about the number of Code of Conduct complaints they receive from council members against each other, particularly when the complaints stem from disagreements or personality clashes between the members.

Recent statistics from the Ombudsman indicate that almost half of the Code of Conduct complaints he receives are from an elected member against another elected member. Both the ICAC and the Ombudsman have been publicly encouraging council members to stop lodging 'trivial' or 'petty' complaints, which are a waste of public money and resources. The Ombudsman has stated that much of his time has been taken up by internal council complaints that have proved to be costly and time-consuming.

Additionally, continual trivial or petty complaints can be very destructive at a council level. It is very difficult for a council to operate effectively if its members are unable to overcome personal differences and are continually lodging Code of Conduct complaints against each other.

These concerns have also been raised by councils, who have noted a lack of deterrence for 'trivial, frivolous and vexatious' complaints. Councils do not feel that they have the right tools to deal with minor behavioural matters quickly, fairly, and effectively.

Another key area of concern is how serious behavioural issues can be dealt with—behaviour that may cause a risk to another person's health and safety. While the current Code of Conduct recognises bullying and harassment, and provides for a mechanism for repeated behavioural breaches to be escalated from council level to the Ombudsman, there is a strong view that this mechanism is not effective; and that the sanctions available to deal with these matters are not adequate.

It is also essential to ensure that the health and safety of council staff and members is properly protected. There may therefore be a need to enable a position (such as a principal member or CEO), or a body (such as a council governance committee) to give immediate, limited directions to council members in circumstances where this health and safety is at risk.

Other concerns have been raised about the overlap and duplication between the Code of Conduct and conduct matters within the Act. These include duplication of expectations of behaviour in the Code of Conduct and in the section of the Act that sets out the 'General Duties' of members, conflict of interest matters, and the management of confidential information.

While the Code of Conduct was intended to create a 'one-stop shop' that described all conduct matters, and therefore included matters also in the Act, the conclusion is that this approach causes confusion and uncertainty as to the appropriate body to investigate alleged breaches.

Councils have also argued that the conflict of interest provisions in the Act, which were introduced in 2016 are considered 'complex' and 'confusing', making it difficult for council members to adhere to the rules.

## PROPOSALS FOR REFORM

## 2.3

It was clear from the response received through the call for reform ideas that the community generally considers that there should be rules of behaviour or conduct that council members should abide by.

It was also clear that there is support for a review of the current system to create a 'clearer', 'simpler', 'stronger', 'well-defined' conduct management framework. Ideas received on how this could be achieved, however, were diverse.

Ideas about how disagreements between council members should be managed ranged from dealing with them 'in-house' within the council to having an external, independent body to manage all complaints.

Other suggestions were that it is the responsibility of the Mayor and/or the elected member body and/or CEO (i.e. the 'leadership' roles) to manage disputes and find appropriate resolutions. A number of submissions advocated for a mechanism to resolve behavioural issues without having to resort to external complaints management bodies.

Many councils endorsed the approach put forward by the Local Government Association (LGA), which stated that "It is important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations."

Following on from this, one of the LGA's proposals is for an "increase in devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate". The LGA submission also seeks a broadening of the range of penalties so that effective action can be taken commensurate with the circumstance of each case, and clearer classifications of 'misconduct', along with definitions for 'bullying and harassment' and 'sexual harassment'.

The Local Government Reform process provides an opportunity to review the conduct framework to provide clearer roles and responsibilities and a broader (and proportionate) range of tools and sanctions for managing different categories of elected council member conduct.

Noting the complexity of this issue, there are three conduct management framework models proposed in this paper. All of these models, however, contain a number of 'common features' that, like the current system, reflect the spectrum of member conduct.

## COMMON FEATURES PROPOSED

## 2.3.1

## A CLEAR 'HIERARCHY' OF CONDUCT

A new conduct management framework will establish a much clearer hierarchy of conduct that clearly separates 'behavioural matters' from 'integrity matters'. This will create clearer responsibilities and pathways and enable council members and members of the community to understand which body is responsible for managing aspects of council member conduct.

The Local Government legislation will continue to be the primary documents that establish the standards of behaviour and of conduct that affects integrity for council members. It is proposed that detailed behavioural matters are removed from a 'Code of Conduct' in favour of setting appropriate standards of behaviour in the legislation.

Councils will be empowered to determine —if they choose to do so and consider it helpful—more detailed examples of these behaviours (in a policy adopted by the council), which supports and is consistent with the standards in the legislation.

The legislation will also clarify which conduct matters are 'integrity matters'. These may include—



A requirement to act honestly in the performance of official functions and duties.



Release and disclosure of confidential information.



Misuse of information to gain benefit or cause detriment.



Misuse of position to gain benefit or cause detriment.



Register of interests.



Conflicts of interest.



Directing or influencing council staff.



Gifts and benefits.



Only using official council communication methods (e.g. e-mails) for official council functions and duties.



Breaching any communication (or other) protocol set up by the council or CEO for staff or council members to address risks to health and safety allegedly caused by a council member.



Misuse of meeting management powers by the presiding member.



## COUNCILS WILL CONTINUE TO BE RESPONSIBLE FOR 'BEHAVIOURAL MATTERS'

Councils will continue to be responsible for managing council member behaviour, as they currently are under the Code of Conduct.

The current Code of Conduct enables councils to decide for themselves the most suitable mechanism for dealing with behavioural matters by elected members. Complaints may be investigated and resolved in any manner that a council deems appropriate in its process for handling alleged breaches of the Behavioural Code. This can include, but is not limited to: a mediator or conciliator; the Local Government Governance Panel; a regional governance panel; or an independent investigator. A complaint within this process may be considered trivial, vexatious or frivolous and accordingly not investigated.

It is proposed that councils will continue to be required to have a process for handling complaints and an internal resolution process, but will also continue to have the autonomy to decide on the resolution mechanisms that are most suitable to that council.

Councils will also continue to be able to apply the sanctions for breaches of 'behavioural matters' that are contained within the current Code of Conduct, however, it is proposed that this be strengthened to enable councils to direct or require (rather than 'request') the actions.

It is also proposed that the principal member have enhanced powers to deal with disruptive behaviours at meetings.

## AN ESCALATION PROCESS FOR 'SERIOUS BEHAVIOURAL MATTERS'

It is recognised that certain behaviours or circumstances can require escalation to an independent body for investigation or intervention if they are serious enough to be considered as an integrity breach.

The current Code of Conduct recognises this and provides for certain matters to be referred from a council to the Ombudsman for investigation. These matters include—

1. Failure of a council member to cooperate with the council's process for handling alleged breaches.
2. Failure of a council member to comply with a finding of an investigation adopted by the council.
3. Repeated or sustained breaches of the Behavioural Code (Part 2) by the same council member may be referred, by resolution of the council.

These referral mechanisms, however, have rarely been utilised by councils. Feedback has been that it can be difficult to escalate issues about a council member's behaviour where there are factions within the council, or where divided views amongst council members on the conduct in question mean that they are unable to agree to refer the matter to the Ombudsman.

It is proposed that a better process is put in place to escalate serious behavioural matters from a council to an independent body for investigation, where there is a view that these matters are an integrity breach.

The matters which could be considered for escalation to an independent body could include—

1. Repeated and unreasonable behaviour by a council member that creates a risk to health and safety, such as bullying or harassment. This may specifically include 'sexual harassment'.
2. Behaviour that is not repeated, but still creates a risk to health and safety.
3. Behaviour that is repeated and does not create a risk to health and safety, but is serious 'unreasonable' behaviour. This could be circumstances where, despite a council's reasonable, multiple efforts to address behaviour, a council member continues to be unreasonable and unmanageable, necessitating an external 'circuit breaker' to resolve the matter.

It is likely that the independent body receiving complaints about these matters would expect that the relevant council would have taken reasonable actions to address the behavior at a council level, before escalating, where possible. It is also proposed that complaints of this nature would be escalated only following a decision of the council, or by a council's governance committee.

It should be noted that any person affected by behaviour that poses risks to their safety can seek intervention orders (including an interim order) under the *Intervention Orders (Prevention of Abuse) Act 2009 (SA)* for their protection. It is proposed that a council member subject to an intervention or interim intervention order relating to a council member or staff could be suspended from office for the duration of this order to properly protect members and staff.

## ENSURING THAT 'INTEGRITY MATTERS' ARE DEALT WITH BY AN INDEPENDENT BODY

A new conduct management framework will clarify that breaches of integrity matters should be dealt with by an independent body that has appropriate sanctions available to them.

This body could be the Ombudsman, or the 'Conduct Commissioner' (as discussed in the proposed models). It is also proposed that this body could apply an expanded range of sanctions that would include: the ability to suspend a member; suspend a member's allowance; or to require reimbursement to the council of costs involved in an investigation of a matter.

A number of ideas received requested a greater ability to dismiss council members, and/or prevent them from standing at future elections.

This ability is currently only held by the South Australian Civil and Administrative Tribunal (SACAT). It is appropriate that the ability to disqualify a democratically elected council member from office should be reserved for only the most serious categories of conduct, and can only be applied by a tribunal or court.

It is, however, essential that serious matters can be brought before SACAT when necessary. Accordingly, the new conduct management framework will retain the ability of the independent body investigating integrity breaches to require that complaints to SACAT be made when appropriate.

## IMPROVED CONFLICT OF INTEREST PROVISIONS

The conflict of interest provisions in the Act will be reviewed, to—



Simplify the current system by reducing the current three 'categories' of conflict (material actual and perceived) to two—'material conflict of interest' and 'non-material conflicts of interest'



Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter. This will include a review of the 'ordinary business matters'.



Clarify the application of conflict of interest rules to council committees and subsidiaries to remove the current complex regulations that deal with this matter.

## OPTIONS OF PROPOSED MODELS FOR COUNCIL MEMBER CONDUCT FRAMEWORK

2.3.2

The three models of the conduct management framework that are proposed are detailed below. It is proposed that all of these models would include the common features described above. Additionally, the models are not mutually exclusive. Elements of any of the three could be incorporated into any final model.

### MODEL 1 - CLARIFICATION OF CURRENT LEGISLATION

This proposed model would have the common features described above but would require a council resolution to refer 'bullying and harassment' complaints to the Ombudsman. That is, the council as a body has to be satisfied that the definition or threshold for 'bullying and harassment' has been met.

This model would also require the council to report on conduct matters in the annual report.

## MODEL 2 - UTILISATION OF GOVERNANCE COMMITTEES

This proposed model utilises a council 'governance committee' (with requisite skillsets) to have a role in relation to council member conduct. The concept of a 'governance committee' is explored in Reform Area 2. In summary, it would be an independent body that is empowered to advise the council on a range of governance issues.

This model would—



Require governance committees to assess complaints of alleged 'bullying and harassment' by council members, and, if determined that alleged behaviour meets the definition/threshold, to lodge the complaint with the Ombudsman.



Enable (but not require) councils to use governance committees to consider behavioural matters.



Require governance committees to report on conduct matters in the annual report.

## MODEL 3 - ESTABLISH A LOCAL GOVERNMENT CONDUCT COMMISSIONER

This model would create an additional integrity body with a specific responsibility to oversee all aspects of council member conduct. This body would—



Have a specific role in the prevention of improper conduct through providing training, advice and practice guidelines to council members.



Be able to consider and investigate alleged breaches of behavioural standards at the request of the relevant council.



Have responsibility for considering and investigating bullying and harassment allegations, if the council/governance committee agrees to the referral of this complaint to them.



Have responsibility for the investigation of all alleged breaches of integrity matters (rather than the Ombudsman).



Have appropriate disciplinary or sanction powers except for the powers that will remain with SACAT (e.g. disqualification powers).



At council request, may undertake a range of services on a cost-recovery model including specific training, counselling, mediation and conciliation.

It is expected that this model would be funded by the local government sector, including cost recovery fees for specific services.

While the detail of the operation of a 'Local Government Conduct Commissioner' would be developed in accordance with its potential functions, it is expected that it would—



Require the appointment of a suitably qualified and experienced person as the Commissioner, noting that this role would have similar responsibilities to those currently held by the Ombudsman to investigate members and apply sanctions. This is likely to be a full time, or near full-time position.



Require a core administrative unit to be established to support the Commissioner, and to undertake investigations.



Enable the Commissioner to appoint training facilitators, mediators, and additional investigators as required.

This model would enable the Ombudsman to focus on the administrative acts of councils (not including conduct) as is the case with most other Australian jurisdictions.

### 3

## COUNCIL MEMBER CAPACITY

### ROLES WITHIN LOCAL GOVERNMENT - OVERVIEW

A brief overview of the roles of the various components that make up local government is set out below—

#### THE COUNCIL

A group of members (led by a mayor or chairperson) elected by the community and is the governing body of a local government. Councils are responsible for the governance of their local government's affairs and functions. This includes oversight of the planning and allocation of finances and resources and the determination of local government policies.



## CHIEF EXECUTIVE OFFICER (CEO)

Employed by the council to head the administration and manage the day-to-day operations, or executive functions, of the local government and to implement lawful council policies and decisions.

## COUNCIL STAFF

Employed by the CEO to perform the functions of the local government.

## 3.1 ROLE OF COUNCIL MEMBERS

### BACKGROUND

### 3.1.1

Council members are elected to represent the interests of their community through participation in important local decisions and are expected to act with the highest standards of integrity.

To effectively perform this role, council members are also expected to work together constructively and deal with disagreements, conflicts or personality differences in a professional manner, for the best interests of their community. They must also make every effort to ensure that their skills and knowledge enable them to perform their roles, and are continually improved.

The Act recognises the role of council members, and provides some specific details on expectations, that this role is—

## AS A MEMBER OF THE GOVERNING BODY OF THE COUNCIL—



Participate in the deliberations and civic activities of the council.



Keep the council's objectives and policies under review to ensure that they are appropriate and effective.



Keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.



Ensure, as far as is practicable, that the principles set out in section 8 of the Act are observed.

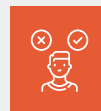
## AS A PERSON ELECTED TO THE COUNCIL—



Represent the interests of residents and ratepayers.



Provide community leadership and guidance.



Facilitate communication between the community and the council.

## ISSUES

### 3.1.2

While the role of a council member details the tasks and responsibilities of a council member's functions and duties, the Act is currently silent on expectations of a council member's behaviour, and on their obligations to promote a good working relationship amongst their council.

Feedback was also received that the importance of mandatory training for council members is not well recognised within the Act. Some concern has been raised within the local government sector that there is a perception in the community, however, that training or ongoing training and development of council members is a waste of public resources

## PROPOSALS FOR REFORM

### 3.1.3

There is an opportunity to strengthen council members' capacity and improve their conduct through better description of their role in the Act.

It is proposed to further clarify the role of council members, in particular, to recognise their responsibility both individually and collectively to ensure (as far as reasonably practicable) good working relationships within the council, and to support the effectiveness of a new conduct management framework.

It is also proposed to clarify that the role of a council member recognise their obligation to complete mandatory training requirements within the required timeframes and have a commitment to the continuous development of knowledge and skills.

The role of a council member in the Act will be clarified to include—



Ensure (as far as is practicable) constructive working relationships within the council including with other council members, the principal member and council employees.



Ensure completion of mandatory training within the specified timeframes and to have a commitment to ongoing training and development of skills relevant to the role of a council member and the roles and functions of the council body.



Act with integrity.



Recognise and support the role of the principal member as specified in the Act.

To better recognise the importance of council member training, it is also proposed to clarify its mandatory nature in the Act, and to revise the presentation of the mandatory training scheme in the regulations (see below for further discussion).

## 3.2

## THE ROLE OF THE PRINCIPAL MEMBER

### BACKGROUND

#### 3.2.1

The Act also defines the specific role of the principal member of a council (that is, the Mayor or Chairperson), which is in addition to their role as a council member.

These additional duties and responsibilities are to preside at (chair) council meetings, to perform certain civic and ceremonial duties, to act as the principal spokesperson for the council, and to provide advice to the CEO on the implementation of a decision of a council.

### ISSUES

#### 3.2.2

While the role of the principal member as described in the current Act recognises the particular responsibilities of a principal member, it does not sufficiently reflect expectations that Mayors and Chairpersons are a leader of their elected body; and should demonstrate and lead the standards of behaviour and decision making that are critical to the effectiveness and reputation of their council.

Good governance relies on constructive working relations between council members. The principal member, as the leader of the council, is expected to promote and foster positive relationships and to support members in resolving disagreements or conflicts that arise. Promoting and leading good relations between council members before contentious issues arise increases the likelihood that these issues can be dealt with robustly but without becoming divisive in a way that damages the reputation of the council.

It is also recognised that, in addition to these expectations, principal members have limited tools available to them to support behavioural standards and working relationships between elected members. In particular, it has been identified that principal members need greater powers to manage poor behaviour in the context of council meetings.

Currently, under the *Local Government (Procedures at Meetings) Regulations 2013*, a council member can only be excluded (suspended) for part of or the remainder of a meeting by a council resolution. This is unworkable where there are factions within a council or where there are disagreements creating high tensions that result in inappropriate and impeding behaviour.

Finally, a number of concerns have also been voiced about the working relationship between principal members and councils' chief executive officers. For a council to be effective, these two leaders must work together in a complementary way, providing mutual support and ensuring productive interaction between the elected council and its administration.

## PROPOSALS FOR REFORM

### 3.2.3

It is proposed that the Act should clearly state expectations of the role of the principal member as a leader of the council. These could include—



Presiding at meetings of the council and exercising the powers as prescribed under the regulations.



Providing guidance to council members about what is expected of a council member.



Supporting council members' understanding of the separation of responsibilities between the elected and administrative arms of the council.



Promoting and supporting good, constructive working relationships and high standards of behaviour and integrity in the council.



Where necessary, taking a leadership role in resolving differences in the elected member body.

It is also proposed that the presiding member of the council meeting (which is usually the principal member) be given enhanced powers to manage disruptive behaviour by council members in a council meeting, through a power to exclude council members for part of or for the remainder of council meetings.

Any misuse of this power would be considered as an integrity breach, within the new conduct framework.

Mayors cannot vote on most council motions as they are currently restricted to a casting vote only when members' votes are tied. Feedback from Mayors is that this limitation does not reflect community expectations of their leadership role within a council. Therefore, it is proposed to give directly elected Mayors a deliberative vote in council meetings while retaining their ability to make a casting vote.

## 3.3

## MANDATORY TRAINING REQUIREMENTS

### BACKGROUND

## 3.3.1

Currently, the imposition of mandatory training for council members is through the requirement in section 80A of the Act and Regulation 8AA of the *Local Government (General) Regulations 2013* that councils must prepare and adopt a training and development policy for its members that complies with the *LGA training standards* approved by the Minister. The *LGA training standards* require mandatory training.

### ISSUES

## 3.3.2

There is a significant amount of support from the community for mandatory training requirements for council members.

However, the LGA, with support from the local government sector, has raised an issue regarding how the mandatory training for council members is currently imposed through the training standards. A number of submissions proposed that there could be more clarity in the legislation on the training that is required, and on the consequences for members that choose not to comply with the mandatory training requirements.

Ideas have been received to change the requirements to a competency-based assessment (rather than attendance-based) and consideration of online training capabilities. Many suggestions were also received in regard to the topics that should be covered in mandatory training.

### PROPOSALS FOR REFORM

## 3.3.3

It is proposed to amend the Act to replace the requirement for councils to have a training and development policy with a mandatory training scheme established in regulations.

It is also proposed that the requirement for mandatory training for council members to be completed (within a specified timeframe) be prescribed in the legislation and that there be a consequence for non-compliance. Specific sanctions may apply for a failure to comply with these mandatory training requirements, or this failure could be considered as a breach of an 'integrity matter'.



The details of minimum training requirements and standards will be considered as part of the development of a regulation package in a later stage of the reform process.

## 4 THE ROLES AND RELATIONSHIPS BETWEEN THE COUNCIL ELECTED MEMBER BODY AND THE CEO

### BACKGROUND

4.1

The effectiveness of a local government is largely dependent on the relationship that a council (and its individual elected members) has with its administration, primarily the chief executive officer (CEO). The role of the CEO is outlined in the Act—in summary, CEOs must implement council policies and lawful decisions, be responsible for the day-to-day management of the council, and provide good advice and information to the council.

CEOs answer to their council—and it is, therefore, the council's responsibility to properly manage them. However, while the Act includes requirements for appointing (employing) a CEO, and sets some procedures for appointment and grounds for termination, the Act does not have any specific requirements about performance reviews or management.

### ISSUES

4.2

Feedback received raised concerns about a perceived imbalance of power in local government in South Australia. There is a view that the council as a governing body and the individual elected members are overly reliant on the administration, particularly the CEO, in their decision making.

Concerns have also been raised that council CEOs have a disproportionate advantage in negotiating their own contractual conditions and that there is insufficient oversight of their performance. Conversely, other feedback argued that CEOs can be vulnerable to poor assessments of their performance, and poor decisions regarding their future employment. The role of a CEO in a council is of critical importance, and therefore, so is their performance. However, council members do not always have the expertise to set performance standards, contractual conditions and appropriate remuneration, or to conduct effective and timely performance monitoring and management.

Further, the review of a CEO's performance can be particularly difficult when relationships between the council and its CEO are not professional—both hostile and overly friendly relationships between a council and its CEO can be equally problematic.

## PROPOSALS FOR REFORM

### 4.3

A number of ideas were received on the performance of the CEO, and the role and relationships between the CEO and the council. These ideas included revising the process by which CEOs' positions are advertised, appointed, renewed and released.

It is proposed that councils be required to involve independent advice in a CEO appointment process. This could be a requirement to receive independent advice or to include independent members on the CEO selection panel that makes recommendations to the council on the appointment and employment of a CEO, including employment conditions. An additional proposal could be to give the responsibility for determining appropriate CEO remuneration to the Remuneration Tribunal of South Australia (which currently sets council members' allowances).

It is also proposed that councils be required to conduct annual performance reviews of their CEO. These could include independent membership (noting that it is common for councils currently to use CEO performance committees), which may be linked to the council's governance committee, if this reform is implemented, or separate independence advice.

Finally, it is proposed that a CEO's contract cannot be extended without the council completing a performance review; and that the CEO's contract cannot be terminated without the council gaining specialist industrial/employment contract advice.

## REFORM AREA 1

### STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT SUMMARY OF REFORM PROPOSALS

#### COUNCIL MEMBER CONDUCT

- 1.1** Clearly separate behavioural matters from integrity matters in the legislation.
  - 1.2** Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.
  - 1.3** Continue to give councils flexibility to deal with behavioural matters.
  - 1.4** Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.
  - 1.5** Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).
  - 1.6** Simplify the conflict of interest provisions by establishing 'material' and 'non-material' conflicts.
  - 1.7** Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.
  - 1.8** Clarify the application of conflict of interest rules to council committees and subsidiaries.
- Establish a new conduct management framework through—
- 1.9**
    - Model 1 - The clarification of current legislation
    - Model 2 - Using governance committees
    - Model 3 - Establishing a Local Government Conduct Commissioner.

## COUNCIL MEMBER CAPACITY

- 1.10** Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.
- 1.11** Clarify the role of council members to recognise their obligation to complete mandatory training.
- 1.12** Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.
- 1.13** Provide directly elected Mayors with a deliberative vote on motions before council.
- 1.14** Establish a mandatory training scheme within the regulations.
- 1.15** Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.
- 1.16** Require councils to receive independent advice on CEO selection and remuneration.
- 1.17** Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia
- 1.18** Require councils to conduct annual performance reviews of CEOs, with independent oversight.
- 1.19** Require annual performance reviews to be completed before the extension of a CEO contract.
- 1.20** Require councils to receive independent advice before terminating a CEO contract.

## REFORM AREA 2



**LOWER COSTS AND  
ENHANCED FINANCIAL  
ACCOUNTABILITY**





## 1

## INTRODUCTION

Councils in South Australia collectively manage an annual budget in excess of \$2.2 billion and are responsible for more than \$24 billion worth of infrastructure and other assets. To manage these responsibilities, councils can raise tax—council rates—and impose other fees and charges on their communities.

It is essential that councils, as public bodies, meet the right standards of accountability for public sector administration and management of public funds.

The reforms proposed in this paper aim to enhance financial accountability and improve efficiency within the local government sector by delivering greater confidence in council audits, improving council decision making, financial reporting, and making information about council financial performance more accessible.

Many submissions made through the call for ideas argued that a system of benchmarking or service reviews across local government would help councils and communities to better understand the costs of services, and how efficiencies may be achieved.

The South Australian Government has directed the South Australian Productivity Commission (the SAPC) to undertake an inquiry into local government costs and efficiency to identify options to improve efficiency and financial accountability and reduce costs for ratepayers.

The inquiry will involve state-wide consultation with councils, community groups and relevant professionals in the public, private and professional bodies as part of the public engagement process, before the release of a draft report in August 2019, and a final report on 22 November 2019. It is expected that this work will inform future directions on the potential use of benchmarking and other service review mechanisms across local government.

Further information on the SAPC's work is available at—

[www.sapc.sa.gov.au/inquiries/inquiries/local-government-inquiry/consultation](http://www.sapc.sa.gov.au/inquiries/inquiries/local-government-inquiry/consultation)



COUNCILS MANAGE AN ANNUAL BUDGET OF

**\$2.2 BILLION**

AND ARE RESPONSIBLE FOR

**\$24 BILLION**  
WORTH OF ASSETS



## 2

## FINANCIAL ACCOUNTABILITY

## BACKGROUND

## 2.1

The *Local Government Act 1999* (the Act) sets the standards for councils' administrative and financial accountability, largely in Chapter 8 of the Act. This framework reflects the broader local government policy that has been in place for South Australia for some time, that is, that councils have a responsibility to abide by the statutory framework, and are accountable to their communities for doing so, without detailed compliance oversight from the State Government.

However, the State does have a responsibility to ensure that the statutory framework sets appropriate standards. Significant legislative amendments have therefore been made over a number of years to improve the financial management and accountability of councils in South Australia.

In 2007, amendments to the Act improved the accountability of councils as well as strengthening their financial governance, asset management, rating practices and auditing arrangements.

These improvements included the requirement for councils to—



Prepare and adopt long-term financial plans.



Prepare and adopt infrastructure and asset management plans.



Establish audit committees.



Adopt several measures to strengthen the independence of external auditors.



Adopt a consistent and improved reporting format for annual financial statements.

Additional amendments in 2009 further improved the legislative framework for internal and external review of council administration and financial management, including changes to improve council external audits and strengthen internal controls.

These changes included—



New requirements for an auditor to audit a council's internal controls and provide an opinion on whether those internal controls provide a reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.



Expanding the matters that council auditors must report to the Minister.



Increased guidance about what council policies, procedures and practices must be designed to achieve in key areas such as prudential management and contracts and tendering.

In addition, amendments were made to the *Public Finance and Audit Act 1987* in 2013 to enable the Auditor-General to conduct an examination of a publicly funded body (which includes a council, a subsidiary of a council or a regional subsidiary) and the efficiency, economy and effectiveness of its activities.

The Auditor-General may also examine the accounts relating to a publicly-funded project and the efficiency and cost-effectiveness of the project. The Auditor-General must conduct an examination if requested to do so by the Treasurer or the Independent Commissioner Against Corruption.

## COUNCIL AUDITS

## 2.2

Auditing is the independent examination of the financial report of an organisation. Audits are critical to ensuring confidence in councils' financial position and operations, as they assess compliance with the standards set out in the Act and Regulations.

External audits in the South Australian local government sector have traditionally been focused on an independent assurance that a council's annual financial statements present a true and fair view of the financial position of the council and comply with prescribed requirements.

These audits now also examine and report on the adequacy of a council's internal controls, which are the measures put in place by councils to ensure that a council's resources, operations and risk exposures are effectively managed.

Auditors must undertake an audit on the controls put in place by a council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, and provide a report to the council as to whether these controls are sufficient to provide reasonable assurance that the financial transactions have been conducted properly and in accordance with law.

In forming such an opinion on a council's internal controls, the auditor must assess them according to the criteria in the LGA's *Better Practice Model – Internal Financial Controls*, which is a tool that assists a council to assess, mitigate against and reduce risks in its day-to-day operations.

Organisations commonly undertake an internal audit process to assess and report on internal controls, however, an internal audit function is not prescribed for councils in South Australia. Many councils do have an internal audit function of some kind in place to provide assurance to their audit committee that internal controls are in place and effective.

Along with a requirement to undertake an audit, the Local Government Act also provides some direction on how auditors should be appointed, and how audits should be undertaken.

All councils contract registered company auditors to audit their annual financial statements, applying the relevant Auditing Standards. Under the Act—



Councils are required to appoint an auditor who must either be a registered company auditor or a firm comprising at least one registered company auditor.



Auditors are appointed by councils on the recommendation of a council's audit committee.



The term of an appointment of an auditor must not exceed five years.

As described above, external auditors must undertake annual auditing of a council's financial statements and internal controls exercised by the council, and then provide, to the council, an opinion on the financial statements and the adequacy of the internal financial controls.

In practice, many councils have a majority of independent members on their audit committees, and many also extend the role of their committees to provide independent advice on a range of matters, such as procurement and prudential reporting.

Additionally, a council may request its auditor, or some other person determined by the council to be suitably qualified in the circumstances, 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.

It is worth noting the critical role that councils' audit committees play in their financial reporting framework, including auditing. South Australia was one of the first States in Australia to require councils to establish an audit committee, as a body that provides independent advice to a council on auditing and related matters.

Currently, audit committees are required to—



Review annual financial statements to ensure that they fairly present the state of affairs of the council.



Propose, and provide information relevant to a review of the council's strategic management plans or annual business plan.



Have a role in an investigation of a council's financial management, or its efficiency and effectiveness, if this investigation is requested by the council.



Liaise with the council's auditor.



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

An audit committee must have between three and five members and must include at least one external independent member with financial experience as determined by the council.



## ISSUES

## 2.3

It is critical that audits are an effective financial management tool for councils, and that they generate public confidence in their operation.

Increasingly, there is an expectation for audits to provide improved financial management, fiscal responsibility, public accountability and greater community confidence in a council's administration of public money.

While significant improvements have been made to the provisions in the Act regarding council financial management and audits, there are concerns about the present arrangements for the external audit of councils. While there appears to be a consensus that the legislative framework is sound, questions have been raised about the quality of some audits. There also have been calls for greater external oversight.

A report released by the LGA in 2016, *Who Should Audit Local Governments in South Australia?* identified a number of issues regarding local government audit arrangements.

These issues included the limited scope of many council audits (the depth of an audit performed), lack of audit oversight, inconsistency in the interpretation and application of accounting standards and auditing standards, the thoroughness of audits (in light of the generally low audit fees charged by auditors), and the independence of the relationship between auditor and council.

Additionally, an examination of the District Council of Coober Pedy completed by the Auditor-General in late 2018 concluded that this Council's financial position was unsustainable, the Council's financial performance was inadequate and that the Council's accounting systems and records were significantly deficient and unable to support effective financial management of the Council's operations.

While this examination was of a single council, its results raise the question of why the Council's own external audit process apparently did not reveal any irregularities in the Council's accounting practices or management of its financial affairs, or identify the multiple breaches of the Act that had been occurring.

## PROPOSALS FOR REFORM

## 2.4

It is timely to consider improvements to the Act to ensure that councils' financial management framework is both robust and consistent.

Potential improvements centre on two reform proposals—strengthening the role of audit committees and expanding the role of the Auditor-General.

## IMPROVING AUDIT COMMITTEES

### 2.4.1

As noted above, audit committees play a critical role in the standard of councils' financial management practice and auditing processes.

The value of audit committees is widely recognised in the local government sector. Many councils have taken additional steps, beyond those required by the Act, to improve the independence and standard of audit committee members, and to expand its role.

It is generally acknowledged within the local government sector that having more than one independent member, including an independent chair, is best practice. Many councils also give their audit committees responsibilities and oversight that extend beyond those currently required under the Act, to include risk management and fraud prevention, financial and non-financial performance, and compliance with council policies and legislation.

A simple improvement to audit committees would be to require all committees to have a majority of independent members and an independent chair.

However, it may also be timely to strengthen the role of the audit committee. It is essential to ensure that the relationship between the council and its auditor is independent, and that council audits are not compromised by limited scope and reduced costs.

This could be achieved through establishing a clearer role for audit committees in the appointment of a council's auditor; to ensure that the scope of the council's audit parallels the scope of public sector audits undertaken by the Auditor-General, and clarify an audit committee's role as the council's chief liaison point with the auditor.

Additionally, given the importance of a strong internal control regime in councils, it is proposed that the responsibility of an audit committee to comment on these be strengthened, to form an opinion on the council's internal audit requirements and a recommended course of action, recognising the diversity of councils with regard to size, needs, budget and complexity of operations.

It is critical that the audit committee's membership contains the right skillsets and knowledge, particularly if the role is to be expanded. For example, an audit committee should have at least one member with financial qualifications and experience, in addition to experience in risk management, financial and legal compliance, governance, and a local government background. An appropriate induction should also be provided to committee members.

It is also proposed to amend the Act to clarify the policy intent for an audit committee to be active and carry out its responsibilities. It is therefore suggested that audit and risk committees be mandated to meet regularly, for example, at least four times a year.

It is acknowledged that there are concerns regarding the ability to attract suitably qualified and skilled members to audit committees, particularly in regional areas.

Amendments to the Act in 2009 permitted each council to determine, or allow its committees to determine for themselves that some committee meetings may include participation by telephone or other electronic means, provided that there is still a place that is open to the public where the conduct of the meeting can at least be heard, even when all participants are not physically in that place.

It is proposed that an expansion of audit committees' responsibilities and roles would be accompanied by an ability for councils to establish regional audit committees as they choose.

## EXPANDING THE ROLE OF THE AUDITOR-GENERAL

### 2.4.2

Currently, South Australia is the only Australian state where the Auditor-General does not have some role in the annual council audit process.

In every other jurisdiction (with the exception of the Northern Territory), the Auditor-General is the external auditor for councils. All also enable the Auditor-General, at his or her discretion to undertake a broad scope or performance audit of councils or the local government system.

The council audit process in most interstate jurisdictions has developed in recent years into a mechanism for addressing and improving financial and asset management. This is well illustrated by the reforms in local government seen interstate, in particular in Victoria and New South Wales.

Further, in interstate jurisdictions where the Auditor-General's mandate encompasses the audit of local government authorities, the Auditor-General submits the results of these audits in reports to Parliament. These reports include comparative analysis, including analysis of financial performance and sustainability, and key issues and trends relating to local government. Further information on interstate arrangements is available in a separate document from the Office of Local Government website [dpti.sa.gov.au/local\\_government\\_reform](http://dpti.sa.gov.au/local_government_reform)

The proposal that the South Australian Auditor-General should have a similar role for councils here has been put forward previously, through—

The Economic and Finance Committee of Parliament's 2016 *Final Report on the Inquiry into Local Government Rate Capping Policies*, which recommended that councils be subject to a thorough auditing process under the auspices of the Auditor-General, consistent with section 36 of the *Public Finance and Audit Act 1987*, and that councils be required to publish, on an annual basis, these audits.



The LGA's 2016 *Who Should Audit Local Governments in South Australia?* report, which concluded that transferring local government audits under the auspices of the Auditor-General should be considered as a serious alternative to the current system.

The South Australian Local Excellence Expert Panel's 2013 report *Strengthening South Australian Communities in a Changing World*, which recommended that the Auditor-General assume responsibility for local government auditing on a basis to be agreed between the LGA and State Government, noting that this would add to the legitimacy and autonomy of local government by making it subject to the same scrutiny and accountability to both the community and the Parliament as other spheres of government.



It is acknowledged that, as is the case interstate, the Auditor-General would appoint and oversight councils' external auditors, rather than undertake the audits 'in house'. However, this oversight would ensure that council audits are undertaken to the same standards as the audits of all State government bodies, which would improve the scope and quality of the audit process in many councils.

It would also provide a level of oversight from outside of the council body that is currently lacking. While, as detailed above, audit committees were put in place to ensure that councils' 'self- assessment' scheme under the Act is subject to independent oversight, in order to deliver high quality audits across all councils, this previous reform has not quite achieved that aim. Improving the membership and role of the audit committees, while valuable, may continue to pose a risk that a body that is established by and is subordinate to councils may not deliver the level of independent oversight that is critical for public bodies.

The Auditor-General's involvement in council audits would ensure that all audits are undertaken uniformly and to a high standard. It would also allow for the collection of useful data that can form the basis for further investigations and performance audits.

It is important that councils are aware of what services they provide, the cost of those services, and how they can improve delivery to achieve cost efficiency. Unlike the terms of reference for audits traditionally developed by most councils, an audit by the Auditor-General could routinely assess whether councils are delivering services efficiently and economically.

Finally, establishing a role for the Auditor General in council audits would also provide a consistent approach to the oversight of all public bodies in South Australia, as is already largely the case with the other integrity bodies in the State, the Ombudsman and the Independent Commissioner Against Corruption.

It is recognised that the costs of audits would be likely to increase under the mandate of the Auditor-General. This cost should be weighed, however, against the benefits of improvements to the scope and quality of many council audits, and of better, consistent data and analysis and increased public confidence in councils' financial position, management and decisions.

## **3 IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING**

### **BACKGROUND**

3.1

Councils are established as democratically elected governments to make representative, informed and responsible decisions in the interests of local communities, for which they are ultimately accountable at elections. As local governments, councils must meet the standards of accountability appropriate for public sector administration and management of public funds.

The Act sets out the primary legislative framework for the system of local government and the operation of local governing authorities, including financial governance. For example, the Act requires each council to develop and adopt a number of key documents, including strategic management plans, an annual business plan and budget, and annual report.

### **ISSUES**

3.2

While councils are independent spheres of government that answer to their communities for the decisions that they make, it is critical that these decisions are made within a legislative framework that sets high standards of accountability and transparency.



Concerns have been raised regarding council decision making and accountability. It is essential that the legislative framework supports elected member bodies to make decisions that are well informed and that these decisions are effectively communicated to members of the public. This includes improvements to financial reporting to ensure that information about councils' finances and budget decisions are both accessible and easily understood.

## 3.3

**PROPOSALS FOR REFORM****CREATING 'AUDIT AND RISK COMMITTEES'****3.3.1**

As noted above, a number of councils have expanded the role of their audit committees to provide advice to them on a range of matters beyond those detailed within the Act. They do this to ensure that the council has an independent and thorough assessment of various matters to help the council to make good decisions, and to provide assurances to their communities that critical processes and decisions have been subject to independent oversight and assessment.

It is therefore proposed that audit committees be expanded to become 'audit and risk committees' that would play a critical role in improving councils' financial management and performance. An expanded role could include—



Reviewing councils' risk assessments and controls.



Providing comment on councils' rating policies and practices.



Reporting to councils on its use of public resources.



Reporting to councils on prudential matters.



Performance monitoring of councils.

It is also suggested that the chair of each audit and risk committee provide a report or statement in the council's annual report on prescribed matters including compliance with financial governance and related statutory obligations..

The expansion of their current role would assist with increased accountability, improved decision-making, and compliance with legislation, policies and procedures. As highlighted above, it is critical that the committee's membership contains diverse skillsets, particularly if the role is to be expanded.

While councils are required to develop a rating policy, the Act does not require councils to adopt a funding policy that sets out approaches to the funding of services. Some councils, however, have adopted a formal funding policy. The LGA's local government reform agenda highlights that funding policies would create a single point of reference to enable the community to understand how a council proposes to pay for each of its services and infrastructure over a period of time, taking into account rates, grants fees and charges and commercial activities.

An additional proposal is therefore that councils should be required to develop and adopt a funding policy that would be reviewed on an annual basis, as part of a council's annual business plan. Audit and risk committees could also be required to review and report to councils on this policy before its adoption.

In response to concerns regarding the transparency of rating decisions and their impact, it is proposed that councils be required to release a summary with their draft annual business plan each year that details the expected increase in councils' total general rate revenue and the reasons for this increase. If the increase is above a prescribed level, the council's audit and risk committee could be required to report to the council on the necessity for the increase, before a final decision on the matter.

## CREATING 'GOVERNANCE COMMITTEES'

### 3.3.2

Along with audit committees, many councils also establish a range of committees to advise them on critical council business and decisions. These can be governance and corporate management committees, strategic planning committees, policy committees, or committees to assist councils to appoint and manage its chief executive officer (CEO). Often these committees consist entirely of council members, or members and staff.

The advice that independent audit committees provide to councils can be invaluable. They can be a critical source of support for members, to provide additional assessment and assurances to inform their decisions, beyond that which is provided by council administration.

It is proposed to capture the benefits delivered by independent audit committees to apply to other, equally important matters before councils. To undertake their roles properly, councils need good governance standards. This extends beyond their financial management and position to encompass management, policies, processes, guidance and actions that councils rely on to make their decisions. These can be improved and strengthened through independent advice on matters that could include—



Councils' compliance and governance policies.



Councils' policies for improving ethical standards across councils and reducing fraud and corruption risks.



Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.



Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).



CEO appointment and management (as described in Reform Area 1).

This additional 'governance role' could be incorporated into the overall role of an 'audit and risk committee' (potentially creating an 'audit, risk and improvement committee'), or established as a separate 'governance committee'.

Alternatively, an approach could be to allow councils to decide whether to establish two, smaller committees, or one slightly larger committee to deliver all responsibilities. As with the proposed expansion of the audit committees, enabling councils to establish regional committees could assist regional councils to appoint members with the necessary expertise and experience.

## 4 ADDITIONAL PROPOSALS

The reform program provides an opportunity to progress a number of other issues that have been identified.

### LONG TERM FINANCIAL PLANS — CONTENT

4.1

Section 122(1a) of the Act requires each council to develop and adopt a long-term financial plan covering a period of at least 10 years, along with an infrastructure and asset management plan also covering a period of at least 10 years. These plans form part of a council's strategic management plans. The Act and Regulations set out content requirements for long-term financial plans and the LGA's Financial Sustainability Information Paper includes guidance material.

It is proposed that the requirements in the Act and Regulations should be more detailed. For example, councils should be required to clearly state whether their infrastructure and asset management plan is based on maintaining existing service levels, or whether service level reductions or improvements are planned.

### LONG TERM FINANCIAL PLANS — CONSULTATION

4.2

The Act requires councils to review their long-term financial plans, and any other elements of its strategic management plans as soon as practicable after adopting its annual business plan for a particular financial year.

To ensure that long-term financial plans are improved and updated as frequently as practical, it is proposed to amend the Act to clarify that public consultation is not required for a review of a long-term financial plan unless significant changes are being proposed.

It is also proposed to clarify that long-term financial plans must be reviewed at least once a year, rather than the requirement for the review to be undertaken as soon as practicable after the CEO reports on the council's long-term financial performance and position

## CEO REPORT ON THE COUNCIL'S LONG TERM FINANCIAL PERFORMANCE AND POSITION

4.3

The Act requires a council CEO to report, each year, on the sustainability of a council's long-term financial performance and position. As the content and quality of such reports vary significantly, it is proposed to strengthen the legislative provisions by ensuring that the report is presented in a manner in which supports council members and the community to understand it.

## APPROVAL OF COUNCIL BORROWINGS

4.4

A report released by the Auditor-General in late 2018, concerning the District Council of Coober Pedy, could be interpreted to suggest that councils are required to pass a separate resolution every time a borrowing is undertaken. It is proposed to amend the Act to ensure that a budget adopted by a council may include approval of an amount of new borrowings or other forms of financial accommodation which may be undertaken for the financial year.

## ADOPTION OF AN ANNUAL BUSINESS PLAN

4.5

Currently, councils are unable to adopt their annual business plans and budgets before 1 June each year, but must do so before 31 August (except in a case of extraordinary administrative difficulty). It is proposed to simplify this requirement, and recognise that most councils adopt their annual budgets in July, by requiring councils to adopt their annual business plan and budget by 15 August each year.

## INTERNAL FINANCIAL CONTROLS

4.6

It is proposed to require all councils to comply with the LGA's *Better Practice Model – Internal Financial Controls*. This would support councils to meet their obligations under the Act to maintain policies, practices and procedures of internal control.

It would also resolve a current inconsistency between the requirements for internal controls under section 125 of the Act, and the scope of internal controls required to be considered by a council's external auditor under section 129(3)(b) of the Act. Unless a council has voluntarily agreed to adopt and comply with the *Better Practice Model – Internal Financial Controls* framework, an external auditor may be put in the position of being required to give an opinion on a council's compliance with a framework that a council is not required to comply with.



## REFORM AREA 2

### LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY SUMMARY OF REFORM PROPOSALS

#### FINANCIAL ACCOUNTABILITY

**2.1** Require audit committees to have a majority of independent members, and an independent chair.

**2.2** Strengthen the role of audit committees in councils' external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor

**2.3** Require audit committees to report on the council's approach to internal audit processes.

**2.4** Require audit committee members to have specified skills, and an induction process.

**2.5** Allow councils to form regional audit committees.

**2.6** Require the Auditor-General to oversight all council audits.

## IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

Create 'audit and risk committees' that play an expanded role in councils' financial management and performance.

This could include—

- 2.7**
- Reviewing councils' risk assessments and controls.
  - Providing comment on councils' rating policies and practices.
  - Reporting to council on its use of public resources.
  - Reporting to councils on prudential matters.
  - Performance monitoring of councils.

- 2.8** Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.

- 2.9** Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.

- 2.10** Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.

- 2.11** If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.

Create 'governance committees' to provide independent advice to councils on critical management, policies, processes and actions, potentially—

- 2.12**
- Councils' compliance and governance policies.
  - Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks.
  - Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
  - Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
  - CEO appointment and management (as described in Reform Area 1).



## **EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION**

**REFORM AREA 3**

## 1

## INTRODUCTION

Every four years, all councils across South Australia are elected. Just like State and Federal elections, Local Government elections establish our government. They give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us.

The details of an election process are therefore critically important. Many aspects of council elections are unique, differing from State and Federal elections to reflect their essentially local nature.

It is fair to say that the way in which we vote for our councils is a matter of great importance to all people with an interest in local government. It's critical that this process is fair, transparent, run independently, provides the right information at the right time, and encourages participation from potential council members and voters alike.

This Reform Area provides a range of proposals aimed at improving the local government elections in South Australia. As election processes can be technical, this Reform Area breaks this process into smaller parts, that progressively work through the 'stages' of an election; from its basis to its final result, to assist further discussion and debate on these proposals.

This Reform Area also covers matters of representation that sit outside a general council election process—supplementary elections; and the role of representation reviews that consider councils' internal structure.

Finally, a number of additional (technical) amendments to the *Local Government (Elections) Act 1999* are proposed. These have largely been requested by the Electoral Commissioner of South Australia (ECSA) to remove inconsistencies and address technical issues that have arisen during previous Local Government elections.

Note: Many aspects of Local Government elections are the responsibility of the 'returning officer'. The returning officer is currently ECSA. References to ECSA throughout this paper should, therefore, be read in this context.



*IT'S CRITICAL THAT THIS PROCESS IS FAIR, TRANSPARENT, RUN INDEPENDENTLY, PROVIDES THE RIGHT INFORMATION AT THE RIGHT TIME, AND ENCOURAGES PARTICIPATION FROM POTENTIAL COUNCIL MEMBERS AND VOTERS ALIKE.*



## 2 BASIS OF ELECTIONS

### BACKGROUND

2.1

Local Government elections are held in November every four years. Currently, local government elections are held in the same year as State elections. In 2018, the State election was held in March and Local Government Elections were held in November.

Unlike State and Federal elections where voting is compulsory, voting for your council is voluntary in South Australia.

Voting is postal. Ballot papers are sent to voters, and, if they are choosing to vote, voters complete the ballot papers, and return them via post or to a council office.

The voting franchise extends beyond residents, to include property owners.

It should be noted that these elements of Local Government elections vary across Australian jurisdictions. For example, voting for your council is compulsory in New South Wales, and voting there is also by 'attendance'—that is, at a polling booth.

### ISSUES

2.2

While many ideas and suggestions to improve local government elections have been made, the chief issue that is raised is voter turnout. A statewide average of 32.94% of enrolled voters chose to vote in their council elections in the 2018 elections. This is a proportion that has been fairly consistent since the introduction of postal voting for the 2000 Local Government elections.

### PROPOSALS FOR REFORM

2.3

During the call for reform ideas, the most popular idea received was to introduce electronic—online—voting for councils. However, there are a range of technological challenges that must be overcome before online voting can be introduced. For this reason, it is not proposed to change the current postal voting system.

ECSA has, however, requested an ability to provide ballot papers to electors electronically in some instances (with them returned electronically) to avoid delays in receiving the completed votes.



It is also not proposed to move to compulsory voting. Enforcing compulsory voting in a postal voting system is difficult and resource intensive. This may be a reform best explored at a time when online voting is possible.

However, it may be timely to consider changing the timing of council elections, to move them away from a State election year. If this proposal is to proceed, it is suggested that Local Government elections would be held the following year from State elections. If this is the desired change, the next local government elections will be held as scheduled in November 2022, followed by the next periodic elections in November 2027 (ie a five-year term), then reverting to four-year terms.

It is also proposed to clarify the respective roles that ECSA and the local government sector play in promoting local government elections. To allow for clear and timely messages to be provided to both encourage people to nominate for councils and to encourage people to vote, it is suggested that councils are responsible for information sessions about their role and opportunities for potential members; and that ECSA is solely responsible for the promotion of the election.

## 3 ENROLMENT

### BACKGROUND

### 3.1

Before receiving ballot papers, voters must be on their council's voters roll.

In South Australia, voters who are already on the State Electoral roll in their council area to vote in State elections are automatically included on the Council voters roll and receive ballot papers in the post. However, landlords, business lessees or resident non-Australian citizens who wish to vote in Local Government elections must enrol for each council election by completing an enrolment form. The application for enrolment on a voters roll must be made to the CEO of the council, who is responsible for the maintenance of the voters roll for the council area.

This was a change made after an extensive review of local government elections in 2008. From 2000-2008, property owners—like residents—automatically received ballot papers in the post, without having to 'self-enrol'.

However, the 2008 *Review of Local Government Elections* found that the costs of maintaining a separate council voters roll, comprising those voters who are landlords, business lessee or resident non-Australian citizens, was high. Councils at that time were spending around \$1 million across the sector to maintain the roll. Additionally, the voter turnout from property franchise holders was very poor. Slightly less than 19% of these voters chose to exercise their vote in the 2006 local government elections, dropping as low as 10.2% in previous elections.

## ISSUES

## 3.2

When the requirement to automatically enrol property franchise holders was removed, councils were required to notify people who were not on the House of Assembly roll in their areas of the need to self-enrol if they wished to receive ballot papers. It has become apparent, however, that many people are not aware of this requirement, and are unhappy when they do not receive ballot papers in the post.

There have therefore been a number of requests from councils and from members of the public to re-introduce the requirement to automatically enrol property franchise holders.

However, some councils have also expressed concerns that this could have significant resource implications. Additionally, ECSA have advised that the re-introduction of the automatic enrolment of property franchise holders must include a requirement for groups and body corporates to nominate a natural person to exercise its vote, before receiving ballot papers. This will enable councils to ensure that a person is not voting twice in a council election, but will add to the costs of managing the roll.

## PROPOSALS FOR REFORM

## 3.3

Two proposals are suggested to improve participation in local government elections by property franchise holders—

1. Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol before an election (and introduce a penalty for non-compliance).
2. Re-introduce automatic enrolment of property franchisees, with each body corporate and group required to nominate an eligible natural person as a 'designated person' in order to receive ballot papers.

# 4

## NOMINATIONS

## BACKGROUND

## 4.1

Nomination is the process that enables a person who wishes to be elected to their council to put themselves forward as a candidate.

Before making this decision, people can attend information sessions and obtain nomination kits, which are made available by ECSA two weeks before nominations open.

Once they have decided to nominate, that person must complete a form declaring their eligibility to stand as a candidate in their nominated election. Their nomination is then lodged with the council in which the individual is standing for election. The nomination must be accompanied by a 'candidate profile' that includes a short (150 word) description of themselves and the reasons why people should vote for them.

Prior to the close of nominations, those nominations that are accepted (ie not rejected by ECSA) are displayed in council offices for the public's information. The front page of this form includes the candidate's enrolled address, and address of the rateable property, if different from their enrolled address.

Within five business days of the close of nominations, a candidate may also provide a 'candidate's statement', which is subsequently published on the Local Government Association's website. This differs from the candidate profile as candidates are allowed to make direct statements about the council and its members in this statement.

Candidate profiles are also provided to all voters with their ballot papers.

## ISSUES

## 4.2

A number of councils have expressed concerns regarding their involvement in receiving and publishing nominations. This can place pressure on council staff, and give rise to an impression that staff are assisting or benefiting some candidates over others.

There was also some confusion expressed about the intent of the candidate profile and the candidate statement. It was also noted that the need to provide a platform for candidates to promote their candidature has been largely superseded by the accessibility of social media, which allows candidates to communicate information to voters in a dynamic, responsive manner, which the website is unable to achieve.

A specific issue regarding nominations for the position of Lord Mayor has also been raised. The *City of Adelaide Act 1998* prevents any person from holding office as Lord Mayor for more than two consecutive terms. No other council office—and no office within State or Commonwealth Parliament—has a similar limit.

## PROPOSALS FOR REFORM

### 4.3

It is proposed that ECSA, as the returning officer, take a clearer and more centralised role in receiving nominations and publishing candidate profiles—

- ECSA will be responsible for the nominations process, will manage an online nomination process and provide councils (and publish online) a list of accepted nominations relevant to their council area within 24 hours after close of nominations.
- ECSA will publish candidates' profiles, including the profile statements on its website. The maximum length of the profile statements will be amended from 150 words to 1000 characters, to provide a more consistent and accurate count. These 1000 characters may include directions to find further information about a candidate (such as social media).
- The provisions relating to the candidate's statement will be removed, along with the corresponding requirement for the LGA to subsequently publish these on a website.

It is also proposed that the term limit on holding the office of Lord Mayor be removed.

## 5

## CANDIDATES

### BACKGROUND

#### 5.1

Once a person has had their nomination accepted, they become a candidate standing for election. At this point, a candidate can commence campaigning.

Many candidates in the 2018 local government elections campaigned via social media. Others used more traditional methods of campaigning, such as door-knocking and letterbox drops. 'Meet the candidates sessions' run by councils also help voters to learn who is running for their council, and what their views are.

Candidates may place election signs on road infrastructure (eg light poles and stobie poles) during the campaign, but these signs must comply with legislated guidelines. Election signs may be put in place no earlier than four weeks before the close of voting, and must be removed within 48 hours of the close of voting.

Council resources such as offices, staff, equipment or stationery must not be used during any candidates' campaign.

## ISSUES

## 5.2

A range of issues and ideas about requirements placed on candidates were raised in the call for reform ideas.

A number of these centred on the information that is required to be provided by candidates to voters. As described above, candidates currently must provide a 150-word profile (which is included with the ballot papers posted to voters), and may make a candidate statement.

A number of people also raised concerns that candidates who are members of political parties can access a copy of the voters roll in electronic form, which is not available to candidates who are not political party members.

There was also a range of views expressed on whether or not candidates should be required to have a particular qualification, or undergo training relevant to being a council member, to improve the quality of candidates and better prepare candidates to becoming a council member.

While it was widely agreed that council resources should not be used to advantage any candidate for election—whether they be an incumbent member or not—there was also a strong view that the requirements within councils' caretaker policies do not express this obligation well.

## PROPOSALS FOR REFORM

## 5.3

It is proposed that candidates be required to state—

- Whether they live within the ward or council area that they are contesting. This would be a simple 'yes/no' or tickbox, to avoid risks associated with the release of candidate addresses.
- Their membership of any political party, or any association or body formed for political purposes, of which the candidate is a member or has been a member within the past 12 months.

It is also proposed that the responsibility for receiving information on donations received by candidates, and enforcing candidates' compliance with campaign donations returns requirements, is transferred from council CEOs to ECSA, which will publish all returns online.

This will include a requirement for candidates to report to ECSA any single donations above a prescribed amount (for example, \$2000), or donations totalling above a prescribed amount from a single person or entity, or gifts worth above a prescribed amount, within five business days of receipt. ECSA must publish a report of these donations within two business days of receipt on its website.



It is proposed that all candidates be entitled to an electronic copy of the voters roll on request to their council, with significant penalties (\$10 000) for use of the roll for any purpose other than campaigning in the local government election for which the candidate has nominated.

While views about candidate training and qualifications were considered, it is not proposed that these will be required, given concerns about enforcement and the impact requirements may have on the range and number of people choosing to stand for their council.

Finally, it is proposed that the requirement for councils to make a 'designated decision' within their caretaker policies regarding the use of council resources for the advantage of a particular candidate or group of candidates be removed. It is more appropriate for this requirement to be simply stated within the general caretaker responsibilities of councils.

## 6 RECEIVING AND COUNTING VOTES

### BACKGROUND

### 6.1

Voting packs are distributed to enrolled voters in the mail at least two weeks prior to the close of voting. In addition to ballot papers, each pack includes information about the candidates standing for election. Votes must be received by ECSA no later than the day and time noted on the postal voting guide included in the ballot package.

This guide explains how voters need to complete their ballot papers. In the South Australian system, voters must mark numerical preference for at least the number of candidates to be elected, and can continue to number if desired. This voting system is called 'partial preferential voting'.

When counting votes, ECSA use a system called 'Proportional Representation'. This system requires candidates to reach a determined quota, calculated by dividing the number of formal ballot papers (votes) by the number of vacancies to be filled.

It is a counting method designed to ensure that vacant positions are allocated as nearly as possible in proportion to the votes received. A candidate is elected after obtaining a quota or proportion of the formal vote.

ECSA must then declare the provisional result of the poll once the result becomes apparent. The election result must be finalised following a period of 72 hours for any recount requests, and results published within one month of the close of voting.

## ISSUES

## 6.2

For the November 2018 local government elections, there were additional expense and delays in the posting of ballot papers as a result of changes to Australia Post fees and delivery policies. This raised some concerns about the voting period (2 weeks), and voters' ability to post a vote that would be received by ECSA before the end of this period.

There have also been some requests for changes to the system of voting, particularly to change to optional preferential voting in Local Government elections, to encourage voter participation. A number of requests were also received to accelerate the counting process, so that results can be known sooner after the close of voting.

## PROPOSALS FOR REFORM

## 6.3

It is proposed that the voting period be extended by an additional week to accommodate Australia Post delivery timeframes. This will assist in bringing forward the current date for reissue of voting material and to provide for its return before the close of voting.

Changes to the voting method were considered, particularly the proposal to move to optional preferential voting. However, it should be noted that a large proportion of voters in elections where optional preferential voting applies only put a number '1'. If a voter's preferred candidate is not elected, but excluded, their ballot paper cannot be distributed as they have no further preferences marked—their vote is exhausted. Therefore, the partial preferential voting method should be retained.

It is, however, proposed to change the counting method. While the current method is assessed as a 'fair' system for counting votes, it is also recognised as a more complex counting process than other systems, and one that takes considerably longer to finalise. A simpler, faster method of counting is the exclusion method. This excludes at each count the candidate who has received the fewest votes until the number of candidates continuing in the count is equal to the number of vacancies to be filled.

The more simplified counting method will remove the requirement for complex counting software, and reduces the risk posed by any lack of access to this software.

To determine the potential effects on election results from this proposed reform, ECSA conducted recounts of ballot papers from six council elections using the simpler exclusion count method. The only change to any of the elected candidates was one case, where the final position in a ward that had six nominations for three positions, was changed. In this instance, the candidate elected through the exclusion method obtained significantly more first preference votes than the candidate elected through the current method.

## 7 SUPPLEMENTARY ELECTIONS

### BACKGROUND

7.1

If an elected member resigns or passes away, a casual vacancy arises in the council. Supplementary elections are held when it is necessary to fill a casual vacancy on a council.

ECSA must begin a supplementary election, once advised by a council's CEO that their council has a vacancy, unless this vacancy has occurred on or after 1 January in a periodic election year, or within seven months before polling day of a general election.

Where a council does not have wards, they may adopt a policy to not fill a single vacancy until the next periodic election. However, if a subsequent vacancy occurs, a supplementary election must be held to fill all vacancies. These provisions do not extend to mayoral vacancies which must be filled as soon as practicable.

### ISSUES

7.2

Supplementary elections must be funded by councils and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant. Notably, voter participation in supplementary elections is in the range of 5–7% lower than at periodic elections.

#### VOTER TURNOUT AT SUPPLEMENTARY ELECTIONS

YEAR	NUMBER OF SUPPLEMENTARY ELECTIONS	AVERAGE PARTICIPATION RATE
2015–16	10 supplementary elections to fill 12 vacancies <sup>1</sup>	24.32%
2016–17	11 supplementary elections	27.9%
2017–18	10 supplementary elections	25.7%
2018	November 2018 Local Government elections	32.94%

Seven months after the conclusion of the November 2018 Local Government elections, three supplementary elections have been held, or will be held, for four elected member positions.

<sup>1</sup>As no nominations were received for the vacancy of councillor for Flinders Ward, in the District Council of Streaky Bay, the election failed. Accordingly, the council was required to appoint an eligible person to fill the position, under the provisions of section 8(1) of the *Local Government (Elections) Act 1999*, following the failure of the supplementary election. Source: ECSA Annual Report 2015–16.

## PROPOSALS FOR REFORM

## 7.3

It is proposed to reduce the impact of supplementary elections on councils and their communities by allowing the last excluded candidate at the most recent periodic election to be elected, if the vacancy they are filling was created within twelve months of this periodic election. Of course, the candidate would still need to meet the eligibility criteria and be willing to accept the position. This may apply to all positions, or exclude directly elected mayoral positions.

It is also proposed that the period in which a vacancy does not need to be filled be extended to twelve months prior to the next periodic election or a general election.

It may also be possible to allow councils to 'carry' greater numbers of vacancies. It is, however, important to balance the cost of supplementary elections against the cost of under-representation of the community during council decision making processes. And, as councils have varying numbers of elected members, the impact of reduced numbers is felt differently.

For those councils that have relatively small numbers of members (6–7) allowing two vacancies would result in a very small number of elected members carrying responsibility for all council decisions. For example, some councils have a total of six elected members, and can carry one vacancy under the current provisions. If allowed to carry an additional vacancy, council decisions would be voted on by four elected members. This may also make it difficult for councils to form a quorum when members are absent.

With this in mind, it is proposed to allow a council without wards to carry a maximum of two vacancies where that council has a total of nine or more elected members, not including a directly elected mayor.

### QUORUM REQUIRED FOR REDUCED NUMBER OF ELECTED MEMBERS

If councils were allowed to carry an additional vacancy, it is possible that a council could end up carrying more than two vacancies if an elected member resigned during the prescribed period leading up to a periodic or general election.

ORIGINAL NUMBER OF ELECTED MEMBERS	NUMBER OF ELECTED MEMBERS AFTER 2 VACANCIES	QUORUM REQUIRED
8	6	4
9	7	4
10	8	5
11	9	5

## 8 REPRESENTATION REVIEWS

### BACKGROUND

8.1

Representation reviews require councils to regularly consider their composition—essentially its number of council members—and their structure—primarily whether or not it has wards.

Section 12 of the *Local Government Act 1999* sets out requirements that all councils must follow when conducting a representation review, including how councils must undertake and consider public consultation.

Councils must release a ‘representation options paper’ that examines the advantages and disadvantages of the various options to alter the composition of the council or its ward structure and, in particular, if the council is divided into wards, consider whether this should be the case.

The council must then invite submissions on this paper. After the public consultation period, the council must prepare a report that provides information on the public consultation, responds to issues arising from the submissions it has received, and sets out a proposal. If the council has decided not to adopt any change under consideration that was part of the representation options paper, the council must set out the reason for its decision. This report must then be made available for a ‘second round’ of public consultation.

Before any changes can be made to a council’s composition, ECSA must determine that the requirements of the Act have been satisfied, and provide the council with a certificate. Once a council has this certificate, it can gazette the change to its composition or wards.

### ISSUES

8.2

Over the last two council terms (2010–2018), all councils have completed representation reviews. Following this, there has been a request to review and simplify the requirements in the Act that apply to this important process.

In particular, there is a view that the process guiding councils’ public consultation on their representation reviews is unnecessarily prescriptive, and prevents councils from properly responding to—or adopting—changes to proposals that may arise through this consultation.

On a more fundamental level, there is also a view that council members have—or are seen to have—an inherent conflict of interest when making a decision on the right representative structure for their council. Elected members may be reluctant to make any changes which would affect them and their chance to be re-elected at the next election, or may be perceived to be acting in their own interests rather than that of the council and its community.



## PROPOSALS FOR REFORM

8.3

There are two proposals for reform of representation reviews—

1. Review the current provisions, to make the public consultation requirements more flexible, and to make other simplifications and improvements that may be identified, or
2. Give responsibility to the Boundaries Commission to regularly review the internal structure of councils, including council representation (eg the number of elected members) and nature of representation (eg ward vs area councillors) as is appropriate for each community. This would be done on a cost-recovery basis for each council.

9

## ELECTED MEMBERS CONTESTING STATE ELECTIONS

### BACKGROUND

9.1

From time to time, members of councils may choose to run for political office in another sphere of government. These candidates continue in their role as a council member throughout the campaign for State or Federal Parliament.

### ISSUES

9.2

The issue that has been raised is whether it is appropriate for these candidates to be in a position as a council member if they are running for another office, or whether they should be required to take a leave of absence.

The principal argument for requiring council members to take a leave of absence while campaigning is that it is not appropriate for council members to use their position in local government to promote their candidacy for another sphere of government. It is argued that this raises perceptions that these members have a conflict of interest, or that the interests of their campaign takes precedence over their role as a council member.

While existing rules prevent council members from using council resources for their personal benefit (which would include a campaign), there may also be a perception that the resources available to council members do in fact give them an advantage in this campaign against other candidates who are not council members.

## PROPOSALS FOR REFORM

9.3

It is proposed that council members standing for election to State Parliament are suspended from their position as council members during the election period. This would mean that the members would not—



Undertake any official functions or duties over this time, including attending council meetings.



Be provided with council meeting agendas or other materials as a council member.



Have any access to council facilities or services that is not available to members of the public.



Receive their allowance for this period.

This proposal only applies to State elections, as Commonwealth legislation prevents its application to elections to the Commonwealth parliament<sup>2</sup>.

## 10 ADDITIONAL PROPOSALS

The Local Government Reform program provides an opportunity to make a range of other amendments to the *Local Government (Elections) Act 1999*.

Other proposals for reform are—

## SUPPLEMENTARY ELECTIONS

10.1

Allow for the close of voting for supplementary elections to be at a time determined by the Returning Officer, allowing the Returning Officer to set both polling day [under section 6(6)] and the time for the close of voting on that day. Such a determination would be made by the Returning Officer when setting all other dates for the supplementary election including the Close of Rolls and Close of Nominations.

## COUNCILS HOLDING POLLS UNDER THE LOCAL GOVERNMENT ELECTIONS ACT

10.2

Require councils to provide notice of a polling day on its website, and allow for the close of voting for a council poll to be 5 pm on polling day.

<sup>2</sup>Section 327(3) of the *Commonwealth Electoral Act 1918* provides that state of territory laws that discriminate against local government members in Federal elections have no effect.

## THE VOTERS ROLL 10.3

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Remove the reference to 'purchase' of the voters roll, to provide consistency with section 15(14).

## PUBLICATION OF MISLEADING MATERIAL 10.4

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Require the publication of a retraction to be prominently placed in the early pages of *The Advertiser* and other local press.

## BALLOT PAPERS 10.5

---

Allow for drawing of lots as soon as practicable after noon (rather than waiting for 4 pm).

## ISSUE OF POSTAL VOTING PAPERS 10.6

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Align the cut-off for both an application by post and in person to be by 5 pm on the fourth business day before polling day.

## ARRANGING POSTAL PAPERS 10.7

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Remove the reference to the close of voting at noon for an election or poll (consist with amendments to the close of voting).

## METHOD OF COUNTING AND PROVISIONAL DECLARATIONS 10.8

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Alter the method to that used when conducting an optional preferential count.

## DISPUTED RETURNS 10.9

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Allow the Electoral Commissioner as returning officer to petition the Court of Disputed Returns in circumstances where the validity of the result must be challenged due to error.

## REFORM AREA 3

### EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION SUMMARY OF REFORM PROPOSALS

**3.1** Change the timing of periodic council elections to the year following a state election.

**3.2** Enable ECSA to provide ballot papers electronically.

**3.3** Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.

**3.4** Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders.

**3.5** Require ECSA to receive all nominations and publish candidate profiles.

**3.6** Remove the term limit on holding the office of Lord Mayor.

**3.7** Require candidates to 'tick a box' stating whether they live in the area they are contesting.

**3.8** Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.

**3.9** Require ECSA to host all information on donations received by candidates.

**3.10** Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt.

**3.11** Enable all candidates to request an electronic copy of the voters roll from the relevant council.

**3.12** Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.

**3.13** Extend the voting period by one week to better allow for postal delays.

**3.14** Change the counting method to the 'exclusion method'.

**3.15** If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.

**3.16** Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.

**3.17** Enable councils without wards, and with at least nine members, to 'carry' two vacancies.

**3.18** Simplify representation reviews, and make public consultation requirements more flexible.

**3.19** Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.

**3.20** Suspend council members running for State Parliament for the duration of the election campaign.





## SIMPLER REGULATION

REFORM AREA 4

## 1

## INTRODUCTION

Councils play an important role in our local communities and make many decisions that have a real impact on our day to day life. While councils are independent governments in their own right, their operations and decisions must comply with broader rules. These are the various pieces of legislation that apply to councils, that set out the processes by which they make decisions; consult with their communities and release information.

These rules and regulations seek to protect the interests of the community, by making sure that councils operate with transparency and accountability, and that their decisions and actions are, and are seen to be, in the public interest.

However, we must always be aware that compliance with these rules costs councils time and money. If regulation is inefficient, or ineffectively designed or administered, it imposes unnecessary costs on councils, businesses and the community. That is why regulation must be regularly reviewed, to ensure that the rules are justified by the benefits they deliver.

The Local Government Reform process provides an opportunity to look at improvements to the regulations that apply to councils, with the intention to better enable councils to focus on the services their communities value most.

Opportunities for simpler regulation include—



Modernising and streamlining requirements for consulting with communities.



Clarifying the provision and publication of information that is relevant and informative to our communities.



Clarifying obligations around informal gatherings.



Simplifying community land and road management requirements to assist State and Local Government, as well as reducing red tape for businesses.

## 2

## PUBLIC CONSULTATION

## BACKGROUND

## 2.1

Community consultation is an important channel for governments to engage with their community. They can exchange information and ideas, and make sure that councils hear views on projects, policies, issues and plans.

Perhaps most importantly, strong and effective engagement gives communities confidence in the decisions

that their councils make. They know that their council has used the insights, skills, knowledge and experience to understand the impact of their decisions, and how services can be improved.

Since its commencement, the Local Government Act 1999 (the Act) has recognised the importance of community consultation, as it stipulates that councils must prepare and adopt a public consultation policy.

The Act also lists 19 decisions, actions and policies that councils must consult on, in accordance with their community consultation policy. These range from critical annual decisions, such as determining the annual business plan and budget, to decisions that happen less regularly, such as a decision to remove the community land status from council land.

When councils are consulting on these matters, they must publish a notice on their website, and in a newspaper circulating within the area of the council, and allow at least 21 days for people to make a submission. Councils may also choose to follow their public consultation policies whenever they are of the view that it is of value to their decisions and actions.

## EXAMPLES OF MATTERS THAT REQUIRE COUNCILS TO UNDERTAKE COMMUNITY CONSULTATION



Representation reviews, including the composition and wards of the Council



Status of Council or change of name.



Principal office of the Council (places and times the office is open to the public).



Prudential requirements for certain activities.



Public consultation policy.



Access to meetings and documents code of practice.



Strategic management plans.



Annual Business Plans and Budgets.



Basis of rating.



Basis of differential rates.



Passing by-laws.



Order making policies.



Planting of vegetation on roads.



Community land: classification; revocation of classification; proposed management plans; amendment or revocation of Management plans; alienation by lease or licence.



Certain authorisations for the alteration of public roads and permits for business purposes on public roads.

## ISSUES

## 2.2

The current legislative requirements for councils' community consultation are now 20 years old. There is a clear view that these provisions are outdated; excessively prescriptive; and can lead councils to take a 'tick the box' approach to consultation, rather than thinking creatively about engagement that best suits their community.

The Act also assumes that one process for community consultation fits all needs. Whether it is a critical decision such as a council's rating policies that affects all people in a council area, or a decision that has more impact on a local level, such as a permit for working on a council road, the process is the same. Councils are only required to publish the notice for 21 days—not to determine how best to reach the people that these decisions affect.

## PROPOSALS FOR REFORM

## 2.3

A lot has changed over the past two decades—how we communicate, hear ideas, and provide our views to each other. It is time for the Act to 'catch up with the times', and support councils to develop flexible, contemporary public engagement practices.

It is proposed that the current, prescriptive public consultation obligations in the Act are replaced with a contemporary approach that sets minimum notification and consultation standards in the Regulations but also enables councils to design and deliver the engagement that is the 'best fit' for their decisions and actions. This approach could be to develop a Community Engagement Charter, similar to the Charter now in place within the *Planning, Development and Infrastructure Act 2016*, to deliver a consistent but flexible platform for community consultation for all councils.

## 3 INTERNAL REVIEWS OF COUNCIL DECISIONS

### BACKGROUND

### 3.1

The decisions that councils make can have a great impact on our everyday lives. It's important that people in the community have confidence in these decisions, and know that they can question them at any time.

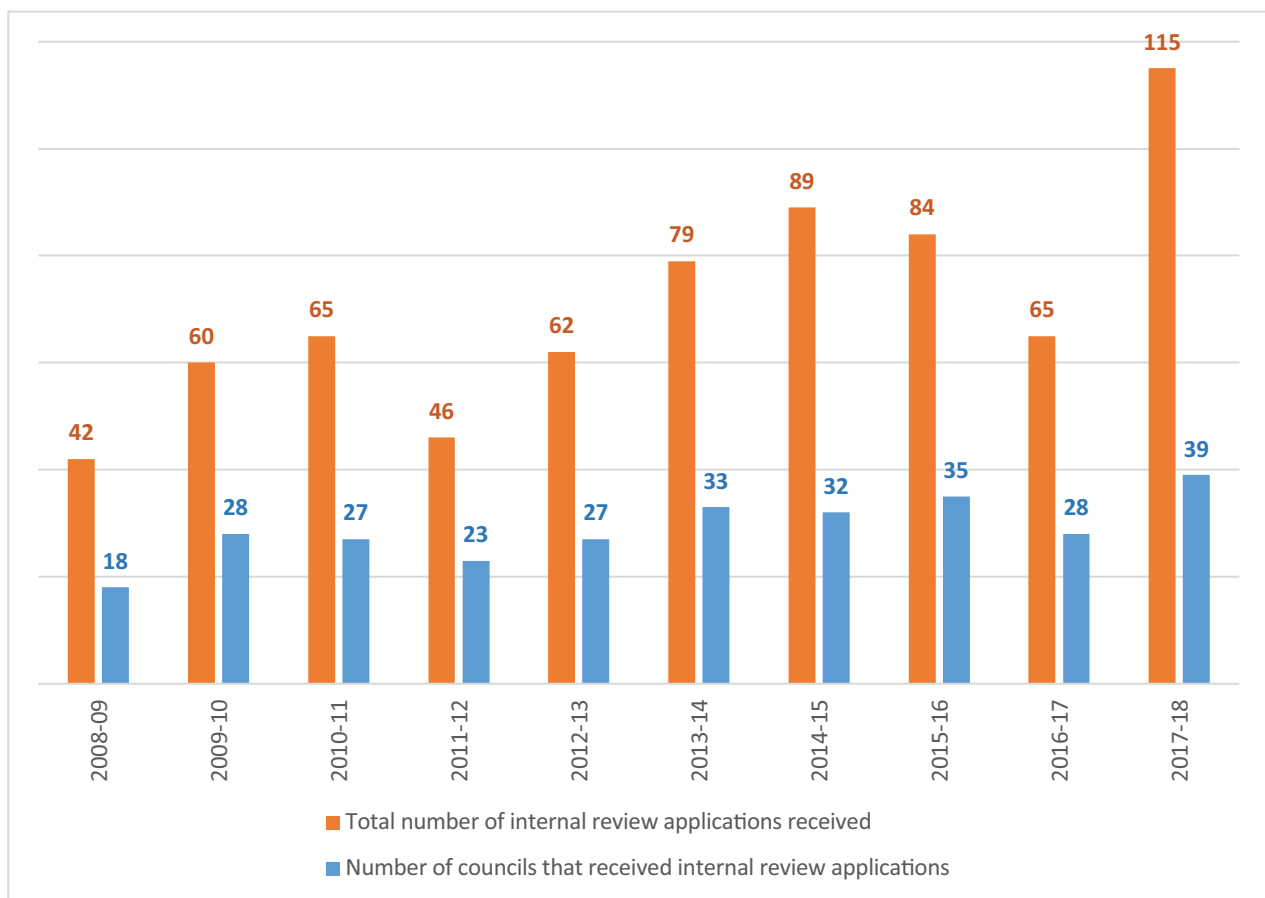
For this reason, section 270 of the Act requires all councils to have a process in place for any community member to apply for an internal review of any council decision. When requested, councils should consider the process by which it made a decision, and the various factors and views that informed it.

This process should not only give communities surety that councils are making well-considered decisions, but also enable councils to identify improvements in their own processes and practices.

This obligation is part of the broader set of requirements to have policies, practices and procedures in place for dealing with requests for services, and also for responding to complaints about the actions of the council, employees of the council, or other people acting on behalf of the council.

Councils are currently required to consider, on an annual basis, a report relating to applications for internal reviews. This report is required to be included in the council's annual report and also to be published on the council's website.

## INTERNAL REVIEW APPLICATIONS, 2008-09 TO 2017-18



Source: SA Local Government Grants Commission.

## ISSUES

## 3.2

There is a general consensus that a review of council internal review provisions is required. A number of councils commented that the current system does not provide sufficient benefits to their communities to justify the high level of costs and other resources that are necessary to undertake the reviews.



There is also a view that the system is open to exploitation by people who refuse to accept a reasonable decision of council, but use large amounts of council time and resources to question and challenge it. There is some evidence to support this view as while the total number of internal review applications received by councils fluctuates each year, the number of councils that receive applications has remained more consistent.

Over the past decade, the State Ombudsman has undertaken a number of reviews of councils' internal review processes.

Most recently, the Ombudsman published *Right of Review: An Audit of Local Government Internal Review of Council Decisions Procedures* in November 2016. This examined some of the key issues for councils in delivering a fair internal review of decision process. It also explored how councils can use internal reviews to drive their administrative improvement and service excellence. In summary, the Ombudsman recommended that all councils—

- Highlight a direct link on their website homepage to a plain English description of the procedure available for making an application for internal review of a council decision.
- Ensure that their internal review of decisions procedure is fully compliant with the requirements of the Act.
- Include a reference to a six-month time limit for accepting internal review of council decision applications in a revised version of their internal review of decisions procedure. Consideration should also be given to the exercise of discretion by councils to allow a longer time limit to apply in particular cases.
- Revise the part of their internal review of decision procedure that deals with matters outside the scope of the policy and procedures to explicitly state that matters that fall outside statutory appeals procedures will be considered for the conduct of a section 270 review on the merits of the individual application.
- Consider developing regional panels of independent reviewers who can assist councils with complex review matters.
- Periodically evaluate their section 270 review investigations and document learning outcomes relevant to their administrative practices and functional responsibilities.



## PROPOSALS FOR REFORM

## 3.3

It is proposed to extend the Act's current allowance for councils to refuse an internal review of decisions if the request is vexatious or frivolous, to situations where the request is substantially similar to a matter that has already been reviewed or is under review, by the council or by other means.

It is also proposed to allow councils to charge a prescribed fee to undertake an internal review. It is anticipated that this fee would be small (in the order of the current \$35 cost for a Freedom of Information enquiry) to deter vexatious complaints, rather than be a 'cost recovery' mechanism. Councils would not be required to charge this fee, and would also be able to waive it at their discretion.

It is also proposed to set a time limit in which requests for internal review of decisions can be made—potentially within six months of the relevant decision (councils would have the discretion to extend this on a case-by-case basis).

To ensure that councils continue to analyse internal review outcomes, it is proposed that the annual internal review of decisions report that councils are required to consider should include recommendations to improve its administrative practices.

## 4 INFORMAL GATHERINGS AND DISCUSSIONS

### BACKGROUND

### 4.1

For communities to have confidence in their councils' decisions, they need to understand why these decisions are made, and what their council members' views are. That is why the Act makes it clear that all council meetings are to be open to the public, except in 'special circumstances'.

A number of these 'special circumstances' refer to particular matters that should be discussed in confidence. These include matters that include confidential commercial information, or matters that can affect the security of the council, or its members or employees.

The Act also recognises that council members often get together to discuss council business and other matters outside of council meetings, such as having planning sessions, or briefing and training sessions. These 'informal gatherings' can help council members be better informed on important matters, and enable them to properly plan for the conduct of council business. However, the Act also makes it clear that these meetings should not be used to effectively make a decision outside of a council meeting.

Some years ago, it became apparent that a number of councils were using their ability to hold informal gatherings in a way that gave rise to concerns that they were, in fact, making council decisions outside of formal council meetings.

For example, some councils were holding regular closed meetings to go through their agenda papers immediately before a council meeting. While these meetings may have simply been 'information sessions' the fact that they were held behind closed doors gave the perception at least that they were being used to avoid public debate on council decisions.

In response to these concerns, the Act was amended in 2015 to require councils to have policies to guide their informal gatherings. These policies must comply with the regulations, which currently include detailed instructions to councils on how they may hold informal gatherings, when they should be open to the public and how councils should release information about them.

While these reforms were intended to provide a clearer framework for councils, and assure communities that councils are not making decisions behind closed doors, feedback from some councils has been that the regulations are onerous, difficult to understand, and place an administrative burden on councils that is not justified.

It has also been reported that the legislation gives rise to a view that it is not appropriate for council members to discuss council business between themselves; or cannot hold social gatherings. This has never been the intent of the legislation.

## PROPOSALS FOR REFORM

## 4.3

The Local Government Reform process provides an opportunity to re-think how the Act should guide councils when they are holding information, training or briefing sessions for council members.

It is proposed to establish a new category of council ‘meeting’ (possibly calling these ‘information’ or ‘briefing’ sessions) within the Act. These would be sessions called by the council or CEO, inviting any number of council members, for the purpose of providing information on council matters, or to undertake training on any aspect of the members’ official functions and duties.

The Act will continue to state that these sessions should not replace open discussion and decision making at formal council meetings. Sessions discussing matters that are on a council or council committee agenda must only be discussed at a session open to the public, subject to the meeting confidentiality provisions of the Act.

Councils will also be required to publicly release information about these sessions, where practical before the session, detailing when the session will be/was held, what will be/was discussed, attendees, and whether the session was/will be open to the public. If the session was/will be closed to the public, this record would state the reasons why the council consider that it is appropriate to close the meeting.

## 5 REGISTER OF INTERESTS (PRIMARY AND ORDINARY RETURNS)

### BACKGROUND

### 5.1

It is critically important that all of the decisions that council members make are made in the public interest, and not to benefit or affect them personally in any way. This requirement is largely managed through the conflict of interest processes (discussed in Reform Area 1 of this paper).

Along with managing conflicts of interest that may arise, council members are also required to provide a ‘Register of Interests’ that lists a range of information about themselves and their interests. These interests include things such as property ownership, sources of income, and membership of political organisations and associations.

Similar requirements also apply to council CEOs and other council staff members.

Council members’ Registers of Interest are made available to members of the public at council offices; and large parts are also required to be published on a council website. Council members are also required to let their CEO know when the information on the Register changes or needs to be added to, so that the Register is kept updated at all times.

There are also requirements for council members to complete a Register of Interests under other legislation, for example, council members that sit on Development Assessment Panels under the *Planning, Development and Infrastructure Act 2016*.

## ISSUES

5.2

A number of comments have been received saying that the current returns forms are lengthy and confusing to complete. Additionally, the requirement to extract some of the information for publication on the council's website is seen as an administrative burden.

Some people also noted that the requirement to complete several different Registers of Interest to capture essentially the same information is unnecessarily burdensome for council members.

## PROPOSALS FOR REFORM

5.3

While the Register of Interests is an important mechanism for ensuring the veracity of council decisions, there may be scope to streamline and standardise the form and method of returns used to maintain them.

It is proposed that the various requirements and forms are compiled into one simple, plain English document that meets a suitable standard (potentially the Australian Accounting Standards)

It is also proposed that councils be required to publish council members' Register of Interests in full on their website (with the removal of any specific residential address information in the interests of safety).

# 6

## PUBLICATION OF INFORMATION

### BACKGROUND

6.1

Having full and easy access to a range of important council information means that communities are informed about their council's actions, decisions and policies; and encourages them to engage more fully with their council's work.

The Act lists a range of documents that must be made available to the public—



Documents listed in section 132(3) of the Act are required to be made available on the council website.



Documents listed in Schedule 5 of the Act are only required to be made available at the council office.

However, councils generally go well past these legislative requirements and do a good job in providing full and complete information on policies, decisions, meetings, current consultations and a range of other matters, generally on their website.

## ISSUES

6.2

Councils have advised that having two lists within the Act is confusing to both councils and members of the public, as it is not clear what needs to be provided on a website and/or in paper form. The Act creates an unnecessary burden on local government to navigate the separate requirements.

Additionally, the requirement to have material available at a council office does meet current community expectations that information should be available on a website, enabling access at all hours of the day. Councils must spend time and money printing material that is now rarely accessed in this form.

## PROPOSALS FOR REFORM

6.3

There is an opportunity to simplify and improve the requirements that apply to the release of information by councils.

It is proposed that any document that is required to be made public must be published on council websites (a council's Assessment Record would be exempt from this requirement for commercial and safety reasons).

This would remove the requirement to have physical documents available at a council's principal office, and the requirement to fix and pay a fee for documents. Councils may be required to print a copy of any document and allowed to charge a fee for this service.

It is also proposed that the Act include a single list of the documentation required to be available on a council's website.

This list will include all documentation/reports associated with agendas or minutes of council or council committee meetings, subject to the related motion's confidentiality orders (noting that the vast majority of councils make this information available already).

## REGISTERS OR ANNUAL REPORT? HOW COUNCILS RELEASE INFORMATION

Councils are required to record some information on registers that are updated on a continual basis. This is information that may have an impact on council members' decision making, or is not available in other council material.

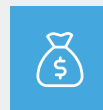
These registers include—



The register of remuneration, salaries and benefits—containing information about salaries and employment benefits paid by the council. This includes details of the chief executive officer's salary package.



The register of interests for council members and the council's chief executive officer and identified senior officers.



The register of allowances and benefits paid to council members.



The register of community land in the council area.



A register recording gifts and benefits received by council members above a prescribed amount (currently \$50).



The register of the council's by-laws.

It is proposed to amend the Act to require council registers to be placed on the council's website. Councils must also publish an annual report at the end of the financial year. This annual report is required to include a range of information such as—



The council's audited financial statement.



A report on freedom of information requests received by the council.



A report on the council's performance in implementing its strategic management plans, and its performance against its annual business plan.



Training and development activities for members of the council during the year.



Annual reports are easily found on council websites, and are therefore a convenient source of information about council activities, processes and expenditure. They ensure transparency without the administrative burden of constantly updating and maintaining multiple registers.

It is proposed to increase the material required to be included in a council's annual report to include—



A summary of travel undertaken by council members and staff over the year and the relevant costs.



A summary of credit card expenditure by council members and council staff, and remunerations claimed by members and staff.



A report from the Chair of the council's audit/governance committee on the governance standards of the council.

## 7 COMMUNITY LAND REVOCATIONS

### BACKGROUND

### 7.1

The Act establishes a framework for the classification of most land owned by a council or under a council's care, control and management as 'community land'.

The community land framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land, with the objective of protecting community interests in land for current and future generations.

Once classified as community land the land—



Cannot be disposed of, except in prescribed cases.



May require the preparation and adoption of a management plan.



Can be leased or licensed but only in accordance with prescribed requirements.



Can be used for business or commercial purposes, subject to the use being authorised in an approved management plan for the land.

Section 194 of the Act sets out the process for the revocation of community land classification. Councils must prepare a report outlining the reasons for the proposal, stating their intention in regard to the future use of the land, and capturing any implications of the decision. Councils must also consult on the proposal, in line with the council's public consultation policy.

This report, and any matters that arose during public consultation, must be submitted to the Minister responsible for the Act for approval. Once this approval is received, the council makes the final decision to revoke community land classification.

The Act also safeguards the community land classification of certain land of significant community value. Schedule 8 of the Act contains provisions relating to specific pieces of land where the land's community land classification is irrevocable. These provisions also often include site-specific land use and management requirements that must remain in place for the benefit of the community. These can be as specific as caring for a particular tree, or requirement to maintain a caravan park or other community facility.

## ISSUES

## 7.2

The process outlined above is a 'one size fits all' approach to revoking community land classification. It does not consider the level of impact on a community that a revocation would have, but requires all proposals to undergo the same process before requesting ministerial approval

In some cases, the cost and effort of the revocation process outweighs the benefit of the outcome, as a proposal may have little to no impact on the community. For example, a proposal may be to revoke the community land status of an unmade road that passes through private property, or of a small portion of land purely used for operational reasons. However, in other circumstances, the revocation of community land is contentious.

In more significant proposals, the future use of land may be a relevant consideration before a council's proposal is approved by the Minister. Currently, there is no general ability to impose conditions on an approval (unless State Government financial assistance was previously given to the council to acquire the land).

Concerns were also raised that the Act prevents councils changing the management of a piece of land where the owner of the land cannot be found, particularly given that councils can take actions to sell land for unpaid rates when this is the case.

Ideas were also submitted that the requirements set out in Schedule 8 of the Act that apply to specific pieces of land are too restrictive, and do not allow councils to modify their management of this land to meet modern community expectations.

## PROPOSALS FOR REFORM

## 7.3

It is proposed to introduce a streamlined process for the revocation of community land status, by establishing two ‘categories’ of proposals within the Act. Administrative, or minor, proposals would not require ministerial approval. General, or more significant, proposals would continue to require ministerial approval. The Minister would also be provided with the ability to attach conditions to the approval of a general proposal.

It is proposed to enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land. These amendments would be made by regulation, however, regulations would not be able to change the community land status, or the chief use of these pieces of land.

It is proposed to clarify that a council does not need to undertake the process to revoke the community land classification of Crown land where the council’s care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.

It is proposed to enable a council to revoke the classification of land as community land where owners cannot reasonably be found.

Finally, it is proposed to provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

## 8

## AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

### BACKGROUND

### 8.1

Councils manage most of the roads across our State—they are a core service that councils provide to their community. While roads, and infrastructure associated with a road, such as footpaths and stormwater drainage, are provided for the public’s use, there are times when people or businesses need access to them, or need to make changes to them for their own purposes.

Accordingly, the Act allows councils to provide authorisations for the alteration of a public road, and permits for the use of a public road for business purposes.

Authorisations for road alterations are commonly provided for activities such as building driveway crossovers; landscaping a road verge; and laying stormwater and other pipes under roads.

Permits for the use of a road for business purposes enables activities such as footpath dining; food trucks; flower sales and ride-sharing operations. Permits and authorisations are also provided to enable property development, such as the use of a crane or concrete truck when needed.

Councils have a free hand to decide whether or not they should grant an authorisation or permit and, if they do, they can apply conditions as they see fit. One exception to this is the permits that are provided to food trucks. Following changes to the Act in 2017, councils must issue permits to food trucks, and are required to establish policies and guidelines that comply with the regulations.

## ISSUES

## 8.2

Issues raised by councils in regard to these sections of the Act focused on what they perceive to be a heavy-handed approach, particularly in regard to the requirement that councils must consult with their communities before issuing permits or authorisations for activities that would impede traffic on the road to 'a material degree'.

This consultation must include a notification in a newspaper circulating in the council area; notification on the council's website; and allow at least 21 days for submissions. While this may be appropriate for significant works, councils have raised concerns that it this process may be required in circumstances where works are minimal, such as the need to block a road for a short period of time. The consultation period is seen as both excessive and impractical in these instances.

Councils have also raised concerns regarding the current rules about food trucks, and have sought more flexibility for councils to determine whether or not to provide permits to food trucks, and to apply conditions freely.

However, other comments about permits and authorisations reflect a view that councils' ability to grant permits and authorisations as they see fit, and to apply whatever conditions they wish, results in inconsistent approaches across councils that can be onerous, and subject to change at short notice. This can result in additional costs for businesses and their customers, and, in some instances, place the future of a business at risk.

## PROPOSALS FOR REFORM

## 8.3

It is proposed that the consultation requirements for issuing permits and authorisations be reviewed in accordance with a review of councils' public consultation more widely (as discussed earlier in this Reform Area).

It is also proposed that the specific provisions relating to mobile food vendors be removed. These would be replaced by a general 'right of appeal' where a council has unreasonably issued or refused to issue a permit or authorisation to a business (including food trucks), or a council's use of permits or authorisations has unreasonably impacted business. This appeal could be made to the Small Business Commissioner, who has an existing role to manage any conflicts between food trucks and other businesses.

## 9 MISCELLANEOUS REFORMS

The Local Government Reform process also allows for a number of inconsistencies within the Act to be addressed, and for provisions to be updated where necessary.

Other proposals to simplify regulations are therefore to—

1. Repeal section 269 of the Act that requires a report to be prepared between 30 June 2002 and 31 August 2002 and tabled in Parliament.
2. Clarify that certain documents may be served on or by a council by electronic communication when indicated or agreed by a party. Remove references to 'facsimile transmission' and 'facilities of a document exchange' (for example, sections 83(6), 279 and 280 of the Act).
3. Amend the meeting regulations to achieve better integration between Regulation 12(3) and Regulation 21. This will clarify that a council's CEO can submit a report to a council meeting recommending revocation or amendment of a previous council resolution.
4. Standardise the requirement of a council to review its optional meeting code of practice to match the review requirements of its Access to meetings and documents—code of practice (section 92 of the Act).

## REFORM AREA 3

### SIMPLER REGULATION SUMMARY OF REFORM PROPOSALS

#### COMMUNITY ENGAGEMENT

- 4.1** Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.

- 4.2** Review the requirements for councils to publish notices.

#### INTERNAL REVIEW OF COUNCIL DECISIONS

- 4.3** Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.

- 4.4** Enable councils to charge a small fee for internal review requests.

- 4.5** Set a time limit on which requests for internal review of decisions can be made.

- 4.6** Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.

#### INFORMAL GATHERINGS AND DISCUSSIONS

- 4.7** Remove the 'informal gatherings' provisions in the Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.

- 4.8** Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.

#### REGISTER OF INTERESTS

- 4.9** Compile all council members' registers of interest into one, simple plain English form.

- 4.10** Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information)



## PUBLICATION OF INFORMATION

- 4.11** Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)
- 4.12** Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).
- 4.13** Include a single list of all material to be published on a council's website in the legislation.

## COMMUNITY LAND REVOCATIONS

- 4.14** Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.
- 4.15** Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.
- 4.16** Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.
- 4.17** Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.
- 4.18** Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

## AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

- 4.19** Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.
- 4.20** Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.

# REFORMING LOCAL GOVERNMENT

## IDEAS FOR REFORM CONSULTATION SUMMARY

### WHAT WE RECEIVED



Over 80 submissions received



170 yourSAy surveys completed



37 ideas shared through yourSAy online discussion



Over 700 ideas for reform

### WHO WE HEARD FROM



**51%**  
Public



**31%**  
Councils



**11%**  
Elected Members



**7%**  
Professional Body

### WHAT AREAS INTERESTED YOU MOST



**24%**  
Council member capacity and conduct



**19%**  
Lower costs and enhanced financial accountability



**29%**  
Local Government representation



**28%**  
Simpler regulation

### WHAT YOUR IDEAS WERE ABOUT

<b>REFORM AREA ONE</b>	<b>48%</b>	Code of conduct	<b>15%</b>	Council member training
	<b>24%</b>	Conflict of interest	<b>13%</b>	Council member performance

<b>REFORM AREA TWO</b>	<b>23%</b>	Financial management	<b>20%</b>	Benchmarking
	<b>21%</b>	Audit committees	<b>16%</b>	Auditing
	<b>20%</b>	Rating		

<b>REFORM AREA THREE</b>	<b>31%</b>	Voting method	<b>9%</b>	Representation reviews
	<b>19%</b>	Candidate disclosure	<b>8%</b>	Elections
	<b>15%</b>	Nominations	<b>8%</b>	Supplementary elections
	<b>10%</b>	Candidacy		

<b>REFORM AREA FOUR</b>	<b>25%</b>	Council meetings	<b>19%</b>	Section 270 reviews
	<b>23%</b>	Consultation/ engagement	<b>11%</b>	Transparency
	<b>22%</b>	Informal gatherings		

### TIMELINE FOR REFORM

#### STAGE ONE

**MARCH — APRIL — JULY — AUGUST — NOVEMBER — 2020**

Call for ideas consultation

#### STAGE TWO

Release of discussion paper

Engagement on proposals

Release of Draft Bill



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

PROPOSALS FOR LOCAL GOVERNMENT REFORM  
AUGUST 2019 - DISCUSSION PAPER

8 October 2019

Hon. Minister Knoll  
Minister for Transport, Infrastructure and Local Government  
Email: [DPTI.LocalGovernmentReform@sa.gov.au](mailto:DPTI.LocalGovernmentReform@sa.gov.au)

Dear Minister Knoll,

The City of Marion appreciates the opportunity to express its views regarding the proposed reforms for Local Government. Council member's views have been collated against each of the 72 proposals and are attached. This response was endorsed at the General Council meeting of 8<sup>th</sup> October 2019.

However, the Council would like to draw your attention to a few keys points:

- The review has failed to address the requirement to change the method of voting from postal voting to electronic voting. The cost of postal voting is significant and bourn by the Local Government sector. The cost of the last election were extremely high and it is apparent that the review has failed to address the need for reform in this area.
- The Council strongly supports reforms to the following:
  - Amendments to the process for Council Member Code of Conduct Process
  - Enhanced requirements for Councils Audit Committees
  - Improvements to the Election processes, and
  - Simplier regulations.
- The Council does not support changes to:
  - The Mayor having a deliberative vote
  - The requirement for Council to have independent advice on the CEO selection and remuneration
  - The Auditor General having increased responsibilities over Local Government Audits
  - The change to timing of the elections
  - Changing the counting method for elections
  - The requirement to publish council members register of interest full on the council website.

The Council looks forward to reviewing the outcomes of the consultation and the proposed next steps.



## REFORM AREA 1

### STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT SUMMARY OF REFORM PROPOSALS

#### COUNCIL MEMBER CONDUCT

1.1 Clearly separate behavioural matters from integrity matters in the legislation.	Agree, however further clarity regarding the process and how this would work is required
1.2 Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.	Agree, however there is benefit in having uniformity across the sector. Some guidelines with the Regulations would be useful and Councils can adopt their own policies.
1.3 Continue to give councils flexibility to deal with behavioural matters.	Agree - as previously outlined, All Councils will deal with matters differently creating variance across the sector.
1.4 Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.	Agree – the principle member needs to be able to manage the behaviour within a meeting. Current process is that Regulation 29 can be enacted when needed. This needs to be managed practically and to ensure that factions are not created within the Council.
1.5 Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).	Agree – serious matters should be dealt with independently of Council so Council Members are not required to make decisions about their peer conduct. Council is concerned about how this will work regarding time, cost and effectiveness.
1.6 Simplify the conflict of interest provisions by establishing 'material' and 'non-material' conflicts.	Agree – needs to be simple and easy to understand for the Council Members and the Community
1.7 Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.	Agree – as above
1.8 Clarify the application of conflict of interest rules to council committees and subsidiaries.	Agree
1.9 Establish a new conduct management framework through— Model 1 - The clarification of current legislation  Model 2 - Using governance committees  Model 3 - Establishing a Local Government Conduct Commissioner.	The Council generally agrees with forming a new conduct framework however it was opposed to additionally Committee as this wouldn't change behaviour and adds additional bureaucracy. Before agreeing to a 'Conduct Commissioner', the Council is curious regarding how this would work, what would the cost be, how long matters would take, etc

### COUNCIL MEMBER CAPACITY

1.10 Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.	Agree
1.11 Clarify the role of Council Members to recognise their obligation to complete mandatory training.	Agree
1.12 Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.	Agree
1.13 Provide directly elected Mayors with a deliberative vote on motions before council.	Disagree – the Mayor needs to provide a leadership role.
1.14 Establish a mandatory training scheme within the regulations.	Agree – but this must add value to the Council Member otherwise it is a waste of time and resources.
1.15 Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.	Agree
1.16 Require councils to receive independent advice on CEO selection and remuneration.	Disagree – this is the responsibility/obligation of the Council.
1.17 Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia	Undecided – the views of the Council were split on this item. Further information may be required. Although is created consistency across the sector, Council may end up paying more than they wish too as it is set independently.
1.18 Require councils to conduct annual performance reviews of CEOs, with independent oversight.	Agree
1.19 Require annual performance reviews to be completed before the extension of a CEO contract.	Agree
1.20 Require councils to receive independent advice before terminating a CEO contract.	Agree – practically this already happens

## REFREFORM AREA 2

### LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY SUMMARY OF REFORM PROPOSALS

#### FINANCIAL ACCOUNTABILITY

2.1 Require audit committees to have a majority of independent members, and an independent chair	Agree – CoM Finance and Audit Committee Terms of Reference already requires this. It has been in place since the 2006 and works well.
2.2 Strengthen the role of audit committees in councils' external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor	Agree – this is ultimately a decision of Council however, the Audit Committee should make a recommendation to Council. This is current practice at the City of Marion and is included in the Committee's Terms of Reference.
2.3 Require audit committees to report on the council's approach to internal audit processes.	Agree – the Audit Committee should review and report to Council on the Internal Audit Program.



2.4 Require audit committee members to have specified skills, and an induction process.	Agree – assuming this is related to the independent members of the Committee. The induction also needs to be relevant based on their skills, experience and knowledge. Consideration should also be given for additional remuneration to be provided to Council Members on this Committee due to the complexity, time and effort required to undertake this position well.
2.5 Allow councils to form regional audit committees.	Agree, however little impact for the City of Marion
2.6 Require the Auditor-General to oversight all council audits	Disagree – this approach seems to be over bureaucratic rather than adding value. Past experience with the Auditor General is that they don't necessarily understand the local government environment and be excessively stringent creating more work than benefit. Councils need to have an individual approach based on their own needs and requirements.

### IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

2.7 Create 'audit and risk committees' that play an expanded role in councils' financial management and performance. This could include— <ul style="list-style-type: none"> <li>• Reviewing councils' risk assessments and controls.</li> <li>• Providing comment on councils' rating policies and practices.</li> <li>• Reporting to council on its use of public resources.</li> <li>• Reporting to councils on prudential matters.</li> <li>• Performance monitoring of councils.</li> </ul>	Agree – the City of Marion already covers a number of these requirements as part of its Finance and Audit Committee.
2.8 Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.	Agree
2.9 Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee	Agree
2.10 Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.	Agree – however, the timing of this will need to be considered
2.11 If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.	Agree

<p>2.12 Create governance committee to provide independent advice to council on critical management, policies, processes and actions, potentially,</p> <ul style="list-style-type: none"> <li>• Councils' compliance and governance policies.</li> <li>• Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks.</li> <li>• Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.</li> <li>• Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).</li> <li>• CEO appointment and management (as described in Reform Area 1).</li> </ul>	<p>Agree - however will need to ensure its not over bureaucratic and is adding valuing.</p>
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### REFORM AREA 3

#### EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION SUMMARY OF REFORM PROPOSALS

3.1 Change the timing of periodic council elections to the year following a state election.	Disagree - the City of Marion has little to no appetite to change the timing of the election.
3.2 Enable ECSA to provide ballot papers electronically.	Agree – however need to provide both options for those who can't receive electronically
3.3 Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion	Agree
3.4 Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders	The Council was undecided on this item. There was some support to re-introduce the automatic enrolment of property franchise however, it was also suggested that candidates will often encourage the potential voters to enroll.
3.5 Require ECSA to receive all nominations and publish candidate profiles	Agree
3.6 Remove the term limit on holding the office of Lord Mayor	Although this doesn't directly impact the City of Marion, the Council was undecided.
3.7 Require candidates to 'tick a box' stating whether they live in the area they are contesting.	Agree
3.8 Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months	Agree  Also require and publish last 5 years employment history and post secondary qualifications
3.9 Require ECSA to host all information on donations received by candidates	Agree

3.10 Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt.	Agree
3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.	Agree – however need to ensure this is not used by illegitimate candidates for commercial purposes
3.12 Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates	Agree
3.13 Extend the voting period by one week to better allow for postal delays.	The Council was undecided on this item. Some felt the current time period was adequate whilst others believe more time due to Australia post delays would be useful.
3.14 Change the counting method to the 'exclusion method.'	Disagree – the current preferential voting should remain.
3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.	Agree
3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.	Agree
3.17 Enable councils without wards, and with at least nine members, to 'carry' two vacancies.	Agree
3.18 Simplify representation reviews, and make public consultation requirements more flexible	Agree
3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.	Agree - this option avoids individual self interest
3.20 Suspend council members running for State Parliament for the duration of the election campaign.	Agree

## REFORM AREA 4

### SIMPLIFIED REGULATION

#### COMMUNITY ENGAGEMENT

4.1 Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'	Agree
4.2 Review the requirements for councils to publish notices	Agree

#### INTERNAL REVIEW OF COUNCIL DECISIONS

4.3 Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed or is under review through another process.	Agree
4.4 Enable councils to charge a small fee for internal review requests	Agree
4.5 Set a time limit on which requests for internal review of decisions can be made.	Agree – however, some issues are complex and would require more time than others
4.6 Require councils to consider recommendations to improve administrative practices in their annual report on internal reviews	Agree

#### INFORMAL GATHERINGS AND DISCUSSIONS

4.7 Remove the 'informal gatherings' provisions in the Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.	Agree
4.8 Require councils to publish details of information sessions held, what was discussed, who attended and whether the session was open or not.	Agree – An overview only to be publically available and further consideration needs to be provided regarding how confidential matters are managed.

### REGISTER OF INTERESTS

4.9 Compile all council members' registers of interest into one, simple plain English form.	Agree
4.10 Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information)	Disagree – impacts on privacy issues. Additionally some of the current requirements are excessive having regard to conflict of interest provisions.

### PUBLICATION OF INFORMATION

4.11 Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)	Agree
4.12 Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).	The Council was undecided regarding this item.
4.13 Include a single list of all material to be published on a council's website in the legislation	Agree

### COMMUNITY LAND REVOCATIONS

4.14 Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals	Agree
4.15 Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land	Agree
4.16 Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the Crown Land Management Act 2009.	Agree
4.17 Enable a council to revoke the classification of land as community land where owners cannot reasonably be found	Agree
4.18 Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party	Agree

### AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

4.19 Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.	Agree
4.20 Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.	Disagree

## Asset Management Strategy

<b>Originating Officer</b>	Senior Assets Project and Strategy Officer - Catrin Johnson
<b>Corporate Manager</b>	Acting Manager Innovation and Strategy - Cass Gannon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R09

### REPORT OBJECTIVE

*The purpose of this report is to seek endorsement from Council of the Draft Asset Management Strategy.*

### EXECUTIVE SUMMARY

The City of Marion manages a large and diverse asset portfolio, valued in excess of \$1bn. These assets make up the social and economic infrastructure that enables the provision of services to the community and businesses, playing a vital role in the local economy and on quality of life. Asset Management is a critical tool in ensuring appropriate provision is made for the long-term management of Council assets, and their impacts on all areas of service planning and delivery.

The City of Marion recognises the importance of Asset Management and acknowledges the need to invest in skilled people, accurate data, improved processes and intelligent systems. Well established and documented Asset Management practices ensure the organisation makes effective decisions, providing the best possible result for the community.

An Asset Management Strategy is a key planning document that specifies how an organisation's strategic objectives are addressed by its asset management objectives. The Asset Management Strategy provides a better understanding of how to align the asset portfolio to best meet the service delivery needs of the local community, both now and in the future, achieving Council's Asset Management Policy.

The Draft Asset Management Strategy (Appendix 1) has been developed with significant internal stakeholder engagement. The document was also taken to the Finance and Audit Committee (FAC) whose feedback has been incorporated. It is now presented to Council for endorsement.

### RECOMMENDATION

That Council endorses:

1. The Draft Asset Management Strategy (Appendix 1)

**Risk Management:** Appreciation of Council's current position. Defining where we want to be and how we will get there. Ensuring continuous improvement.

**Legal / Legislative / Policy:** Section 122 - Local Government Act 1999

### DISCUSSION

The City of Marion is transforming asset management across the organisation, focussing on making informed decisions through skilled people, accurate data, improved processes and intelligent systems.



The Draft Asset Management Strategy (Appendix 1) is a key element of Council's Asset Management Framework, aligned to Council's Strategic Management Framework. It is a high-level document setting a clear direction to meet the evolving service delivery needs of the community - now and into the future.

It establishes the City of Marion's Asset Management Vision and Strategic Objectives, supported by clear outcomes and key performance indicators (KPIs).

Monitoring and measurement of these KPIs will be:

- developed and led by the Asset Solutions Team
- supported by cleansed data from Council's Asset Management System
- reported to the Assets Steering Committee (senior management committee overseeing asset management)

The following headline KPIs will be reported annually to the Executive Leadership Team and FAC:

- Asset Management maturity assessment
- Asset Funding Renewal ratio - the ratio of the net present value of asset renewal funding accommodated over a 10-year period in a long term financial plan relative to the net present value of projected capital renewal expenditures identified in an asset management plan for the same period

This Draft Asset Management Strategy was supported by the Assets Steering Committee and FAC. It will be embedded and delivered through the rolling 3-year Asset Management Improvement Plan and Asset Management Plans for:

- City Property
- Coastal Walkway
- Transport
- Stormwater
- Water Resources
- Fleet, Plant and Equipment
- Information and Communication Technology

The main audience for the Asset Management Strategy is City of Marion staff who manage assets. It is a key guidance document, developed and structured to meet the community's current and future service delivery needs through efficient and effective management of Council assets.

## Attachment

#	Attachment	Type
1	Appendix 1 DRAFT Asset Management Strategy 2019	PDF File

# DRAFT City of Marion Asset Management Strategy 2019-2028



# WHAT ASSETS DO WE HAVE?

Council's assets range from roads and footpaths, to buildings, playgrounds, barbecues, shelters, vehicles, machinery and stormwater drains. In addition, we receive a number of "gifted" assets from State Government and developers which attract ongoing operational and maintenance costs over their life.

The City of Marion owns and manages a large and diverse asset portfolio, valued at over \$1 billion. Our assets enable the provision of services to the community and businesses for current and future generations. Assets play a vital role in the local economy and on residents' quality of life.

## WE OWN AND MANAGE OVER \$1 BILLION OF ASSETS



Buildings and Structures



Transport



Stormwater



Water Resources



Open Space



Coastal Walkway



Fleet, Plant and Equipment



Information and Communication Technologies

The *South Australian Local Government Act 1999* and its regulations require each council to have a strategic management plan covering the management of infrastructure and other major assets of the Council for a period of at least ten years. In addition to the legislative requirement, our role is to ensure that our assets meet the needs of the community now and into the future.



# WHAT IS ASSET MANAGEMENT?

In simplest terms, asset management is about how assets are “looked after”, both on a day-to-day basis (operation, monitoring and maintenance) and in the medium-to-long term (planning, creation, renewal and disposal).

# ASSET MANAGEMENT LIFECYCLE

»»»»» SINGLE POINT OF TRUTH IN ASSET MANAGEMENT INFORMATION SYSTEM AND GEOGRAPHIC INFORMATION SYSTEM »»»»»



Operation includes the costs and activities to maintain the operation of an asset e.g. electricity costs to power a building, insurance premiums, fuel and staff costs.

Maintenance is the regular on-going work which keeps assets operating at the expected level of service e.g. reactive repair of a road pot hole, specific kerb and gutter repair due to tree root lifting, regular planned servicing of an air conditioner or vehicle.

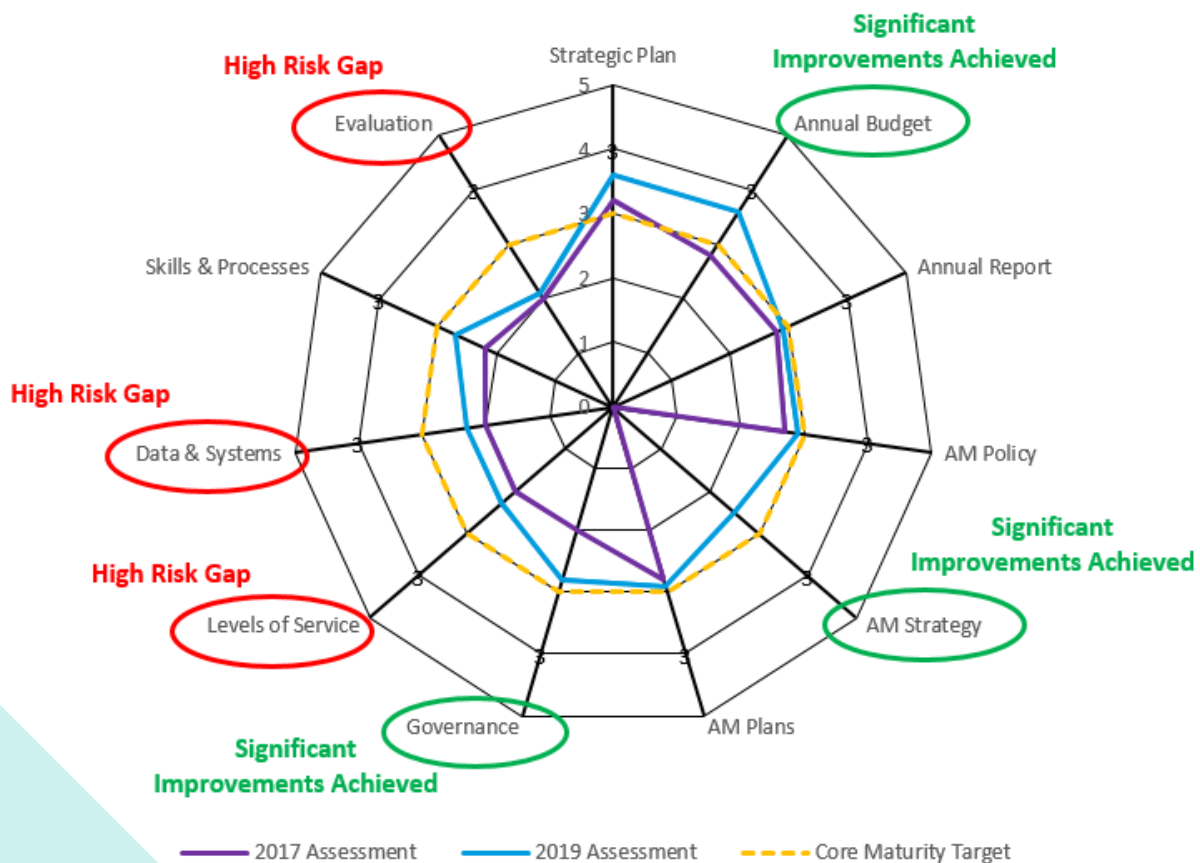
Renewal of an asset occurs when the asset has reached the end of its useful life and can no longer provide its intended service to the community. Renewal replaces the asset with another that maintains the existing service to the community.

# WHERE ARE WE NOW?

We are committed to implementing asset management best practice across all areas of council. In 2017, City of Marion undertook a baseline guided maturity assessment and commenced our asset management transformation journey.

Council's asset management maturity is assessed against the Institute of Public Works Engineering Australasia (IPWEA) National Asset Management Strategy (NAMS) targets. The maturity scale builds from **1 - Aware** to **3 - Core Maturity** to **5 - Advanced Maturity**.

## City Of Marion - Asset Management Maturity Assessment March 2019



By March 2019, Council had improved scores in all 11 elements and met the level **3 - Core Maturity** requirements in two of the 11 elements: *Strategic Plan* and *Annual Budget*. Significant improvements were also made in the *Governance* and *Asset Management Strategy* areas.

*Levels of Service*, *Data and Systems* and *Evaluation* were identified as high risk gaps and are being addressed through the rolling 3-year Asset Management Improvement Plan. Our target is to achieve a minimum rating of **3 - Core Maturity** for all 11 elements by 30 June 2021. We will then progress towards a rating of **5 - Advanced Maturity**.

# WHERE DO WE WANT TO BE?

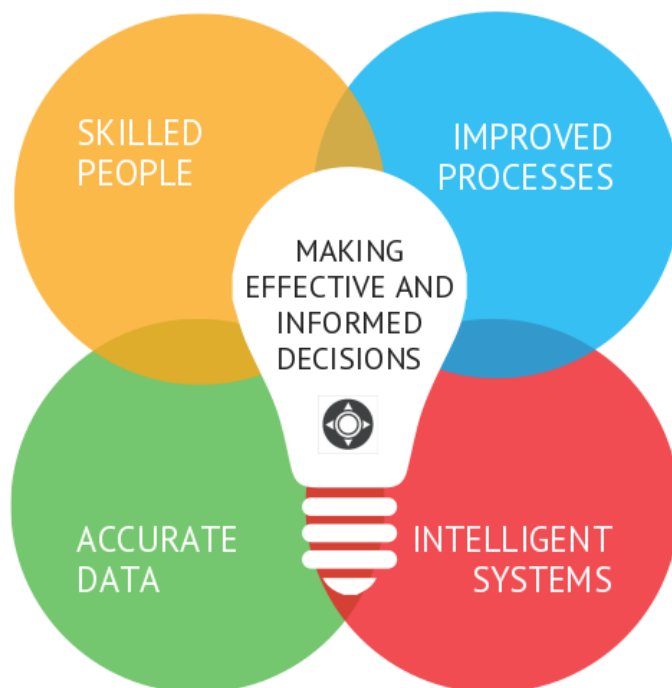
The City of Marion's Asset Management vision is:

To maintain the City of Marion's assets to agreed levels of service which maximise community value throughout an asset's life

Supported by four Strategic Objectives:

1. **MAXIMISE COMMUNITY VALUE**
2. **DELIVER AGREED LEVELS OF SERVICE**
3. **INFORMED DECISION MAKING**
4. **OPTIMALLY MANAGED**

Council will make effective and informed decisions through each stage of the asset lifecycle to achieve the Asset Management Vision and Strategic Objectives, by achieving four Outcome areas:



## SKILLED PEOPLE

Our people will provide outstanding asset management leadership to drive a focus on achievement, responsibility and accountability

## ACCURATE DATA

Appropriate data validation procedures will ensure the integrity of Asset Management data (i.e. the data is accurate, relevant and complete) and can be relied upon to make informed decisions in the Council's (and Community's) best interest

## IMPROVED PROCESSES

Our asset management processes will be appropriate, streamlined, efficient, well-defined and documented

## INTELLIGENT SYSTEMS

Our system will be a fully integrated system that: is dynamic; is populated with timely and accurate data; has a user-friendly interface and reporting functionality; and has a strong emphasis on its Geographical Information System (GIS)



# MAXIMISE COMMUNITY VALUE

City of Marion's assets provide services to our community now and into the future

ACHIEVED THROUGH:

## SKILLED PEOPLE

- Asset owners design policies and processes which provide responsibility and accountability for asset condition, function and capacity
- Innovation mindset in design, technology, construction and environmental sustainability to improve asset performance and community value
- Council's asset management practices maturing over time to become 'leading practice' and how Marion does business

## ACCURATE DATA

- Optimum life cycle costs are known and supported by high levels of data, information and knowledge in all key areas
- Council decisions are informed by multiple service level/cost/funding model data, risks, information and knowledge on trade-offs for economic, social, cultural and environmental consequences
- Council's annual "State of the Assets" report covers asset valuation, condition, asset performance, risk, intervention levels, level of service monitoring and future financial sustainability options and consequences
- Benchmarking against State and national asset management performance indicators and reports annually against set targets

## IMPROVED PROCESSES

- Risk Analysis is conducted to identify and mitigate the community impact of asset failure
- Asset rationalisation, maintenance and renewal programs are in place for all asset classes
- Climate change impacts will be appropriately considered in Asset Management decision making

## INTELLIGENT SYSTEMS

- Analysis of 'What-if' long term funding forecasts based on projected asset deterioration by adjusting budgets, project years and prioritisation criteria
- Funding Strategy holistically considers the cost, timing, intergenerational equity and overall community impact of all capital projects
- Optimising the service potential of current assets by ensuring they are operated, monitored and maintained appropriately

KEY PERFORMANCE INDICATOR	WHAT IT MEASURES
Asset Condition rating	How good is the service? Helps us understand the age and remaining life of existing assets
Asset Function rating	Are we providing the right service? Helps us understand future needs in response to changing circumstances
Asset Capacity rating	Is the service under or over used? Helps us understand future needs due to demand and growth

# DELIVER AGREED LEVELS OF SERVICE

City of Marion's assets are safe, accessible, well maintained and meet community needs in a sustainable manner

ACHIEVED THROUGH:

## SKILLED PEOPLE

- Engaging with the community, across Council, with public sector organisations, community organisations and other stakeholders to understand their needs
- Asset owners manage Council's assets to Australian standards as a minimum technical level of service
- Asset owners consider the expectations of the community through community levels of service

## ACCURATE DATA

- Technical levels of service adopted for all asset classes that reflect community needs
- Community levels of service adopted for all asset classes that reflect community expectations

## IMPROVED PROCESSES

- Community levels of service key result areas are developed, monitored, measured and reported to Council, against time-based targets
- Technical levels of service key performance indicators are developed, monitored, measured and reported to Council against time-based targets
- Level of service targets are tested with the community every 4 years

## INTELLIGENT SYSTEMS

- Service Level Agreements adopted
- Long Term Financial Plan funding is available to meet adopted levels of service
- Community levels of service and technical levels of service are monitored and reported to the Executive Leadership Team and Council

KEY PERFORMANCE INDICATOR	WHAT IT MEASURES
City of Marion's annual Community Satisfaction survey	How satisfied are our customers? Helps us understand how we meet customer needs and expectations
% Assets achieving technical levels of service	How good is our service performance? Helps us deliver against Australian Standards and community needs
% Assets achieving community levels of service	How well do we deliver what the community wants? Helps us deliver against customer expectations

# INFORMED DECISION MAKING

City of Marion understands assets, their performance, risks, investment needs, and value as an input to decision making and organisational strategic planning

ACHIEVED THROUGH:

## SKILLED PEOPLE

- Council makes effective and informed decisions through each stage of the asset lifecycle to achieve the Asset Management Vision
- Resources and operational capabilities are identified with responsibility for asset management throughout their lifecycle clearly allocated in person descriptions
- Staff are appropriately trained in the use of asset management principles, hardware and software systems

## ACCURATE DATA

- Asset Management Plans identify appropriate service levels, operations and maintenance expenditure and maintenance and capital works programs for each asset class, category and component
- Data in Asset Management Plans informs the Annual Business Plan and Long Term Financial Plan
- Asset data is stored, managed and maintained in accordance with Council's Data Governance Framework and Data Standards and Definitions documentation

## IMPROVED PROCESSES

- Lifecycle costs are considered in all decisions relating to new services and assets and upgrading of existing services and assets
- Corporate project management procedures and processes follow the lifecycle of an asset
- Integrated risk management practices are developed and maintained across all asset classes

## INTELLIGENT SYSTEMS

- The Long Term Financial Plan is adopted as the basis for all service and budget funding decisions, recognising appropriate sources of capital investment required to meet Council's asset renewal and replacement needs
- Asset Management Plans are aligned with the Asset Management Strategy, Council's Strategic Plan and LTFP and meet legislative requirements for all Council's operations
- Asset management follows an approach based on maintenance before renewal and renewal before new/upgrade (where it is cost effective to do so)
- The annual budget within Council's Annual Business Plan clearly indicates the ongoing maintenance, operational and renewal impacts arising from capital works and contributed assets

KEY PERFORMANCE INDICATOR	WHAT IT MEASURES
Asset Funding Renewal ratio	Are we delivering optimal and cost-effective asset replacement? Helps us plan and budget effectively for the long term
% Asset Management Plan projections included within the Long Term Financial Plan	Are our Asset Management Plans driving our long term budget forecasts? Helps us budget effectively for the long term

# OPTIMALLY MANAGED

City of Marion's assets are managed in line with strategic objectives, corporate policies, legislative requirements, regulations and Asset Management Plans

## ACHIEVED THROUGH:

### SKILLED PEOPLE

- Skills and knowledge gaps in the receipt, creation, operation, maintenance, monitoring, renewal and disposal of Council-owned assets are identified and addressed throughout the organisation
- Mobility solutions and training provided for field workers to update and maintain asset data 'on the ground' in real time
- Asset Management Information System and Geographic Information System training provided for staff to optimally manage their assets

### ACCURATE DATA

- Ongoing collection, auditing and update of data to ensure single point of truth for each asset class, category and component forming a complete and accurate asset register
- All assets are condition assessed with appropriate useful lives and conditions assigned to each component
- Following each annual budget cycle, the asset management plans and the long-term financial plan are realigned

### IMPROVED PROCESSES

- Established and documented corporate asset management procedures and processes specific to the lifecycle of an asset for each asset class
- Operations, maintenance and capital works programs are implemented in accordance with Asset Management Plans
- Asset acquisition, creation and disposal follow a transparent process driven by Council's Policy Framework

### INTELLIGENT SYSTEMS

- Accurate and comprehensive data about all asset classes, categories and components is stored in a centralised corporate Asset Management Information System and mapped through a Geographic Information System
- Ability to measure maintenance expenditure separate to operational expenditure
- The Annual Budget and Long Term Financial Plan clearly separate "recurrent expenditure" under the categories of operations and maintenance and clearly separate "capital works expenditure" under the categories of renewal, upgrade and new.
- Asset Management Plans are driven by accurate and comprehensive data stored in the Asset Management Information System and Geographic Information System

KEY PERFORMANCE INDICATOR	WHAT IT MEASURES
Asset Management maturity assessment	Is our asset management decision making effective and informed? Helps us to continually improve our financial planning, asset management and service delivery activities
Level of confidence in asset data within Asset Management Plans	How current and accurate is our asset data? Ensures our data is based on sound records, procedures, investigations, assessment methods and analysis

# FUTUREPROOFING

Demographic and climate change is challenging the capacity of existing assets to meet the increasing demands of the environment in which they are located. Without intervention their physical condition will deteriorate in the coming years.

The City of Marion recognises that climate change is likely to affect asset life and functionality. We are exploring what we can do so that our assets adapt to less rainfall overall, more frequent and intense rainfall events, increased frequency and intensity of bushfires, increased temperatures, more frequent and intense heatwaves and increased risk of coastal erosion and flooding as a result of sea level rise.



The community's expectations too are increasing, which affects the ability of existing purpose-built assets to meet the changing needs of future residents.

By setting agreed community and technical levels of service in our Asset Management Plans, Council will better manage assets to meet community needs now and into the future. Commencing with the Community Satisfaction Survey 2019, Council is using a range of activities to engage with the community and stakeholders. This data will ensure that the future service levels, funding and management practices proposed for our assets are appropriate.

# DELIVERY

The Asset Management Framework aligns Council's asset portfolio to meet the service delivery needs of the community. This Asset Management Strategy is aligned to Council's Strategic Management Framework. It is driven by the priorities of Council's Strategic Plan and is complementary to Council's Long-Term Financial Plan.

## ASSET MANAGEMENT FRAMEWORK



MAKING INFORMED DECISIONS THROUGH:

**SKILLED PEOPLE** **ACCURATE DATA** **IMPROVED PROCESSES** **INTELLIGENT SYSTEMS**

This strategy is a dynamic document reflecting and responding to changes over time. It will be delivered through the rolling 3-year Asset Management Improvement Plan and 10-year Asset Management Plans. A full review of this strategy will take place at least every four years following local government elections or any review of Council's Strategic Plan.



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**Front Cover Artwork**

**Title: Dig and Delve**

**Year: 2018**

**Created by : Laura Wills and Will Cheesman**

**Location: Hendrie Street Reserve Inclusive  
Playground, Park Holme**

## Policy Review - Final Community Gardens Policy

<b>Originating Officer</b>	Environmental Sustainability Manager - Ann Gibbons
<b>Corporate Manager</b>	Acting Manager Innovation and Strategy - Cass Gannon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R10

### REPORT OBJECTIVE

The purpose of this report is to:

- provide Council with the public consultation feedback relating to the DRAFT Community Gardens Policy (Attachment1)
- present a final Community Gardens Policy for endorsement (Attachment 2).

### EXECUTIVE SUMMARY

A DRAFT Community Gardens Policy was endorsed for public consultation at the 13 August 2019 General Council meeting (GC190813R11).

A public consultation process was conducted via the Making Marion website from 14 August 2019 until 11 September 2019. The consultation was promoted via social media posts, the Messenger 'What's Happening' column, and the monthly Green Thymes e-newsletter.

Thirty-seven people participated in an Online Poll via the Making Marion website, with 100% of people indicated they either strongly support or support what is in the DRAFT Policy. Five written submissions were received via the website and one submission was received via email (refer Attachment 1).

A FINAL Community Gardens Policy (Attachment 2), including tracked changes, is presented for endorsement.

### RECOMMENDATION

**That Council:**

1. **Notes the outcomes of the public consultation on the DRAFT Community Gardens Policy (Attachment 1);**
2. **Endorses the FINAL Community Gardens Policy (Attachment 2);**
3. **Amends the 'Leasing and Licensing of Council Owned Facilities Policy' to remove the requirements for community garden groups to pay lease or license fees and water rates for community gardens on Council owned land.**

**Valuing Nature:** VN5 We will encourage more community gardening in public spaces.

### DISCUSSION

Community gardens contribute to community wellbeing and provide diverse health, environmental, social, cultural, food security and economic benefits for the community. There are currently three community gardens on City of Marion land and one in development.

The key aims of the draft Community Gardens Policy are to:

- Make it easier and quicker to start new community gardens by simplifying the application process.
- Support existing community gardens.
- Clarify the roles and responsibilities of Council and community gardening groups.
- Have an appropriate level of oversight to ensure community gardens are feasible and managed responsibly.

The current Leasing and Licensing of Council Owned Facilities Policy requires that a minimum fee of \$300 (excluding GST) per annum shall be payable by Community Gardens for the use of Council land. Under this Policy, water rates are also the responsibility of lessees. The revised Community Gardens Policy proposes that payment of lease or license fees and water rates by community gardening groups is waived. The Leasing and Licensing of Council Owned Facilities Policy will need to be updated to reflect this change.

An updated DRAFT Community Gardens Policy was endorsed for public consultation at the 13 August 2019 General Council meeting (GC190813R11) following the inclusion of feedback received at the Elected Members' Forum on 30 July 2019 (EMF190730R03).

#### **Public Consultation Snapshot**

- A total of 150 people visited the Making Marion website where the DRAFT policy was available to view and download;
- Fifty-six people downloaded the DRAFT Policy;
- Six written responses were received regarding the DRAFT Policy;
- Thirty-seven people completed the online Quick Poll indicating their level of support for the DRAFT policy with 100% either supporting or strongly supporting the DRAFT Policy.

Attachment 1 provides more detailed information from public consultation.

All feedback has been considered and some minor amendments made to the DRAFT Policy. The FINAL Community Gardens Policy, including track changes, is presented in Attachment 2.

#### **Attachment**

#	Attachment	Type
1	ATTACHMENT 1 - DRAFT Community Gardens Policy Public Consultation Feedback	PDF File
2	ATTACHMENT 2 - DRAFT Community Gardens Policy - Final	PDF File

## **DRAFT Community Gardens Policy Public Consultation Feedback September 2019**

### **Public Consultation Outcomes on DRAFT Community Gardens Policy**

Public consultation was undertaken on the DRAFT Community Gardens Policy (the Draft Policy) from 14 August until 11 September 2019.

Feedback on the Draft Policy was sought via the *Making Marion* website, three social media posts, a Messenger's What's Happening column, and emails to key stakeholder groups, including via the monthly 'Green Thymes' e-newsletter. Information was also provided to members of all established community gardens within Marion.

The *Making Marion* consultation included:

- The Draft Policy (available for download)
- A specific "Quick Poll" question: 'Overall do you support what is in the Policy?'
- A free text online comment form

### **Community feedback statistics**

The feedback received from the community was as follows:

- A total of 150 people visited the *Making Marion* website and 56 people downloaded the DRAFT Policy
- 5 written responses were received via the *Making Marion* website
- 1 written response was received via email
- 37 people completed the online Quick Poll indicating their level of support for the DRAFT Policy
- A social media post was published on 23 August 2019 (10 likes, 1 share), 4 September 2019 (8 likes, 1 share), and 6 September 2019 (6 likes).

### **Making Marion Online Quick Poll response**

37 people participated in the Online Poll.

100% of people indicated they either strongly support or support what is in the DRAFT Policy.

**DRAFT Community Gardens Policy**  
**Public Consultation Feedback**  
**September 2019**



**Making Marion Online written responses and Email responses received**

	<b>Responses received</b>	<b>City of Marion response</b>
1	<p>The policy looks excellent. Quite progressive to be streamlining the requirements so that fledgling gardens can get started more quickly and easily. Community gardens attract and support many vulnerable and isolated members of the community so the more accessible the process is, and the fewer hoops they have to jump through, the better. Three cheers for free rent and water!</p> <p>It might be useful to define what's meant by 'open to the broader community on a regular basis' and 'visually appealing, tidy and well maintained'. The perspectives of productive gardeners and other community members often differ regarding visual appeal and tidiness - and it would be a pity for the productivity and ecosystem health of a garden to be too greatly compromised by the aesthetic concerns of those who don't participate in it. (E.g. annuals need to be allowed to flower and set seed to attract beneficial insects and for seed saving.) A herbal or floral border, or a buffer zone of native habitat shrubs, can usually disguise a multitude of messy plots - and a bit of friendly signage can explain why some seasons are less pretty than others.</p> <p>If non-gardeners complain about untidy garden beds it's a bit like gardeners complaining that sporting change rooms are smelly - it might be true, but it's missing the point of the place.</p> <p>Keep up the great work,</p>	<p>Noted.</p> <p>Re: definitions, no changes to Policy; garden opening and visual amenity will be addressed through procedures and management plans developed with individual garden groups.</p>
2	<p>Section 6 Roles and responsibilities...the word "responsibilities" in the heading is spelt incorrectly.</p>	<p>Noted and updated in the Policy.</p>
3	<p>I think the new community garden policy is by far a more encouraging approach by council for the community to get involved with gardening and food sustainability. The benefit is not only to get people involved in gardening but also to get people involved with other people of the neighbourhood. By making it more simple and quicker people will stay more eager to get into the gardening instead of plodding through mountains of paper work.</p>	<p>Noted.</p>
4	<p>Always great to have more gardens for the community to grow and share their own produce</p>	<p>Noted.</p>

**DRAFT Community Gardens Policy**  
**Public Consultation Feedback**  
**September 2019**



5	<p>I strongly support the intent of the revised Draft Policy; the change to waive some of costs involved in running a garden (i.e. annual licence fees and water costs) is a real positive. Community gardens want to be in a position to focus on gardening &amp; developing a sense of community, not fund raising (via sausage sizzles etc.) to pay the above fees.</p>	Noted.
6	<p>I have registered strong support for the draft Community Gardens Policy via the Making Marion website, but now have attached the draft policy document with a few minor suggestions. If the 5 sticky notes do not show [transcribed below], please tell me and I will reproduce the suggestions in ordinary text.</p> <p>Generally, the policy appears to be supportive and sensitive to the needs and desires of members of the community - great job!  I am happy to discuss this policy further, is staff or Council wish.</p> <p><b><i>Sticky Notes:</i></b>  <u>Page 2</u>  Section 3.8 – typo, should be ‘not-for-profit’.</p> <p><u>Page 3</u>  Section 5 – ‘Community Garden’ definition – add ‘... and fundraising for community garden purposes.’  Section 6 – add ‘, which may include templates of various documents needed for the formal registration of the group as an association, as well as ongoing operation of the community garden.’ to first dot point.  Section 6 – add ‘from the Council’ to dot point 8.</p> <p><u>Page 4</u>  Section 6 – add ‘before such structures are erected’ to third to last dot point</p>	Noted and updated in the Policy.



## 1. RATIONALE

Community gardens are increasingly recognised as important sites for community connection, urban food production and environmental education. There is also widespread recognition that community gardens have a range of health, environmental, social, cultural, food security and economic benefits for the community. This policy outlines Council's approach to supporting community gardens.

## 2. POLICY STATEMENT

Council will support the development of a network of appropriately located, designed, managed and resourced community gardens across the city.

## 3. OBJECTIVES

Council's approach to supporting community gardening in the City of Marion includes:

### 3.1 A community development approach

Council takes a community development approach to community gardens where community groups manage the gardens themselves with the support of Council and other partnering organisations.

### 3.2 Building the capacity of community gardening groups

Council recognises that there are varying degrees of community capacity and skills available to establish and maintain community gardens. As a result, Council has an important role to play in identifying opportunities, building community capacity and supporting communities to establish and maintain community gardens.

### 3.3 Fostering a diversity and geographic spread of community gardens

Council aims to foster a mix of community garden types and activities to meet diverse community needs, and achieve vibrant gardens across the whole Council area. Council will take a strategic approach to the location and type of community gardens it fosters. Garden types may include communal gardens, dedicated allotments, community orchards, indigenous bush tucker gardens or demonstration gardens for the purpose of education.

### 3.4 Encouraging accessible and inclusive community gardens

Community gardens should be accessible and cater for a range of community groups and needs including people with disabilities, children, older people, Aboriginal people and people from culturally and linguistically diverse backgrounds. Community gardens should be designed and managed so they are open to the broader community on a regular basis and when gardeners are present.

### 3.5 Building and facilitating partnerships

Council will develop strong partnerships with new and existing community gardening groups. It will also assist these groups to connect with relevant agencies, local organisations, neighbourhood centres, schools, businesses, funding bodies and other community gardens to provide opportunities for forming mutually beneficial partnerships.

### 3.6 Assisting community gardening groups during the establishment phase

Council recognises the significant amount of resources, time and labour required to establish a new community garden. Council will work closely with community garden groups during the

establishment phase and strive to support those groups to get their community garden up and running in 12 months. Community garden groups can apply to the City of Marion Community Grants program to obtain funding to establish their garden. In addition, Council may provide one-off financial assistance for essential infrastructure in new community gardens provided that community gardening groups demonstrate a strong commitment to managing their garden responsibly. Funding for community gardens is dependent on budget constraints and demand.

### 3.7 Security of tenure for community gardens

Community gardening groups should have the potential for security of tenure so they can plan for the long-term future and viability of the garden. In most cases, the allocation of Council land for community gardens will be formalised through a license or lease agreement. Once approved, community gardens can obtain an initial 2-year license or lease. This will be followed by a 5-year license or lease, provided that the site is being managed effectively and there is ongoing demand for a community garden. The complexity of the application process for community gardens on Council land will be proportionate to the scale of the community garden proposed. In some cases, an alternative simplified agreement may be negotiated with community groups wishing to undertake small-scale community gardening projects on Council land.

### 3.8 Minimising the ongoing expenses for community gardens

Council will not charge community gardens for water use provided that community gardening groups use water responsibly. In addition, Council will not charge an annual lease or license fee to community gardens on the understanding that they are run by volunteers on a ~~not~~ not-for-profit basis for the benefit of the community. Community gardening groups are responsible for all other ongoing community garden expenses.

### 3.9 Ensuring community gardens are visually appealing

Council requires community gardening groups to ensure their community gardens are visually appealing, tidy and well maintained.

## 4. POLICY SCOPE AND IMPLEMENTATION

While community gardens may operate on private land, this policy applies to community gardens on land that Council owns and/or manages.

This policy does not outline the procedure for starting new community gardens. This detail is contained in the City of Marion Community Gardens Guidelines.

This policy does not apply to verge gardens. Council's position on verge gardening is outlined in the City of Marion Verge Development Guidelines.

## 5. DEFINITIONS

**Community Garden** – Community Gardens are community led and managed, not-for-profit initiatives, where members of the local community come together to garden in individual or shared plots and produce is intended for the consumption of the gardeners and fundraising for community gardening purposes. Community gardens are open to the public on a regular basis and anyone can become a member.

**Community Gardening Group** – A not-for-profit community group or organisation using Council land for the purpose of a community garden.

**Community Capacity** – The skills, knowledge, resources, social networks and volunteer time available in a given community that can be dedicated to community initiatives such as a community garden.

**Verge Garden** - A garden located on the area between the kerb and the property boundary that is managed by one or more adjacent households.

**License** – An agreement where the occupier has partial access to the land or premises. This form of agreement is more commonly used for community gardens.

**Lease** – An agreement where the occupier has full and exclusive access to the land or premises.

## 6. ROLES AND RESPONSIBILITIES

To ensure community gardens on Council land are appropriately located, designed, managed, and resourced Council will:

- Provide advice to community groups on planning, design and management of community gardens, [which may include templates of various documents needed for the formal registration of the group as an association, as well as ongoing operation of the community garden.](#)
- Assess proposed community garden locations based on site selection criteria outlined in the Community Garden Guidelines.
- Undertake soil testing at proposed community garden sites to manage soil contamination and protect public health.
- Ensure there is sufficient demand and local community support before approving new community gardens.
- Undertake appropriate community engagement and consultation processes for new community gardens.
- Require community gardens to be managed by an incorporated group or organisation with sufficient capacity and commitment.
- Ensure community gardens have appropriate safety measures in place.
- Require community gardens to obtain a lease or license for use of the land [from the Council.](#)
- Promote community gardens as sites for environmental education and building community connections.
- Encourage best practice water and waste management in community gardens.
- Aspire to support new community gardens to start operating within a 12 month timeframe from receipt of application.

Community gardening groups managing community gardens on Council land must:

- Liaise with Council's Community Gardens Coordinator throughout the process of establishing a community garden.
- Ensure the group is incorporated and has the capacity to manage the garden.
- Design the garden for accessibility and ensure it is inclusive of a range of community groups and needs.
- Engage with the local community and communicate with neighbours to seek support for the garden.
- Ensure the community garden is open to the broader community on a regular basis and when gardeners are present.
- Develop a management plan for Council approval ~~which~~ [that](#) includes procedures for responsible management of water and waste in the garden.

- Develop a Gardeners Code of Conduct and ensure it is shared amongst community garden members.
- Develop a safety plan for the garden to ensure appropriate safety measures are in place.
- Prepare a budget for the community garden and take responsibility for sourcing funding.
- Arrange appropriate insurances including public liability insurance.
- Obtain development approval for community garden structures or features as required [before such structures are erected](#).
- Negotiate a lease, license, or other formal agreement with Council before using the land.
- Ensure community gardens remain visually appealing.

## 7. REFERENCES

- City of Marion Community Gardens Guidelines
- City of Marion Verge Development Guidelines
- City of Marion Leasing and Licensing Policy
- City of Marion Tree Management Policy
- City of Marion Environmental Policy
- City of Marion Open Space Policy
- City of Marion Community Land Management Plans
- City of Marion Public Consultation Policy
- City of Marion Open Space by-laws

## 8. REVIEW AND EVALUATION

This policy will be reviewed once within the term of Council 2018 – 2021. The review will be scheduled by the Governance Department in coordination with the Environment Sustainability Team.

## Policy Review - Draft Environmental Policy

<b>Originating Officer</b>	Environmental Sustainability Manager - Ann Gibbons
<b>Corporate Manager</b>	Acting Manager Innovation and Strategy - Cass Gannon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R11

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the DRAFT Environmental Policy and approval to proceed with public consultation.

### EXECUTIVE SUMMARY

The City of Marion provides a range of physical, social and developmental services to our community. To ensure effective environmental performance in all activities, Council is committed to environmental sustainability and aims to integrate environmental considerations with economic, social and cultural factors. The Environmental Policy, along with a Waste Management Policy (GC191008R) and a Climate Change Policy endorsed in September 2016 (GC270916R16), provide the framework by which the City of Marion responds to environmental sustainability.

The DRAFT Environmental Policy (Attachment 1) sets out how the City of Marion will manage the environment in an ecologically sustainable manner, avoid negative impacts during Council operations and encourage the community to build positive and meaningful connections with nature. A version of the Policy was endorsed by Council in September 2009; at that time it was called the 'General Environmental Policy'.

Feedback provided at the Elected Member Forum on 17 September 2019 (EMF190917R04) has been incorporated into the draft Policy. This report seeks Council endorsement of the DRAFT Environmental Policy for public consultation.

Public consultation will be conducted for a period of 3 weeks and will include seeking feedback on the Making Marion website, public notices, social media and targeted engagement with community environment groups and networks.

Final draft Policy will be brought to Council for consideration and endorsement in December 2019.

### RECOMMENDATION

**That Council:**

- 1. Endorses the DRAFT Environmental Policy (Attachment 1) for public consultation;**
- 2. Notes that final draft Environmental Policy and summary of public consultation findings will be brought to Council for consideration and endorsement in December 2019.**

### Attachment

#	Attachment	Type
1	Attachment 1 - DRAFT Environmental Policy	PDF File

## 1. RATIONALE

The City of Marion provides a range of physical, social and developmental services to our community. To ensure effective environmental performance in all activities, the City of Marion is committed to environmental sustainability and aims to integrate environmental considerations with economic, social and cultural factors.

## 2. POLICY STATEMENT

The City of Marion will manage the environment in an ecologically sustainable manner, avoid negative impacts during Council operations and encourage the community to build positive and meaningful connections with nature.

Council will incorporate the principles of ecologically sustainable development into our business and management systems and decision-making processes, to ensure the city's environment and resource efficiency improves over time.

## 3. OBJECTIVES

The City of Marion will promote positive environmental outcomes by:

- **Protecting** existing natural environments and local biodiversity;
- **Enhancing** the condition and extent of natural environments;
- **Avoiding** impacts from excessive resource use, waste generation, pollution and pest species;
- **Adapting** to a changing environment and developing resilience to changes in our climate; and
- **Building human connections** to the natural world whilst respecting cultural, social and economic values.

Council will take a lead in ensuring adherence to these objectives where land or activity is under the direct control of Council through:

- Complying with all relevant environmental legislation and standards and, where practical, exceeding basic requirements to improve our environmental performance.
- Improving our environmental performance through setting and reviewing measurable objectives and targets.
- Regularly assessing and auditing our environmental performance and the effectiveness of our environmental risk management systems.
- Ensuring our employees, suppliers, contractors and volunteers understand and respond to their environmental responsibilities.
- Giving preference to use of environmentally friendly products and services where appropriate.
- Advocating at regional, state and federal level on environmental matters that may impact on Council's operations, activities and services.
- Developing positive relationships with our community, partners and customers to enhance environmental quality.
- Embracing innovation and technology to support improved environmental outcomes.



Where an activity is of relevance to the Marion community but outside the direct control of Council, Council may choose to advocate use of these principles for the benefit of the community and local environment.

## 4. POLICY SCOPE AND IMPLEMENTATION

This policy applies to:

- All of Council's activities and services;
- Council's communication and collaboration with the community and regional partners to manage environmental impacts and to help our residents and businesses to minimise their impacts on the environment.

## 5. DEFINITIONS

**Biodiversity:** the amount of diversity between different plants, animals and other species in a given habitat at a particular time. The different varieties and types of animals and plants that live in the ocean is an example of biodiversity.

**Ecologically Sustainable Development:** Australia's *National Strategy for Ecologically Sustainable Development* (1992) defines ecologically sustainable development as: 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'.

**Ecosystem:** a biological community of interacting organisms and their physical environment.

**Resilience:** The ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organisation, and the capacity to adapt to stress and change.

## 6. ROLES AND RESPONSIBILITIES

The Environment Sustainability Team is responsible for coordinating the implementation of this policy across the organisation.

## 7. REFERENCES

- City of Marion Community Vision: Towards 2040
- City of Marion Strategic Plan 2017 – 2027
- City of Marion Business Plan 2019 – 2023
- City of Marion Climate Change Policy
- City of Marion Waste Management Policy
- City of Marion Risk Management Policy

## 8. REVIEW AND EVALUATION

This policy will be reviewed once within each term of Council. The review will be scheduled by the Governance Department in coordination with the Environment Sustainability Team and the Environmental Risk Management Committee.

## Policy Review - Draft Waste Management Policy

<b>Originating Officer</b>	Environmental Sustainability Manager - Ann Gibbons
<b>Corporate Manager</b>	Acting Manager Innovation and Strategy - Cass Gannon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R12

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the DRAFT Waste Management Policy and approval to proceed with public consultation.

### EXECUTIVE SUMMARY

The City of Marion provides a range of physical, social and developmental services to our community. To ensure effective environmental performance in all activities, Council is committed to environmental sustainability and aims to integrate environmental considerations with economic, social and cultural factors. A Waste Management Policy, along with an Environmental Policy (GC191008R) and a Climate Change Policy endorsed in September 2016 (GC270916R16), provide the framework by which the City of Marion responds to environmental sustainability.

The DRAFT Waste Management Policy (Attachment 1) is a new public-facing Policy that sets out the principles underpinning the City of Marion's approach to managing waste and recyclable materials and the related services provided by Council. The Policy recognises that waste management is a core component of Council services, with numerous service obligations linked to State legislation and policy.

Feedback provided at the Elected Member Forum on 17 September 2019 (EMF190917R04) has been incorporated into the draft Policy. This report seeks Council endorsement of the DRAFT Waste Management Policy for public consultation.

Public consultation will be conducted for a period of 3 weeks and will include seeking feedback on the Making Marion website, public notices, social media and targeted engagement with community environment groups and networks.

Final draft Policy will be brought to Council for consideration and endorsement in December 2019.

### RECOMMENDATION

**That Council:**

- 1. Endorse the DRAFT Waste Management Policy (Attachment 1) for public consultation;**
- 2. Notes that final draft Policies and summary of public consultation findings will be brought to Council for consideration and endorsement in December 2019.**

### Attachment

#	Attachment	Type
1	Attachment 1 - DRAFT Waste Management Policy	PDF File

## 1. RATIONALE

Generation and disposal of waste has substantial economic, social and environmental costs. The volume of waste sent to landfill places significant pressure on the environment, landfill sites and to Council budgets via the Solid Waste Levy and costs associated with processing of waste and recyclables. Landfill sites can pose significant air, land and water contamination problems while in operation and long after they have closed if not managed appropriately.

Inappropriate use, storage and disposal of chemicals and hazardous waste items can also result in long-term soil and water contamination and other environmental impacts.

## 2. POLICY STATEMENT

This Policy sets out principles underpinning the City of Marion's approach to delivery of waste and recycling services to our community in order to prevent littering, reduce the amount of waste going to landfill, and to encourage resource recovery, reuse and recycling.

## 3. OBJECTIVES

The City of Marion is committed to the protection of public health and minimising waste disposal to landfill by encouraging waste avoidance and maximising resource recovery for recycling by:

- 3.1 Work within the **waste management hierarchy** and **circular economy principles** to emphasise the importance of waste avoidance, reduction and reuse, which underpins Council's waste minimisation and recycling services. Treatment and disposal are the least preferred practices for waste minimisation.
- 3.2 **Supporting the community** through education and encouraging behaviour change that will minimise waste to landfill, increase recycling and resource recovery, and encourage adoption of sustainable waste management practices.
- 3.3 Incorporating **innovation** and technological advancements into waste management practices where it adds value.
- 3.4 Incorporating consideration of waste minimisation into **Council's internal waste management** activities to facilitate the most efficient use of resources.
- 3.5 **Working regionally** and at a State and Federal level with our partners to provide opportunities for ratepayers to minimise waste, illegal dumping and public place littering, and to advocate for improved and cost effective waste and recycling services.
- 3.6 Achieving compliance with the requirements of all relevant **legislation**.

## 4. POLICY SCOPE AND IMPLEMENTATION

This policy applies to the waste and recycling services Council will provide, including:

- Kerbside waste and recycling collection service - domestic general waste, co-mingled and organics recycling
- Hard waste collection service
- Management of illegally dumped rubbish
- Provision of public litter bins and dog poo bag dispensers
- Management of waste and recycling at Council run events
- Waste and recycling education

## 5. DEFINITIONS

**Circular economy:** An alternative to the wasteful traditional 'linear' economy based on 'take, make, use and dispose' based on the principles of designing out waste and pollution, keeping products and materials in use at their highest utility for as long as possible and regenerating natural systems.

**Hard waste collection service:** The at-call booking service for the collection of hard waste items; including the tip ticket options as part of this service.

**Hard waste:** Selected solid waste items, as specified by Council, which arise from residential premises that cannot be collected by the general waste, co-mingled or organics recycling collection services.

**Hazardous waste:** Listed waste having a characteristic described in schedule A list 2 of the *National Environment Protection (Movement of controlled waste between States and Territories) Measure*, as amended from time to time.

**Illegally dumped rubbish:** Waste that has been discarded or dumped to public land and may include actions related to dumping on private property.

**Kerbside waste and recycling collection service:** comprises the three-bin system and typically requires bin presentation on the footpath. This is predominantly a 240 litre recyclables (yellow lid) mobile garbage bin (MGB), a 240 litre organic waste (green lid) MGB, and a 140 litre domestic waste (red lid) MGB. Other approved bin types or sizes are adopted from time to time (eg bulk bins). Council provides this service to all separately assessable properties on the basis of fairness and equity, but not abuse of Council's resources. In general, each separately assessable property is entitled to a single set of MGBs regardless of the type or size of the property.

**Organics recycling:** Any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, vegetables, fruit, manure or any other organic material for which permission has been granted by Council.

**Waste management hierarchy:** The waste management hierarchy is a nationally and internationally accepted guide for prioritising waste management practices with the objective of achieving optimal environmental outcomes. It sets out the preferred order of waste management practices, from most to least preferred, namely: avoid, reduce, reuse, recycle, recover, treat, dispose.

## 6. ROLES AND RESPONSIBILITIES

The Environment Sustainability Team is responsible for coordinating the implementation of this policy across the organisation and delivering waste and recycling education programs. The Operational Support Unit is responsible for delivery and management of the Hard Waste and Dumped Rubbish services. The Contracts team is responsible for the contracted residential kerbside recycling collection and public place litter services.

## 7. REFERENCES

- City of Marion Community Vision: Towards 2040
- City of Marion Strategic Plan 2017 – 2027
- City of Marion Business Plan 2019 – 2023
- City of Marion Environmental Policy
- Kerbside Waste and Recycling Collection Service Procedure
- *Environment Protection Act 1993*

- Environment Protection (Waste to Resources) Policy 2010
- Local Government Act 1999
- Public and Environmental Health (General) Regulations 2006

## 8. REVIEW AND EVALUATION

This policy will be reviewed once within the term of Council 2018 – 2021. The review will be scheduled by the Governance Department in coordination with the Environment Sustainability, Operational Support and Contracts teams.

## Appointment of Date, Time and Place of Council Meetings

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC191008R13

### REPORT OBJECTIVE

The purpose of this report is to provide a draft Schedule of Meeting dates for 2020 Council consideration.

### EXECUTIVE SUMMARY

*As an aid to provide open, responsive and accountable government, the Local Government Act 1999, requires Council to resolve the times and places at which ordinary meetings of the Council will be held.*

The manner in which Council can do this is by the adoption of a Schedule of Meeting dates, which can also be used to relay the dates and times of meetings to the community.

### RECOMMENDATION

**That Council:**

- 1. Adopt the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:**

**General Council Meeting to be held on Tuesday, 28 January 2020.**

**General Council Meetings to be held on the 2nd and 4th Tuesday of the month in February, March, May, June, August and October.**

**General Council Meetings to be held on the 4th Tuesday of the month in April, July, September, and November.**

**General Council Meeting to be held on Tuesday, 8 December 2020.**

**General Council meetings will be held in the Chamber, at the City of Marion Administration Centre, 245 Sturt Road, Sturt commencing at 6.30pm.**

- 2. Adopts that the Urban Planning Committee meets on the first Tuesday bi-monthly from March 2020 to November 2020.**
- 3. Adopts that the Infrastructure and Strategy Committee meets bi-monthly from February 2020 to December 2020.**
- 4. Adopts the schedule of meeting dates for 2020 provided at Appendix 1 to the report.**
- 5. Publish the Schedule of Meetings for 2020 in the Guardian Messenger.**

### GENERAL ANALYSIS





*Sections 81 of the Local Government Act 1999 (the Act) requires Council to appoint the times and places for ordinary meetings of Council.*

## **COMMITTEE TERMS OF REFERENCE**

### Urban Planning Committee

Section 4.3 of the Urban Planning Committee Terms of Reference states that the Committee will meet as resolved by Council, between February and November. It is therefore proposed that the Committee meets in February, June and October. Special meetings will be called as required.

### Infrastructure and Strategy Committee

Section 4.3 of the Strategy and Infrastructure Committee Terms of Reference states that the Committee will meet as resolved by Council, between February and December each year. It is therefore proposed that the Committee meets, each month during this period.

### Review and Selection Committee

Section 4.4 of the Review and Selection Committee Terms of Reference states that the Committee will meet on an ad-hoc basis with a meeting occurring at least every 6 months. Meetings will be convened at the request of the presiding member of the elected members on the Committee, hence the Council is not required to make a resolution about the meetings schedule for this Committee

### Finance and Audit Committee

Section 4.12 of the Finance and Audit Committee Terms of Reference states that the Committee will meet at least quarterly. Section 4.15 states that an annual schedule of meetings will be developed and agreed to by the Committee members, hence the Council is not required to make a resolution about the meeting schedule for this Committee. This schedule of meetings will include at least one joint workshop with the Council and the Committee.

## **DISCUSSION**

The proposed Schedule of Meetings 2020 provided at **Appendix 1** identifies meeting dates and times from January to December 2020.

Matters to be noted in considering the Schedule include:

- The schedule complies with the requirements of the Act which provide that there must be at least one ordinary (General) meeting of the Council in each month.
- The proposed meeting dates and times allow Council to meet the objective of providing open, responsive and accountable government.
- It is proposed the meeting start time is 6.30 pm.
- The holding of two General Council meetings some months and only one for others allows Council to balance formal decision making meetings with informal gathering time to focus on planning/strategies, training, etc.
- Meetings have not been included for the Finance and Audit Committee, Review and Selection Committee and Council Assessment Panel (CAP) as these Committees/Panels have either been set by separate resolution or they set their own schedule of meetings in accordance with their Terms of Reference.

## **Implementation**

The Schedule of Meetings for 2020 will be published in the Guardian Messenger and will be available at the Administration Centre and via Council's website. Details of Council's upcoming meetings will also be placed on the sign at the front of the Administration Centre.

## **Attachment**



#	Attachment	Type
1	Appendix 1 - Schedule of Meetings 2020	MS Word File

<b>SCHEDULE OF GENERAL COUNCIL MEETINGS – 2020</b>		
<b>All meetings will be held at the City of Marion Administration Centre, 245 Sturt Road, Sturt</b>		
<b>Date</b>	<b>Time (PM)</b>	<b>Meeting</b>
28 January 2020	6.30pm – 9.30pm	General Council
4 February 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
11 February 2020	6.30pm – 9.30pm	General Council
25 February 2020	6.30pm – 9.30pm	General Council
3 March 2020	6.30pm – 9.30pm	Urban Planning Committee
10 March 2020	6.30pm – 9.30pm	General Council
24 March 2020	6.30pm – 9.30pm	General Council
7 April 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
28 April 2020	6.30pm – 9.30pm	General Council
5 May 2020	6.30pm – 9.30pm	Urban Planning Committee
12 May 2020	6.30pm – 9.30pm	General Council
26 May 2020	6.30pm – 9.30pm	General Council
2 June 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
9 June 2020	6.30pm – 9.30pm	General Council
23 June 2020	6.30pm – 9.30pm	General Council
7 July 2020	6.30pm – 9.30pm	Urban Planning Committee
28 July 2020	6.30pm – 9.30pm	General Council
4 August 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
11 August 2020	6.30pm – 9.30pm	General Council
25 August 2020	6.30pm – 9.30pm	General Council
1 September 2020	6.30pm – 9.30pm	Urban Planning Committee
22 September 2020	6.30pm – 9.30pm	General Council
6 October 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
13 October 2020	6.30pm – 9.30pm	General Council
27 October 2020	6.30pm – 9.30pm	General Council
3 November 2020	6.30pm – 9.30pm	Urban Planning Committee
24 November 2020	6.30pm – 9.30pm	General Council
1 December 2020	6.30pm – 9.30pm	Infrastructure and Strategy Committee
8 December 2020	6.30pm – 9.30pm	General Council
<b>Christmas Break – No more meeting until 2021</b>		

## Policy Review - Draft Community Awards and Recognition Policy

<b>Originating Officer</b>	Unit Manager Communications - Craig Clarke
<b>Corporate Manager</b>	Manager Customer Experience - Karen Cocks
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC191008R14

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the draft Community Awards and Recognition Policy.

### EXECUTIVE SUMMARY

The City of Marion offers a range of awards to recognise the outstanding achievements of individuals and groups, and the contribution they make to the community.

The annual Australia Day Awards remain Marion Council's flagship awards program. Council can also choose to honour excellence at a state, national or international level any time through the Community Excellence Awards. Recipients of this award can receive the key to the city, have a Council facility named after them or be presented with a plaque, depending on their achievement.

Council last reviewed the policy six years ago (GC261113R05). Feedback provided at the Elected Member Forum on 17 September 2019 (EMF190917R04) has been incorporated into the draft policy. This report seeks Council endorsement of the draft Community Awards and Recognition Policy.

### RECOMMENDATION

**That Council:**

- Endorses the draft Community Awards and Recognition Policy.**

### Attachment

#	Attachment	Type
1	DRAFT Community Awards and Recognition Policy	PDF File

# Community Awards and Recognition

## 1. RATIONALE

To celebrate the outstanding achievements and contributions that individuals, organisations/groups and business' make to enriching our community.

## 2. POLICY STATEMENT

The City of Marion is committed to celebrating the outstanding achievements and contributions individuals, organisations/groups and business make to enriching our community.

The Community Awards and Recognition Policy This policy outlines how the City of Marion will formally acknowledge these outstanding role models in the community whose contributions often go unrecognised. The Policy explains the types of awards and recognition council offers, who is eligible and the role of Elected Members in supporting the program.

The policy should be read in conjunction with the Community Awards and Recognition Procedures which detail how the program is administered.

## 3. OBJECTIVES

The Community Awards and Recognition Program reflect the values in the Community Plan – Towards 2040. The objectives of the program are to:

- Publicly and formally celebrate the outstanding achievements and contributions made by individuals, organisations/groups and businesses to the community.
- Foster pride in the achievement of those who have been nominated for recognition among the wider community.
- Build a stronger, more engaged community that values the importance of volunteering and encourages positive role models.
- Enable the City of Marion to thank recipients for their contribution on behalf of the community.

## 4. POLICY SCOPE AND IMPLEMENTATION

### COMMUNITY AWARD AND RECOGNITION PROGRAM AND PRINCIPLES

The City of Marion's Community Award and Recognition program comprises seven three awards including:

- Australia Day Awards – presented annually to recognise individuals/groups who have made an outstanding contribution to the City of Marion.
- Community Excellence Awards – presented at any time to individuals/groups to recognise excellence at state or national level in any field. Award presented at civic ceremony and can be keys to the city, naming of Council facility or presentation of plaque/certificate.
- Unsung Heroes Awards
- Certificate of Appreciation
- Marion Learning Festival Scholarship
- Youth Recognition Awards
- Volunteer Recognition Awards – presented to City of Marion volunteers to recognise significant lengths of service.

### Non-formal recognition and creating other awards

Other formal award and recognition programs can be established provided they adhere to the principles of this policy (see the Community Awards and Recognition Procedure). The process for non-formal recognition of community members and accessing external awards are included in

# Community Awards and Recognition

the procedure.

## Recipients

Each award will have its own selection criteria and nomination process which must be adhered to for an entry to be valid. As a general principle, recipients of a City of Marion award can be:

- Living or deceased
- Reside, study, **train** or work in the City of Marion.
- Involved in an organisation that works predominately to benefit the City of Marion community.
- Staff employed by the City of Marion provided their involvement falls outside of employee-related activities.
- An animal.

**Council reserves the right not to make an award in any program if no suitable candidate is nominated.**

## Nominations

All nominations must adhere to the following principles:

- Nominations for all awards/recognition categories should be made by persons other than the nominee themselves and should address the specific selection criteria.
- All nominations must be accompanied by the contact details of at least one referee able to confirm the accuracy of the information provided by the nominator.
- All nominations, including the details of nominators and referees, will be kept in strictest confidence.

## 5. DEFINITIONS

Award	A prize or honour bestowed on an individual, organisation/group or business.
Community Awards and Recognition Program	The initiative of the City of Marion to celebrate the outstanding achievements and contributions of individuals, organisations/groups and businesses to the community.
Formal awards	Formal awards are part of the Community Awards and Recognition Program. All other awards are non-formal.
Recognition	An acknowledgement bestowed on an individual, group of people or business either for an outstanding achievement, or to recognise length of service.



# Community Awards and Recognition

## 6. ROLE OF ELECTED MEMBERS

The role of Elected Members in the Community Awards and Recognition program is to **include**;

- Promote individual awards to the community
- Nominate individuals and groups for awards
- Participate in the judging of awards as required
- Represent the community at award ceremonies

## Judging

**Marion Learning Festival Scholarship** – The Mayor will select the scholarship winner from names forwarded by the Marion Learning Festival organising committee.

The other award categories do not require judging.

## 6. ROLES AND RESPONSIBILITIES

**Australia Day Awards** – A judging panel comprising the Mayor, Deputy Mayor **and** one other Elected Member ~~and the previous year's winner of the Citizen of the Year~~ will select the winner of the awards.

The Unit Manager Communications is responsible for the implementation of this policy.

## 7. REFERENCES

- *Community Awards and Recognition Procedures*
- *2013 – 2016 Youth Plan*
- *Staff Memorial Policy*
- *City of Marion Community Vision – Toward 2040*
- *Road and Public Place Names Policy*

## 8. REVIEW AND EVALUATION

This policy will be reviewed once during a term of Council.

## Elected Member Representatives for various positions 2019 - 2020

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190819R15

### REPORT OBJECTIVE

The objective of this report is for Council to appoint Elected Members to various positions of Council and Council Committees for the 2020 calendar year. The appointment of Elected Members to these positions is required to fulfil Council's governance and legislative obligations.

### EXECUTIVE SUMMARY

Nominations will be sought during the meeting and a ballot will be held if more nominations than vacancies occur. The process for the ballot is provided in **Appendix 1**. The following provides a summary of the positions available.

#### Finance and Audit Committee (2 positions)

The current Elected Members appointed to the Finance and Audit Committee (FAC) expired on the 27 November 2019. Council is required to appoint two (2) Elected Members to the FAC. It is recommended that the new term be 28 November 2019 to 30/11/2020. No sitting fee is payable to Elected Members on the Finance and Audit Committee.

#### Section 41 Committees

The Mayor is ex-officio on all of the Committees and Presiding Member of the Review and Selection Committee. In addition, Council is required to appoint the following positions:

- 3 x Elected Members to the Urban Planning Committee
- 1 x Elected Member as the Presiding Member to the Urban Planning Committee
- 3 x Elected Members to the Review and Selection Committee
- 4 x Elected Members to the Infrastructure and Strategy Committee
- 1 x Elected Member as the Presiding Member to the Infrastructure and Strategy Committee

Christian Reynolds was re-appointed as the expert independent member on the Infrastructure and Strategy Committee for two years for a term 1 January 2018 - December 2019.

The Presiding Member of a Committee (except where the Mayor presides) is entitled to an additional 25% loading above their annual allowance.

#### Council Assessment Panel

At the 11 June 2019 General Council meeting, Councillor Duncan and Councillor Telfer were appointed as the Member and Deputy Member on the Council Assessment panel from 1 July 2019 until 30 June 2020. No further action is required at this time.

#### Reconciliation Action Plan Working Group

At the 11 June 2019 General Council meeting, Councillor Telfer and Councillor Hull were appointed Reconciliation Act Plan (RAP) Working Group from 27 November 2018 until 27 November 2020 (two years). No further action is required at this time.

### RECOMMENDATION

**That Council:**



1. Appoints Councillor ..... and Councillor ..... to the Finance and Audit Committee for a term commencing on 28 November 2019 and concluding on 30 November 2020.
2. Appoints Councillor ....., Councillor ....., and Councillor ....., to the Urban Planning Committee for a term commencing on 28 November 2019 and concluding on 30 November 2020.
3. Appoints Councillor ..... as the Presiding Member of the Urban Planning Committee for a term commencing on 28 November 2019 and concluding on 30 November 2020.
4. Appoints Councillor ....., Councillor ..... and Councillor ....., to the Review and Selection Committee for a term commencing on 28 November 2019 and concluding on 30 November 2020.
5. Appoints Councillor ....., Councillor ....., Councillor ....., and Councillor .....to the Infrastructure and Strategy Committee for a term commencing on 28 November 2019 and concluding on 30 November 2020.
6. Appoints Councillor ..... as the Presiding Member of the Infrastructure and Strategy Committee for a term 28 November 19 to 30 November 2020.

## Attachment

#	Attachment	Type
1	Appendix 1 - Process for Ballott	PDF File

## Appendix 1 - Process for meeting ballot

At its meeting of 8 September 2015 (GC080915R05), Council resolved to adopt preferential voting as the method to apply when conducting ballots for positions selected by Council.

The process to apply will be as follows:

- Nominations will be sought.
- If more nominations than positions are received, a secret ballot will be held.
- Council members will be provided with ballot papers and requested to indicate their first preference by placing the name of the candidate next to number one of the ballot paper.
- Council members may place the name of the second preference next to number two and continue this process until all candidates are named on the ballot paper.
- As a minimum, Council members must vote for candidates equal to the number of positions. For example, the DAP has three positions. If there are six candidates, members must vote for at least three. If members fail to vote for the minimum number, the vote will be declared invalid.

### Counting

- The first candidate to reach quota will be elected.
- The quota is calculated as follows:

$$\frac{\text{Total number of formal ballots papers}}{\text{Number of vacancies} + 1} + 1$$

If a fraction occurs, it will be rounded up. This formula is the same applied to the calculations of quotas within Local Government Elections.

- The ballot papers will be sorted by first preference votes.
- The candidate with the least votes is excluded.
- The excluded candidate's votes are distributed to the next candidate on the ballot paper.
- In the case where there are equal votes at the conclusion of re-distribution of votes, they will both be excluded.
- This process will continue until there is a clear winner.
- In the event that there is a tie at the conclusion of the process, Council will be requested to vote again for one of the two final candidates.

Once a nominee is identified, this will then be voted upon as a formal council resolution under the Local Government (Procedures) Regulations at meetings.

## Review of Neighbourhood Centres Exercise Class Fee Schedule

<b>Originating Officer</b>	General Manager City Services - Tony Lines
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC191008R16

### REPORT OBJECTIVE

This report references a recent petition regarding the cost of exercise classes at Neighbourhood Centres and proposes a number of charge options for Council to consider.

### EXECUTIVE SUMMARY

A review of the price of exercise classes at Council's four Neighbourhood Centres has revealed inconsistency in the price of classes – namely the 'unlimited' exercise classes at the Trott Park Neighbourhood Centre available for \$10 per week (i.e. \$2 per class for five classes, compared to \$6-\$7 for each class at the three other centres).

Council adopted a Loyalty Card arrangement as part of its 2019/20 Annual Business Plan process, whereby each class would cost \$7 but frequently attending patrons would receive a third class a week free.

Council received a petition regarding the proposed changes to the exercise class costs, and in particular the impact on the Trott Park costs (refer report GC190924P01).

Five exercise class pricing options have been prepared for Council to consider. These options are all based on the premise that (consistent with other Council services) classes should be charged at the same rate across all of the Council area.

### RECOMMENDATION

**That Council:**

- 1. Notes this report.**
- 2. Adopts Option X [insert description] for the costs of exercise classes at Neighbourhood Centres.**

### DISCUSSION

#### Background

Council offers inexpensive and valued exercise classes at our four Neighbourhood Centres. Council also wants to ensure it has a consistent approach in the fee structure that enables everyone access to these classes. We recently reviewed our programs and services delivered at the Neighbourhood Centres, revealing inconsistencies in the charging of exercise classes. Specifically this related to the 'unlimited' exercise classes at the Trott Park Neighbourhood Centre available for \$10 per week (i.e. \$2 per class if five classes were attended per week), compared to \$6-\$7 for each class at the three other centres.



After examining attendance figures and having had conversations with the fitness instructor, it was concluded that the vast majority of people attended exercise classes up to three times a week. The recommendation as part of Council's 2019/20 Annual Business Plan process was to introduce a single cost per class of \$7 but offer a loyalty card for frequently attending patrons to receive a third class a week free. This was endorsed by Council in the 2019/20 Schedule of Fees and Charges.

Council received a petition regarding the proposed changes to the exercise class costs, and in particular the impact on the Trott Park costs (refer report GC190924P01). It was noted that quite a few petitioners attended the Glandore or Mitchell Park Neighbourhood Centres who, depending on the number of classes per week, would either be very slightly worse off, or would pay the same, or would be better off. It was also noted that a number of people who attend live outside of the Council area, and staff are happy to have them participate.

### **Discussion**

Five exercise class pricing options have been prepared for Council to consider. These options are all based on the premise that (consistent with other Council services) classes should be charged at the same rate across all of the Council area.

The following class cost structures are proposed:

#### **Option 1**

Maintain the current costs (effectively the 2018/19 costs because the 2019/20 costs have not been implemented yet) and review the costs as part of the 2019/20 Neighbourhood Centre Service Review (due for completion in May 2020). Proposed costs to be brought to Council as part of the 2020/21 Annual Business Plan process.

Advantage: Allows a formal review process to be undertaken, including assessment of running costs and greater review of practices at other Councils.

Disadvantage: residents will continue to pay different class costs at different centres for 2019/20.

#### **Option 2**

Implement a Council-wide cost for exercise classes at Neighbourhood Centres of \$5 per class with unlimited classes after paying for three classes (i.e. \$5 for one class, \$10 for two classes, \$15 for three or more classes).

Advantage: Complimentary classes are offered after paying for three classes, not just two, which is more typical of reward structures. Helps attendees of just one or two classes, who wouldn't be paying for half or the same as three classes under the Loyalty Card option. Helps those at Mitchell Park who currently don't have as many classes to attend (is changing and will continue to change with the new Mitchell Park NHC).

Disadvantage: A \$1 increase to the cost of three classes compared to the Loyalty Card option, although participants at Glandore, Cooina and Mitchell Park are currently paying up to \$21 for three classes.

#### **Option 3**

Implement a fixed Council-wide cost for exercise classes at Neighbourhood Centres of \$6 per class, regardless of the number of classes attended. \$6 per class selected to recover program costs.

Advantage: Fair on participants, with a typical fee-for-service arrangement. Very easy to administer. Aligns with other classes (e.g. art, computing skills, painting) where participants pay per class.

Disadvantage: Will get expensive for the few that attend 4-5 classes per week. Doesn't respond to community feedback from Trott Park to maintain an 'unlimited classes' model.

#### **Option 4**

Implement a Council-wide cost for exercise classes at Neighbourhood Centres of \$7 per class, with a Loyalty Card arrangement whereby participants receive a third class for free in the same week.



Advantage: Reduces the cost for three or more classes. Endorsed by Council in the 2019/20 Schedule of Fees and Charges (i.e. no change).

Disadvantage: Receiving one free class after just two classes is a high reward, and disadvantages those who attend one class (half the cost of three classes) and two classes (the same cost as three classes).

### **Option 5**

Implement a Council-wide cost for exercise classes at Neighbourhood Centres of \$7 per class with unlimited classes after paying for two classes (i.e. \$7 for one class, \$14 for two or more classes), as per Trott Park community suggestion following receipt of the petition.

Advantage: Reduces the cost for two or more classes.

Disadvantage: Receiving unlimited classes after paying for just two classes is a high reward, and disadvantages those who attend one class (half the cost of unlimited classes) and two classes (the same cost as unlimited classes).

### **Other comments**

1. Administering an 'unlimited classes' option across all centres will pose some implementation difficulties, but can certainly be achieved.
2. There has been some discussion that the Trott Park NHC is used by people who cannot afford to pay what other centres are currently paying. Contrary to this, the SEIFA index (reflecting relative disadvantage such as low income, low educational attainment, high unemployment) shows that the suburbs of Trott Park, Hallett Cove and Sheidow Park are all in the top five (i.e. least disadvantaged) suburbs in the city of Marion. The Housing Stress index (models income against housing costs) shows these same suburbs are in the top six (i.e. least disadvantaged) suburbs in the City of Marion.
3. A review of the cost of exercise classes at Holdfast Bay, Mitcham and Onkaparinga typically shows prices of \$10-15.
4. Comment has been received that Loyalty Cards don't normally have a time limit on them (e.g. must be used within a week as has been proposed). While this is true, normal Loyalty Cards are used to incentivise continued custom rather than losing it to competitors. Should Loyalty Cards not have an expiry, then all participants would use them and get cheaper classes: a better way to achieve this would be to reduce the price of classes.

### **Conclusion**

Five exercise class pricing options have been prepared for Council to consider. These options are all based on the premise that (consistent with other Council services) classes should be charged at the same rate across all of the Council area.

## Policy Review - Draft Sister Cities Policy

<b>Originating Officer</b>	Unit Manager Communications - Craig Clarke
<b>Corporate Manager</b>	Manager Customer Experience - Karen Cocks
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC191008R17

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the draft Sister Cities Policy.

### EXECUTIVE SUMMARY

This policy describes the objectives of the sister city program, how Council establishes and maintains mutually-beneficial relationships and the process for adding new cities to the program. The policy is underpinned by the concept of reciprocation and mutual benefit between the parties.

The City of Marion has maintained a successful sister city relationship with Kokubunji in Japan for more than 26 years.

The relationship with Kokubunji is maintained through visits by Japanese university students, linking schools in the City of Marion to those in Japan, art exchanges, and occasional visits by Japanese officials.

Council last reviewed the policy six years ago (GC261113R06). Feedback provided at the Elected Member Forum on 17 September 2019 (EMF190917R04) has been incorporated in the draft policy. This report seeks Council endorsement of the draft Sister Cities Policy.

### RECOMMENDATION

**That Council:**

- 1. Endorses the draft Sister Cities Policy.**

### Attachment

#	Attachment	Type
1	Appendix 1 - Draft Sister City Policy 2018	PDF File

# Sister Cities Policy

## 1. RATIONALE

The City of Marion's participation in the Sister Cities Program (SCP) enables the community to establish and maintain friendships with other communities throughout the world.

## 2. POLICY STATEMENT

The program SCP creates the opportunity to foster international goodwill while enriching our community with a broader understanding of other nations, their traditions, customs and cultures. It also provides an avenue that may lead to economic benefits, tourism and cultural exchanges.

## 3. OBJECTIVES

To outline identify how the City of Marion will select and maintain the SCP-sister cities' relationships to:

- Develop long-lasting, mutually beneficial friendships and exchange ideas.
- Gain a valuable understanding of international, national or state issues, cultures and traditions.
- Generate harmony, tolerance and goodwill.
- Promote economic growth and increase tourism.
- Exchange cultural and educational experiences and values.
- Exchange technical assistance and advice to other cities

## 4. POLICY SCOPE AND IMPLEMENTATION

The City of Marion maintains the following sister cities relationship:

- Kokubunji, Japan (established 1993)
- ~~Naracoorte, South Australia (established 1995)~~

This relationship is a link between the City of Marion and the above city-cities to promote the objectives of the program SCP.

Sister city relationships should be established for their strategic relevance to the City of Marion and its residents. Where possible, relationships Relationships, where possible, should be based on the concept of reciprocity and mutual benefit except in circumstances where they have been entered into for humanitarian reasons.

### 4.1 Criteria

In addition to ensuring the relationship meets the objectives of the SCP and this policy, council will use the following criteria to assess the suitability of entering into a new sister cities relationship or when reviewing existing friendships;

**4.1.1 General:** relevance to the local community, any existing linkages, demographics (including cultural), historical, sporting or artistic significance and ease of access.

**4.1.2 Economic:** similar economic conditions, trade and investment opportunities tourism potential.

**4.1.3 Social:** similar social infrastructure and issues, opportunity for broad-based activity, people-to-people interest, energy and commitment.

**4.1.4 Educational:** opportunity for student/teacher exchange programs.

# Sister Cities Policy

**4.1.5 Humanitarian:** opportunity to use skills of City of Marion staff and the community to assist in the development of the sister city consistent with the provisions of the Humanitarian Leave Procedure **other organisational policy/procedure.**

**4.1.6 Existing relationships:** assessed against level of communication with sister city, history of outcomes to-date and current ~~and~~ /proposed projects.

~~A review of the relationship /friendship will be undertaken upon Council direction.~~

## 4.2 Approval Process

Approval of a sister city relationship is a three-staged process **to be followed as identified below:**

4.2.1 Sister Cities Friendship Group (see below) identifies and recommends to a General Council Meeting a potential relationship.

4.2.2 Adoption at a General Council meeting of a resolution to establish/**not establish** a sister city relationship.

4.2.3 Formalising the relationship with the exchange of a Memorandum of Understanding (MoU) signed by the Mayor of the City of Marion and the leader of the nominated city/town.

## 4.3 Sister Cities Friendship Group

A Sister Cities Friendship Group will be established with the purpose of:

4.3.1 Identifying potential sister city relationship based on the above objectives and criteria and making recommendations to council.

4.3.2 Recommending to council a ~~program~~ **SCP** including any budgetary considerations to strengthen and maintain the relationship. Costs associated with the operation of a **SCP or friendship group** will be determined through mutual agreement with respective cities and be subject to ~~normal~~ **usual** budget approval process.

4.3.3 Reviewing the ongoing success of the relationship in meeting the key objectives and criteria outlined in this document and making recommendations to council.

The friendship group will meet as required and comprise the Mayor, two Elected Members, community members (number as interested). The City of Marion will provide support to the group.

## 5. DEFINITIONS

***Bilateral agreement:*** An agreement formed by an exchange of a promise in which the promise of one party is consideration supporting the promise of the other party.

***Memorandum of Understanding (MoU):*** A formal document describing a bilateral agreement between two parties.

***Sister Cities:*** A co-operative agreement between the City of Marion and another city/town in Australia or overseas to promote shared cultural,

educational, humanitarian, economic connections and awareness.

***Sister Cities Friendship Group:***

A group comprising Elected Members and the community to advise Marion Council on establishing and maintaining sister cities relationships.

## **6. ROLES AND RESPONSIBILITIES**

This policy will be implemented and managed by the City of Marion's Communications Unit.

## **7. REFERENCES**

- N/a

## **8. REVIEW AND EVALUATION**

This policy will be reviewed once in a term of Council.

## Policy Review - Draft Disposal of Land and Assets Policy

<b>Originating Officer</b>	Team Leader - Asset Systems - Brendon Lyons
<b>Corporate Manager</b>	Acting Manager Innovation and Strategy - Cass Gannon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R18

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the DRAFT Disposal of Land and Assets Policy.

### EXECUTIVE SUMMARY

The City of Marion manages a large and diverse asset portfolio, valued in excess of \$1bn. This portfolio includes infrastructure and non-infrastructure assets. These assets make up the social and economic infrastructure that enables the provision of services to the community and businesses, playing a vital role in the local economy and on quality of life. Asset Management is a critical tool in ensuring appropriate provision is made for the long-term management of Council assets, and their impacts on all areas of service planning and delivery.

The City of Marion recognises that both infrastructure assets and non-infrastructure assets have a lifecycle. The lifecycle of an asset covers its planning, creation, operation, monitoring, maintenance, renewal and disposal.

The DRAFT Disposal of Land and Assets Policy is a key document in guiding the disposal of Council assets. It identifies circumstances where Council will consider the disposal of land and assets and provides guidance in a manner that ensures probity, accountability and transparency whilst obtaining value in the expenditure of public monies.

The DRAFT Disposal of Land and Assets Policy is a requirement of the Local Government Act 1999 (the Act). The Act requires Council to adopt policies on contracts and tenders, including policies on the sale or disposal of land or other assets.

This policy has been reviewed by the Asset Steering Committee, a senior committee of the administration that oversees the implementation of Council's Asset Management Improvement Plan.

Consultation occurred with Elected Members and suggested changes and amendment have been incorporated.

All process related content will be covered in relevant administrative procedural documentation.

### RECOMMENDATION

**That Council:**

- 1. Endorses the DRAFT Disposal of Land and Assets Policy (Attachment 1).**

### Attachment



#	Attachment	Type
1	Attachment 1 - Draft Disposal of Land and Assets Management Policy	PDF File

# Disposal of Land and Assets Policy

## 1. RATIONALE

This policy is to guide an effective, consistent, integrated, and strategic approach to disposal of land and assets within the City of Marion.

## 2. POLICY STATEMENT

The Local Government Act requires Council develop and maintain policies, practices and procedures directed towards the sale or disposal of land or assets to:

- obtain value in the expenditure of public money
- ensure probity, accountability and transparency in all disposal processes

This policy identifies circumstances where Council will consider the disposal of land or assets, and associated processes.

## 3. OBJECTIVES

Council will consider disposal where it has been determined that land or assets are not required.

The disposal process will consider:

- encouraging open and effective competition
- obtaining value for money by assessing:
  - services provided to the community
  - contribution to Council's strategic management plans and long term financial plan
  - any relevant direct and indirect benefits to Council, both tangible and intangible
  - efficiency and effectiveness
  - cost benefits of various disposal methods
  - internal administration costs
  - risk exposure
  - associated environmental benefits
  - demonstrating impartiality, fairness, independence, openness and integrity in all discussions and negotiations
  - complying with all relevant legislation

## 4. POLICY SCOPE AND IMPLEMENTATION

Any decision to dispose of land and assets will be made after considering (where applicable):

- the long term plans and strategic direction of the Council
- the remaining useful life and usefulness of the land or asset
- the current market value of the land or asset and annual cost of maintenance
- any alternative future use of the land or asset
- any duplication of the land or asset or the service provided by the land or asset
- any impact the disposal of the land or asset may have on the community
- any impact on Council infrastructure
- any cultural or historical significance of the land or asset

# Disposal of Land and Assets Policy

- the positive and negative impacts the disposal of the land or asset may have on the operations of the Council
- any restrictions on the land or asset
- the content of any Community Land Management Plan and other relevant policies of the Council
- the results of any community consultation process
- a benefit and risk analysis of the proposed disposal
- any environmental impacts

## EXEMPTIONS FROM THIS POLICY

This policy contains general guidelines to be followed by the Council in its disposal activities. There may be emergencies, or disposals in which a tender process will not deliver the best outcome for the Council, and other market approaches may be more appropriate. In certain circumstances the Council may waive application of this policy and pursue a method which will bring the best outcome for the Council. The Council must record its reasons in writing for waiving application of this policy in accordance with the tender exemption process.

Recycled products that are excess to Council's needs are not classified as assets so are excluded from this policy.

Alternatively, at the discretion of the CEO, the CEO may elect to donate items of minor plant, stock and equipment that have not been disposed of through any of the previous processes to a group that will benefit from the item(s). This includes items that are less than \$100 in value.

## DISPOSAL METHODS

### LAND DISPOSAL

Any decision to dispose of land must be a decision of Council.

Where the land forms or formed a road or part of a road, the Council must ensure that the land is closed under the *Roads Opening and Closing Act 1991* (SA) prior to its disposal.

Where land is classified as community land, the Council must:

- undertake public consultation in accordance with the Act and the Council's public consultation policy
- ensure that the process for the revocation of the classification of land as community land has been concluded prior to its disposal
- comply with all other requirements under the Act in respect of the disposal of community land

Council will use a disposal method that considers:

- the original intention for the use of the land

# Disposal of Land and Assets Policy

- the current and possible preferred future use of the land
- the opportunity to promote local economic growth and development
- responsibility, operation efficiency and urgency of the disposal
- the total estimated value of the disposal
- easement requirements, access to land, existing or future infrastructure needs and service authority requirements.
- compliance with statutory and other obligations

Council will, where appropriate and through the use of appropriate delegations, dispose of land through one of the following methods:

- *expressions of interest* - seeking expressions of interest for the land
- *select tender* - seeking tenders from a selected group of persons or companies
- *open tender or market sale* - openly seeking bids through tenders or market sale methods, including public auction
- *by negotiation* – with owners adjoining land or others with a pre-existing interest in the land, or where the land is to be used by a purchaser whose purpose for the land is consistent with the Council's strategic objectives for the land

Council will not dispose of land to any Council Member or employee of the Council who has been involved in any process related to a decision to dispose of the land and/or the establishment of a reserve price.

If land is to be auctioned or placed on the open market or disposed of by an expression of interest, then (unless the Council resolves otherwise) at least one independent valuation must be obtained to establish the reserve price for the land. The independent valuation must be made no more than 12 months prior to the proposed disposal.

If land is to be disposed of via a select tender or direct sale, then (unless the Council resolves otherwise) a minimum of two independent valuations must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 12 months prior to the proposed disposal.

The Council will seek to dispose of land at or above current market valuation by whichever method is likely to provide the Council with a maximum return, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

If the disposal is not to be on the open market, the disposal should be at or above the current market valuation (with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves).

# Disposal of Land and Assets Policy

## ASSETS DISPOSAL

The disposal of assets (both major plant and equipment and minor plant, stock and equipment) will be the responsibility of the relevant Council Officer who is the designated asset owner. The asset owner must hold the necessary delegation of authority. The Asset Solutions Team and Treasury Accountant must be informed in writing of any asset disposal.

The Council will use a method that considers:

- the public demand and interest in the asset
- the method most likely to return the highest revenue
- the value of the asset and whether it is major plant and equipment or minor plant, stock and equipment
- the costs of the disposal method compared to the expected returns; and
- compliance with statutory and other obligations

Council will, where appropriate and through the use of appropriate delegations, dispose of assets through one of the following methods:

- *trade-in* – trading in equipment to suppliers
- *expressions of interest* – seeking expressions of interest from buyers
- *select tender* – seeking tenders from a selected group of persons, community groups or companies
- *public tender* – openly seeking bids through tenders
- *public auction* – advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer (following compliance with the Council's Procurement Policy).
- *destruction* – minor plant, stock and equipment which are not cost effective to dispose of are to be destroyed and binned

The Council will not dispose of assets to any Council Member or employee of the Council unless the purchase is via a public tender process or a public auction, and the tender submitted or bid made is the highest.

The Council will seek to ensure that every opportunity is made to notify the community of the disposal of assets that are surplus to council requirements and are still serviceable and safe for use. Details of how this is managed is outlined in related procedures.

Preference will be given to community groups for disposal of minor plant, stock and equipment. Where this preference is applied, equipment offered must be serviceable and safe for use.

Purchasers of Assets must be required to agree in writing that before purchasing any asset that no warranty is given by the Council in respect of the suitability and condition of the asset for the

# Disposal of Land and Assets Policy

purchaser and that the Council will not be responsible for the asset in any respect following the sale.

## **MINOR PLANT, STOCK AND EQUIPMENT: REGISTER OF INTEREST**

Where minor plant, stock and equipment has not been disposed of through any of the previous processes, the City of Marion may publish a list of surplus items and seek offers for their disposal. Decision making will be supported by the following provisions:

- If two or more offers are the same and one is from within the City of Marion area but the other is not, preference is to be given to the offer within the City of Marion.
- If two or more offers are the same and one is from a community group, preference is to be given to the community group.
- If two or more offers are the same and one is from a staff member or elected member and the other is from a community member, preference is to be given to a community member.
- If the above process does not yield a preferable result as indicated, a random draw be conducted and no further correspondence entered into.

## **5. DEFINITIONS**

**Asset:** An individual or group of physical objects, which has value and enables services to be provided. It includes major plant and equipment, minor plant, stock and equipment, infrastructure and portable buildings but does not include financial investments, trees or land.

**Asset Management:** The combination of management, financial, economic, engineering and other practices applied to assets with the objective of providing the required service level in the most cost effective manner.

**Community Land:** All land classified as community land under Section 193 of the Local Government Act 1999.

**Land:** Community land, vacant land, operational land, road reserves and any other land-related assets, including all fixed buildings (community and operational) on land.

**Major Plant and Equipment:** All major machinery and equipment owned by the Council. It includes all trucks, vehicles, operating machinery and major plant items. It does not include minor plant, stock and equipment.

**Minor Plant, Stock and Equipment:** All minor machinery and equipment owned by Council. It includes all loose tools, store items, inventory stock, furniture, art, gifts, secondary items removed from buildings, major plant and equipment, and surplus bulk items (such as sand and gravel).



# Disposal of Land and Assets Policy

Further definitions are included in the International Infrastructure Management Manual 2015 referenced below (section 7).

## 6. ROLES AND RESPONSIBILITIES

The role of Council is to:

- ensure that land and asset disposal occurs following a transparent process, aligned with all legislative and policy requirements
- undertake public consultation in respect of its proposed disposals in accordance with the Act and its public consultation policies where applicable
- acknowledge that the Chief Executive Officer may sub-delegate matters related to this policy to staff or other persons employed or engaged by Council
- record reasons for utilising a specific disposal method and where it uses a disposal method other than a tendering process

The role of Council Administration is to ensure that responsible staff members are supported in the disposal of Council-owned land and assets.

Council or its officers with delegated authority will, when implementing the decisions under this policy, act in accordance with the Council's budget, relevant policies, plans, agreements and resolutions.

## 7. REFERENCES

Policy development has been guided by the:

- Local Government Act 1999 (SA)
- Real Property Act 1886 (SA)
- Land and Business (Sale and Conveyancing) Act 1994 (SA)
- Development Act 1993 (SA)
- Retail and Commercial Leases Act 1995 (SA)
- Residential Tenancies Act 1995 (SA)
- Strata Titles Act 1988 (SA)
- Crown Land Management Act 2009 (SA)
- Community Titles Act 1996 (SA)
- Roads (Opening and Closing) Act 1991 (SA) □ Land Acquisition Act 1969 (SA).
- International Infrastructure Management Manual (IIMM) 2015 and Australian Infrastructure Financial Management Guidelines

and relevant policies and procedures of the Council, including:

- Asset Accounting Policy
- Asset Management Policy
- Community Consultation Policy
- Procurement Policy

# Disposal of Land and Assets Policy

- Prudential Management Policy
- Leasing and Licencing Policy
- Encumbrances for the City of Marion Policy
- Disposal of Excess Plant and Equipment Stores and Salvaged or Recycled Materials Procedure

DRAFT

## Policy Review - Draft Economic Development Policy

<b>Originating Officer</b>	Unit Manager Economic Development - Donna Griffiths
<b>Corporate Manager</b>	Manager City Activation - Greg Salmon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R19

### REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the DRAFT Economic Development Policy.

### EXECUTIVE SUMMARY

The purpose of this policy is to establish general principles that will guide the City of Marion's activities in supporting and developing the local economy.

The Economic Development function is located within the City Activation team. This policy describes the principles which guide the Economic Development function.

Council last reviewed the policy in 2011. Feedback provided at the Elected Member Forum on 17 September 2019 (EMF190917R04) has been incorporated in the draft policy. This report seeks Council endorsement of the DRAFT Economic Development Policy.

### RECOMMENDATION

**That Council:**

- 1. Endorse the DRAFT Economic Development Policy.**

### Attachment

#	Attachment	Type
1	Draft Economic Development Policy	PDF File

## 1. RATIONALE

To establish general principles that will guide the City of Marion's activities in supporting and developing the local economy.

## 2. POLICY STATEMENTS

- 2.1 The *City of Marion Community Vision - Towards 2040* endorses six themes which represent the shared values and aspirations that will guide how our city develops.
- 2.2 Growing prosperity in the City of Marion is vital to achieving a better quality of life.
- 2.3 Sustainable economic growth at a local level is critical to generate ongoing employment opportunities and to support improvements in infrastructure and services for the community as a whole.
- 2.4 A commitment to environmental sustainability, through a circular and low carbon economy is needed to help ensure the long-term sustainability of the local economy.
- 2.5 Although recognising the influences of market forces and other factors on local economic conditions, local government plays a major role in sustainable economic growth.
- 2.6 The *Local Government Act 1999* (SA) specifically identifies one of the functions of a council as promoting its area to provide an attractive climate and locations for the development of business, commerce, industry and tourism.<sup>1</sup>

## 3. PRINCIPLES

- 3.1 The City of Marion is committed to facilitating city activation through economic development and to develop a local economy that is diverse, innovative and adapts quickly and effectively to change.
- 3.2 The City of Marion will play two major roles in supporting economic development;
  - 3.2.1 Providing leadership that creates an environment to facilitate business growth and investment.
  - 3.2.2 Building partnerships with both the private and public sector to achieve economic development outcomes.
- 3.3 The City of Marion will provide services that contribute to the creation and maintenance of a supportive local business environment and will ensure that the needs of the business community are considered when designing and delivering infrastructure.
- 3.4 The City of Marion will actively promote Marion as a place to visit, live, learn, work, invest and do business.
- 3.5 The City of Marion will work collaboratively with the Southern Adelaide Economic Development Board to advocate throughout government, business, education, community, not-for-profit organisations and any other relevant sector to realise the full economic potential of our region.

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<sup>1</sup> *Local Government Act 1999* (SA) s 7(g).

- 3.6 The City of Marion will build strategic partnerships and utilise a collaborative approach with other stakeholders at a regional, metropolitan and state level where there are clear benefits to be gained for the City of Marion community.
- 3.7 The City of Marion will ensure development regulation supports economic development.
- 3.8 The City of Marion will provide infrastructure to support Economic Development.

## 4. POLICY SCOPE AND IMPLEMENTATION

This policy applies to the City of Marion.

## 5. DEFINITIONS

N/A.

## 6. ROLES AND RESPONSIBILITIES

The Unit Manager Economic Development is responsible for the implementation and management of this policy.

## 7. REFERENCES

- City of Marion *Community Vision – Towards 2040*.
- *Local Government Act 1999 (SA) s 7*.

## 8. REVIEW AND EVALUATION

This policy will be reviewed once during a term of Council. Its review will be initiated by the Governance Department.

## CORPORATE REPORTS FOR INFORMATION/NOTING

### Review of Hire Charges of Council Operated Facilities

<b>Originating Officer</b>	Unit Manager Libraries - Damian Garcia
<b>Corporate Manager</b>	Manager Community Connections - Liz Byrne
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC191008R20

### REPORT OBJECTIVE

To provide Council with a review of changes to the hire charges of Council operated facilities, which included a 50% reduction in hire fees for residents and local business'.

### EXECUTIVE SUMMARY

In October 2018, Council approved a recommendation (GC181009R08) that from 1 January 2019, a 50% discount would be offered to residents and business' registered within the City of Marion on the hire of eight Council operated facilities located at:

- Cooinda Community Centre
- Glandore Community Centre
- Mitchell Park Community Centre
- Trott Park Community Centre
- Cove Civic Centre (CCC)
- Living Kaurna Cultural Centre (LKCC)
- Marion Cultural Centre (MCC) - Domain Theatre, Sturt and Green Rooms
- Perry Barr Farm - Castrol Shed

A Facility Hire Procedure has been developed and implemented to ensure consistency across Council operated facilities.

A promotional flyer was also developed and sent out with rates notices in April, along with an advertisement in the City Limits magazine and social media posts to advise the community of the changes.

A review of the hiring activity for each of the facilities has been conducted from 1 January 2019 to 30 June 2019 in comparison to the same period last year.

### RECOMMENDATION

**That Council:**

1. **Notes the report.**

### GENERAL ANALYSIS

A review of the hire activity at eight sites has been conducted for the period of 1 January 2019 to 30 June 2019 compared to the same period in 2018.

Each of the spaces are unique in their service offering, age of the building, technology infrastructure, staff support on site, and their primary purpose for existence.





The total number of hours each site has been hired, and the subsequent revenue generated by this activity, has been assessed for the eight sites.

It can be observed that the utilisation across some of our facilities has increased, while a reduction of revenue has also been realised due to the discounted fees for Marion residents and business.

**Liveable:** We will make our services, facilities and open spaces more accessible.

**Engaged:** We will ensure our community is well informed about the services we provide.

**Connected:** We will provide a variety of options for social interactions.

## DISCUSSION

A review of the impact of the 50% discount of hiring Council operated facilities was conducted in August 2019. Each site was reviewed against the same period last year (2018) to determine the effect of the reduction in fees.

Not all sites are currently using the same booking system, which means it is not easily possible to determine the separation of data between City of Marion hirers and external hirers.

Below is a summary of each site.

### Cove Civic Centre

The Cove Civic Centre is a high end facility with access to up-to-date technology and equipment, and near new furniture and facilities. The building was designed to allow for independent after hours usage with no requirement for staff to be on site. The facility exists to provide a space that may be used by small business operators, library customers, community groups, and larger organisations. There are 6 flexible spaces available for hire, ranging from a small meeting room which caters for 6 people, up to the hall which can accommodate 200 people.

Year	Utilisation in hours	Total Income
2018	1995	\$27,378
2019	3100	\$22,841
Variance	+1105	-\$4,537

Of the 3,100 hours utilised during the January to June period in 2019, a total of 714 hours were directly used by the community. Of the 714 hours, 441 were from City of Marion residents at the reduced rate. There have also been a number of corporate bookings during this period, with a total of 493 hours used by Corporate entities. Of the 493 hours, 236 of those were by City of Marion business at the reduced rate.

There have been a number of initiatives that have helped to increase the overall utilisation of Cove Civic Centre. An increase in casual once off hirers, longer term business hirers of the spaces, as well as an increase in library programs for the community, have all helped to increase the utilisation at CCC in the last 12 months. Feedback from the community has been positive, and an increase of repeat hirers has also been experienced.

### Marion Cultural Centre (MCC)

The MCC houses a premier performing arts space being the Domain Theatre, as well as a Green Room and separate meeting room, Library, Gallery and Café. While there is a strong community focus in the building, there is also an intention to be financially sustainable and competitive in its offerings for the Theatre.

For the purposes of this review, only the Domain Theatre, Green Room and Sturt Room were included. The other functions of the building do not include hireable spaces for the public.

Year	Utilisation in hours	Income
2018	2379	\$60,150
2019	4563	\$38,782
Variance	+2184	-\$23,368

The 2019 numbers have been influenced by a very successful 2019 Fringe season which saw approximately 14,000 people attend various events during the festival. While it does appear that income has significantly reduced, some of the reduction can be accounted for by the cessation of internal charges for Council hire of spaces from the beginning of the 2018/19 financial year (the cessation of internal charges also affects other venues but to a much lesser degree).

### **Neighbourhood Centres**

The City of Marion has four dedicated neighbourhood/community centres at Cooinda, Glandore, Mitchell Park and Trott Park. These centres are locally based multifunctional services that rely on a small core of paid staff and many volunteers. They function as a focal point for the local community, providing a meeting place and offer a range of activities, programs and events to assist individuals in community education, volunteering, health and wellbeing, social inclusion and life-skills. Neighbourhood/community centres are heavily reliant on external funding, which is provided for the community through funding agreements. Each agreement is different, however there are requirements to deliver specific key deliverables in each centre. As such, community centres are heavily used for program delivery for the community and not so much for adhoc hirers or for independent hirer groups.

The Glandore Community Centre has a number of leased buildings which are managed through the Land and Property business unit.

#### **Cooinda**

Year	Utilisation in hours	Income
2018	4680	\$12,400
2019	5625	\$9,996
Variance	+945	-\$2,404

#### **Mitchell Park**

Year	Utilisation in hours	Income
2018	1116	\$2,640
2019	1171	\$2,760
Variance	+55	+\$120

#### **Trott Park**

Year	Utilisation in hours	Income
2018	1283	\$6,920
2019	1257	\$5,081

Variance	-26	-\$1,839
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### Glandore

Year	Utilisation in hours	Income
2018	3704	\$55,797
2019	3902	\$51,877
Variance	+198	-\$3,920

While there has been no significant changes to the utilisation of the Neighbourhood Centres, they were already highly used venues prior to the changes, averaging between 64% and 88% capacity. Income has reduced as expected, but this is evidence of local community groups benefiting from the reduced fees for residents.

### Perry Barr Farm - Castrol Shed

Perry Barr Farm comprises of several buildings, some of which are individually leased to the Hallett Cove Lions Club and Scouts group. The Castrol Shed is one of the buildings located on the property and is managed by Council. This review has taken into account the hiring of Castrol Shed only.

The Castrol Shed is a smaller building, however there are roof support poles in the main function room which does limit the usage of the space. At present, there are two regular hirers of the space. There is a dance group that use the space for rehearsals during school terms, and a Senior Citizens Group that meet weekly on Saturdays.

Year	Utilisation in hours	Income
2018	190	\$3,420
2019	190	\$1,900
Variance	0	-\$1,520

There have been no additional hirers of these spaces to date, with only one regular hirer and no additional one off hirers. The local groups who do hire the venue have benefited from the reduced hire rates.

### Living Kurna Cultural Centre (LKCC)

The LKCC comprises the LKCC building itself and the adjacent Fairford House. While both of these spaces are open to the general public to hire, there is consideration given to the types of events and usage that relate to the cultural significance of the site.

An important function of LKCC is to develop business opportunities and skills (for both commercial and social/cultural outcomes) for Kurna and other Aboriginal people. This is achieved through cultural tours, arts and cultural workshops, art gallery, retail shop, venue hire bookings, tourism, education and other programs and events.

Year	Utilisation in hours	Income
2018	216	\$8,067
2019	357	\$9,622
Variance	+141	+\$1,555



To date, there have been no residents take advantage of the reduced rates at LKCC or Fairford House. However, there are a few businesses showing interest to make future bookings in the near future.

### **Summary table**

<b>Year</b>	<b>Utilisation in hours</b>	<b>Income</b>
2018	15563	\$176,772
2019	20165	\$142,859
Total variance for all venues	+4602	-\$35,913

### **Conclusion**

Not all sites are currently using the same booking system, which means it is not easily possible to determine the separation of data between City of Marion hirers and external hirers. It does appear evident by the increase in overall utilisation, as well as the corresponding reduced income, that the Marion community is taking advantage of the reduced hire fees.

A promotional flyer was developed and sent out with the April 2019 rates notice to inform residents of the reduced fees, as well as a number of social media posts. Cove Civic Centre has seen the highest increase in utilisation, which has been a combination of resident bookings and an increase in community and business programming.

### **Attachment**

<b>#</b>	<b>Attachment</b>	<b>Type</b>
1	Facility Hire Procedure - June 2019	PDF File

# Facility Hire Procedure

## 1. RATIONALE

The City of Marion will provide consistent, fair and equitable processes for the external use, allocation, pricing and management of Council operated meeting rooms and multi-purpose facilities. These processes are in line with the City of Marion's [Equity, Access and Social Inclusion Policy](#) and the [Fees and Charges Policy](#).

This procedure is intended to provide guidance to council staff regarding the principles, pricing and general conditions that relate to the use of meeting and multi-purpose facilities directly under the management and control of the City of Marion.

The City of Marion will continue to provide facilities that:

- Facilitate and increase access and participation in social, cultural, recreational, educational, health, economic to support informed, strong, and connected communities
- Cater for a wide range of cultural, social and recreational activities
- Meet the changing needs of the community through flexible and responsive arrangements.

## 2. PROCEDURE SCOPE

This policy applies to meeting and multi-purpose facilities under the management and control of the City of Marion and applies to the following venues and rooms.

Venue	Room	Venue	Room
Cove Civic Centre Library	Hall Meeting Rooms IT Training Suite	Cooinda Community Centre	Hall
Living Kurna Cultural Centre	Meeting Room Fairford Hose	Trott Park Neighbourhood Centre	Hall Play/Seminar
Marion Cultural Centre	Domain Theatre Sturt Room Green Room Plaza Foyer	Glandore Community Centre	Clark Opal Slade Rugby
Perry Barr Farm	Castrol Shed	Mitchell Park Neighbourhood Centre	Hall

### 3. DEFINITIONS

**Commercial (users)** – are profit based organisations or individuals hiring venues for the sole benefit of that organisation or individual and/or as part of their normal operations.

**Community (users)** – are “not for profit groups or individuals who are providing activities, programs or events that are provided free (or at minimal cost) for the participation of the broader community.

**Resident of Marion (businesses and individuals)** – business or residential address must be within the City of Marion local government area.

### 4. PROCEDURE

#### BOOKINGS

All room hirers will enter into an agreement with the City of Marion using a booking form and/or other venue booking mechanism. It is at the discretion of management as to whether applications are accepted based on suitability of the proposed usage, alignment with Council policy and the availability of the space at time of application.

Priority of use will be given to regular and ongoing Council initiated programs and activities. Bookings will be managed to ensure that eligible commercial and community organisations are not discriminated.

Booking requests will be managed to ensure that no commercial, community or not-for-profit organisation has exclusive use of meeting or multi-purpose rooms, and the facility is equitably available for all.

All hirers must comply with the relevant terms and conditions of the venue.

#### INSURANCE and BONDS

The hirer must be the holder of a current public liability insurance policy for a sum insured of not less than 10 million dollars and be underwritten by an insurer authorised to conduct insurance business in Australia.

A copy of a “certificate of currency” must be provided with all venue hire applications.

The venue accepts no responsibility for the theft of, or damage to any Hirer’s equipment, property, or other items whatsoever including the personal property of persons in the venue



and as such the Hirer is to insure against fire, theft, burglary and all relevant risks, all goods and equipment belonging to the Hirer that is brought to the venue.

Refundable security bonds and key deposits may apply.

## **FEE AND PRICING STRUCTURE**

Council fees for meeting and multi-purpose rooms are determined using a baseline fee derived from commercial benchmarks for similar types of venues wherever possible. Fees and charges for council operated facility hire are reviewed bi-annually.

A fee structure is adopted that applies a graduated discount model to achieve Council's objectives for accessibility and inclusivity of community use. The model assumes the following structure and discounts for the various uses:

- Commercial Use
- Commercial Use with business registered within the City of Marion (50% discount of commercial use fee)
- Community Use
- Community Use for residents of Marion (50% discount of community use fee)
- 

## **COUNCIL APPROVAL**

Council reserves the right to refuse permission to hire Council venues for purposes, which are incompatible with Council policy.

The hirer must not use the booked venue for any other purposes than that described in the booking application.

## **RELEASE AND INDEMNITY**

### **Release:**

The hirer uses and occupies the venue at its own risk and releases the City of Marion from all claims resulting from any damage, loss, death or injury in connection with the venue and any items or equipment stored on site except to the extent that the City of Marion is negligent or in default of its obligations

**Indemnity:**

The hirer must indemnify and hold harmless the City of Marion against all claims resulting from any damage, loss, death or injury in connection with the facility and the use and occupation of the venue by the hirer except to the extent that the City of Marion is negligent or in default of its obligations.

Failure to comply with the policy and terms and conditions applicable to the venue or any other act or consequence arising for the hire may result in revocation of future hiring rights and the imposition of penalties by the City of Marion.

Hirers will be required to reimburse Council the cost of any restoration or repairs, which are required as a result of the use of the venue.

**5. REVIEW AND EVALUATION**

This policy will be reviewed whenever changes have occurred that impact on this procedure.

## Urban Activation Project - Data Update

<b>Originating Officer</b>	Unit Manager Economic Development - Donna Griffiths
<b>Corporate Manager</b>	Manager City Activation - Greg Salmon
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R21

### REPORT OBJECTIVE

To provide Council with an overview of the twelve months of data on the Urban Activation Project.

### EXECUTIVE SUMMARY

The \$250,000 Urban Activation Project (FY18/19) supported five lifestyle precincts in the City of Marion to:

- Create destinations for visitors and local residents
- Help small businesses to thrive
- Encourage evening and night-time economy
- Improve physical conditions and safety
- Increase employment opportunities
- Build community capacity to activate the public realm
- Support opportunity for community and commissioned public artworks
- Support the health of local residents who can walk and cycle to accessible cafes, shops and services
- Improve the environment
- Deliver Smart City solutions

During the 2017-19 financial years the following outlets received funding to support the activation of public realm:

1. Lampshade Coffee Lounge
2. Once and Again Book Café
3. SA Aquatic and Leisure Centre
4. Next Chapter Gourmet Café
5. Little Bici Bakery.

Data has been obtained from each site via a Kepler Analytics tool and is provided in the attached report (Attachment One).

Data collection will continue at all sites (except Little Bici Bakery) until August 2020. During this time an independent review of the whole urban activation project will be undertaken to review the approach and assess its value.

### RECOMMENDATION

**That Council:**

1. **Notes the first year report for the Urban Activation Project.**



## Attachment

#	Attachment	Type
1	Urban Activation Project - One Year of Data	PDF File

## URBAN ACTIVATION PROJECT TREND DATA - SEPTEMBER 2019



### EXECUTIVE SUMMARY

- Five outlets received funding through the Urban Activation Project to support the activation of the public realm within the City of Marion. In August 2019, the project reached the 12-month post-intervention milestone and provides an opportunity to commence analysing data for one period compared to the same period the previous year, in addition to the monthly change data currently captured.
- Data captured by Kepler Retail Analytics demonstrates in two cases, positive business growth and community uptake outcomes whilst other projects have made little impact. For example, 'The Next Chapter Café' where the data clearly shows that customer conversion is low. On this occasion, an assumption could be made that the Marion Cultural Centre Plaza is a pedestrian thoroughfare to access nearby locations rather than a location for people to linger longer.
- Qualitative feedback highlights the positive feedback that the Urban Activation Project has created a sense of community providing destinations for visitors and local residents to meet.

### URBAN ACTIVATION PROJECT OVERVIEW

The \$250,000 Urban Activation Project supported five lifestyle precincts in the City of Marion to generate the following outcomes:

- Create destinations for visitors and local residents
- Help small businesses to thrive
- Encourage evening and night-time economy
- Improve physical conditions and safety
- Increase employment opportunities
- Build community capacity to activate the public realm
- Support opportunity for community and commissioned public artworks
- Support the health of local residents who can walk and cycle to accessible cafes, shops and services
- Improve the environment
- Deliver Smart City solutions, and are
- Innovative by nature.

During the 2017-19 financial years the following outlets received funding to support the activation of public realm, within the City of Marion:

1. Lampshade Coffee Lounge
2. Once and Again Book Café
3. SA Aquatic and Leisure Centre
4. Next Chapter Gourmet Café
5. Little Bici Bakery.

The projects and trend data will be monitored from August 2018 to July 2020 via a Kepler Retail Analytics tool. Unfortunately, Little Bici Bakery ceased trading in January 2019, therefore, no further data will be provided.

### Key Urban Activation Project Statistics:



#### Budget

Lampshade Coffee Lounge	\$82,335
Once & Again Book Café	\$17,957
SA Aquatic and Leisure Centre	\$36,850
Next Chapter Gourmet Café	\$10,000
Little Bici Bakery	\$44,000
Kepler Retail Analytics (2 year contract)	\$10,000
<b>Actual Total</b>	<b>\$201,142</b>



**Average dwell time** 12 minutes



**Average return visit** 11%



**5 Businesses participated in the Southern Adelaide Business Advisory Session**

**And**

**4 Businesses undertook a Digital Growth Consultation**



**2 New jobs**

### Qualitative Feedback

- *The one-on-one business advisory session and digital growth consultations provided knowledge to grow our business.*
- *Two of the businesses are excited to have hosted South Australian Living Artists Festivals.*
- *The activations have created a place for the community to meet.*

### Data Analysis

Kepler Retail Analytics tools have been installed at each site to capture data for each location to measure outside visitation, converted customers (visitors to the site with a smart device who linger for longer than three minutes), average dwell time and return visitors.

The data below shows the visitation before the intervention and monthly average post-intervention, noting that this is month on month trend data and does not take into account seasonality. In August 2019, the project reached the 12-month post-intervention milestone and provides an opportunity to commence analysing seasonality trends comparing one period to the same period the previous year.

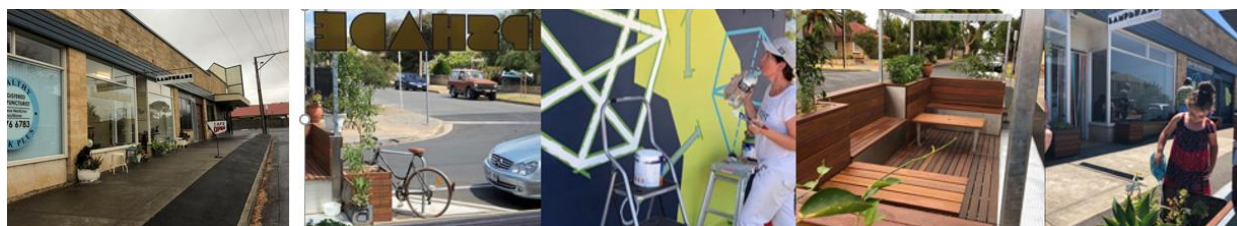
The data demonstrates that some outlets have achieved an increase in customer conversion (highlighted green) whilst in the main the conversion rate is similar to visitation before the start of the intervention. Over the next 12-months, we will be able to measure the seasonal fluctuation trends of comparable monthly changes and long term patterns.

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.



	Lampshade Café Lounge		Once and Again Book Café		SA Aquatic and Leisure Centre		Next Chapter Gourmet Café	
	Before intervention	12-month post intervention	Before intervention	12-month post intervention	Before intervention	12-month post intervention	Before intervention	12-month post intervention
Number of people outside location (with a smart device)	1,408	2,007	1,716	1,483	142,458	91,012	39,905	74,545
Customer conversion	891	1,298	1,189	881	64,371	36,932	1,770	4,152
Customer conversion	63%	65%	69%	59%	45%	41%	4%	6%

## LAMPSHADE COFFEE LOUNGE



Before

After

### Summary

- Lampshade Coffee Lounge has received positive feedback from the local community who are enjoying the outside dining area and produce from the community herb garden.
- The Coffee Lounge has seen an influx of new customers demonstrated by the increase in converted customers. A seasonal comparison of data shows an increase of 2%, 1298 converted customers in August 2019 compared to 891 in the same month in 2018.
- To cater for the increase in customers Lampshade Coffee Lounge has hired two new team members.
- The Urban Activation has been successful on this site.

### Project Overview

The Urban Activation Project has created a vibrant, generous space outside the café that enhances the streetscape and encourages community interaction.

The activation consists of a parklet, micro-community garden, lighting, public art and pergola. The outside space can accommodate small gatherings that engage the community, enhance interaction between neighbours and encourage visitors.



**Average dwell time: 14 minutes**

Total number between 1 August 2018 and 31 August 2019 of:



**People outside (with a smart device): 24,104**

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.



Converted customers: **14,322 or 59%**



Return customers: **1,894 or 13%**



Facebook likes before activation – 350 and current likes - **650**

### Qualitative Feedback

- *'Lived here 30 years never seen someone care about the street' -resident*
- *The new outdoor space is being used by customers with dogs and young children in prams.*
- *It is joyful to see people of all ages hop along the footpath and kids stop to play hopscotch.*
- *Chilli, basil and rocket are being collected from the community herb garden by local residents an the pizza shop next door.*
- *The Post Office has been in the precinct for 30 years while the coffee shop has only been around for a year. Take the Parklet away, decide what to do and then bring it back. It is hard to get customers to come back.*

### Activations hosted by Lampshade:

#### ***South Australian Living Artists Festival***

#### ***Lucinda PENN (LCND)***

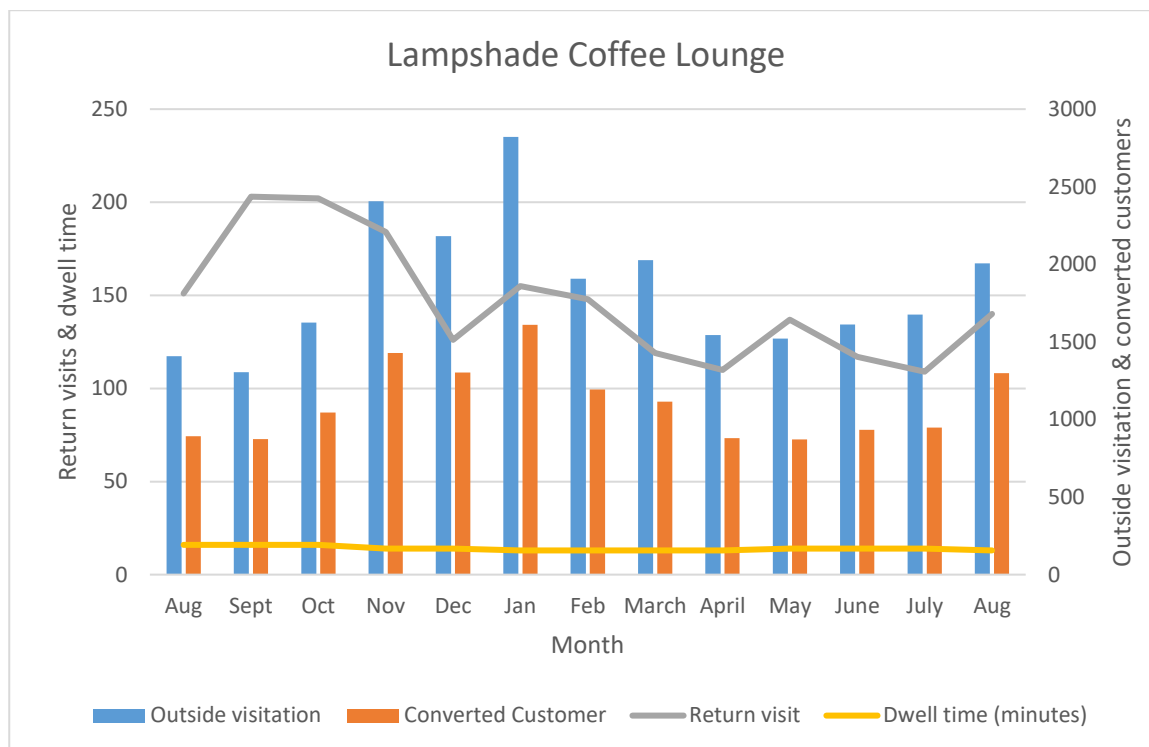
***1-31 August 2019***

Lucinda illustrates her perspectives on the people around her and the world in which we live in through the means of portraiture and symbolism.

### Data Analysis

Trend data for Lampshade Coffee Lounge demonstrates consistent increases in outside visitation and converted customers compared to data captured before the intervention commenced. The average monthly outside visitation is 1866 and 1116 converted customers compared with outside visitation of 1408 and 891 converted customers in August 2018.

The number of return visitors is consistently high and not a direct correlation of outside visitation and converted customers. The dwell time is consistent, ranging between 13 and 16 minutes.



## Key Milestones

### Part 1

<b>Budget: \$38,335</b>	
<b>2018</b>	<b>2019</b>
- Project identified as an Urban Activation Project	January – 2 new employees engaged
June – Contract signed	March – Artwork finalised
August - Before intervention	Feb – Create wall and footpath mural
August – Kepler data analysis tool installed	May – Install planter boxes and micro community garden
<b>October – Contract completion date</b>	August – Pergola installed
October – Add street furniture	August – SALA event
	September – Bike rack installed
	September – Add crochet to stobie poles
	September – Planter pockets still to be completed
	<b>September – project still to be completed</b>

### Part 2

<b>Budget: \$44,000</b>	
<b>2018</b>	<b>2019</b>
- Project identified as an Urban Activation Project	March – Contract completion date
September - Contract signed	June – Contract completed
August – Before intervention	
August – Kepler data analysis tool installed	

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

October - Parklet installed	
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## ONCE & AGAIN BOOK CAFÉ



**Before**

**After**

### Summary

- In August 2019, Once & Again Book Café hosted their first South Australian Living Artists Festival event.
- Once & Again Book Café are active users of social media demonstrated by a high increase in Facebook followers and are active on Instagram with 1321 followers.
- Post-activation, people linger longer and purchase additional items from the menu.

### Project Overview

The Urban Activation Project has created a community destination and supports local artists, musicians, authors, local producers and businesses through the creation of a community hub where local residents can feel a sense of place. The project has upgraded the street frontage and created an outdoor dining area for locals to attend community activities including mini-markets, Adelaide Fringe and SALA events.



**Average dwell time: 11 minutes**

Total number between 1 August 2018 and 31 August 2019 of:



**People outside (with a smart device): 18,942**



**Converted customers (within range for +3 minutes): 11,946 or 63%**



**Return customers: 1549 or 13%**



**Facebook likes before activation – 2600 and current likes – 3417**  
**Instagram likes currently - 1321**

### Qualitative Feedback

- *The activation has created a place for the community to meet.*
- *People linger longer, and purchase additional items from the menu.*
- *We can see you from the road clearly now.*
- *How long have you been here, are you new?*
- *When it's done it will look like a Hyde Park cafe in Plympton Park.*

**Hosted by Once & Again Book Café:**

***South Australian Living Artists Festival***

***Andres Bischoff***

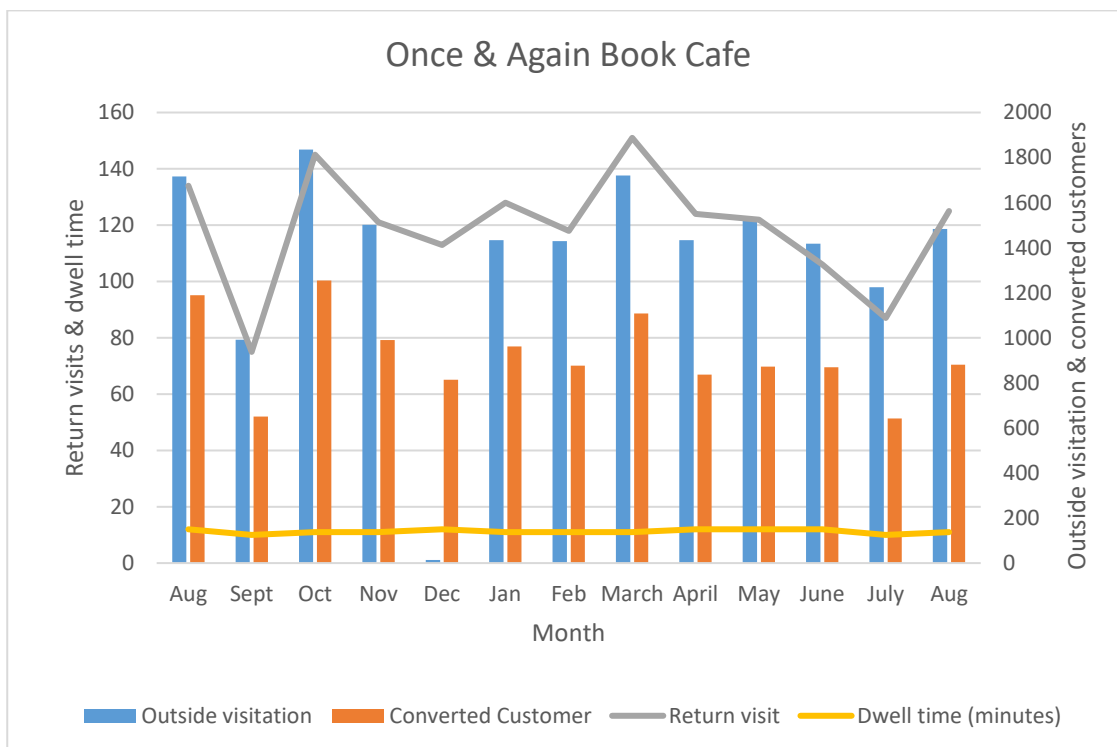
***1-31 August 2019***

Reflections of Tea: A visual feast of teapots, cups, forks and knives

### Data Analysis

Post-intervention the number of converted customers has dipped slightly however it will be interesting to see if the Once & Again Book Café follow the seasonal trend over the coming months.

The number of return visitors is consistently high and is a direct correlation of outside visitation and converted customers. The dwell time is consistent, ranging between 10 and 12 minutes.



To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

### Key Milestones

<b>Budget: \$16,325</b>	
<b>2018</b>	<b>2019</b>
- Project identified as an Urban Activation Project	January and March – Painting of external building and verandah
June – Contract signed	November – Install outdoor street furniture
August - Before intervention	April – Green wall solution
August – Kepler data analysis tool installed	April – Greenery and vine over veranda
November – Install outdoor street furniture	May – Coffee cart
November – Painting of external building and verandah	June - Interactive public art mural
<b>December – Contract completion date</b>	<b>August – Contract completed</b>
	August – SALA event

## SA AQUATIC AND LEISURE CENTRE



After

### Summary

- The volume of outside visitation compared to converted customers suggests that the area outside of SA Aquatic and Leisure Centre is utilised as a pedestrian thoroughfare to access nearby locations.
- The average dwell time of 8 minutes is low compared to other Urban Activation Projects.

### Project Overview

The Urban Activation project aims to achieve more foot-traffic in the plaza which will benefit the local café and increase recreational sport and swimming. Two art bench spaces and were installed within the Marion Central Plaza along with public Wi-Fi access encouraging people to linger longer.



**Average dwell time: 8 minutes**

**Total number between 1 August 2018 and 31 August 2019 of:**



**People outside (with a smart device): 1,441,734**

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.





Converted customers: **633,039 or 44%**



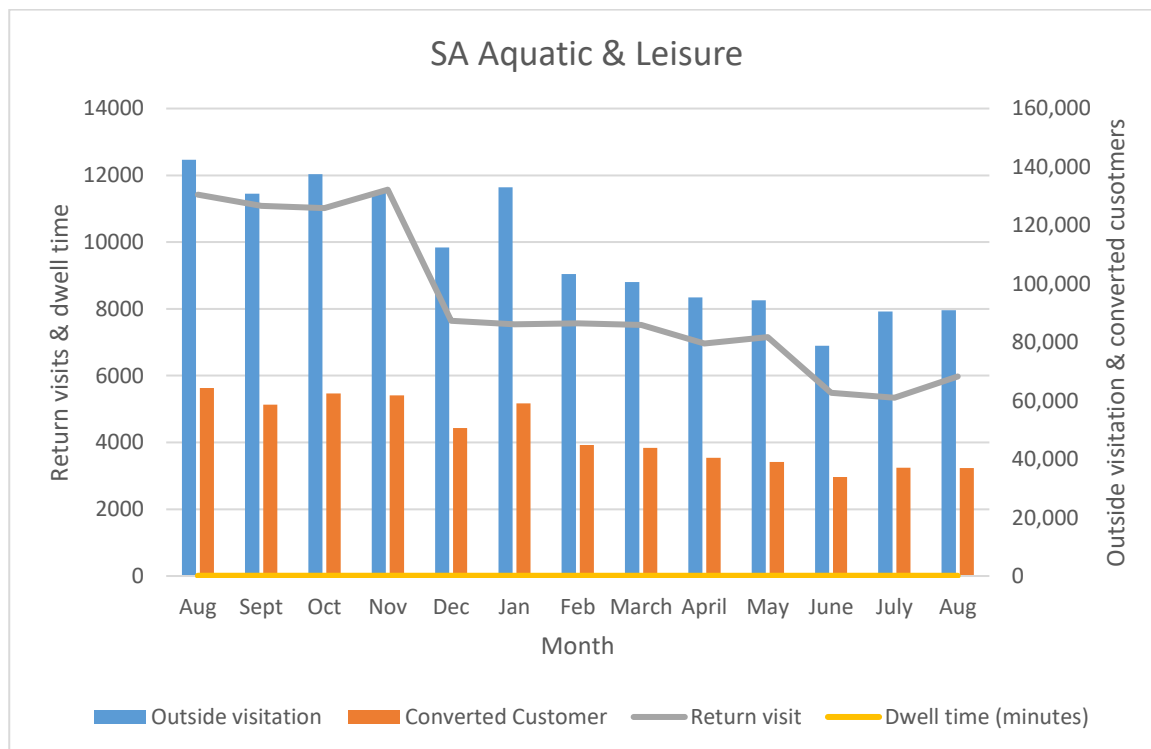
Return customers: **106,294 or 17%**



Facebook likes before activation – 2600 and current likes – **10,427**  
Instagram likes currently – **11,016**

### Data Analysis

The volume of outside visitation compared to converted customers suggests that the area outside of SA Aquatic and Leisure Centre is utilised as a pedestrian thoroughfare to access nearby locations. Converted customers and return customers are highest between the months of August and January which correlates with the peak seasonal events period for the Aquatic Centre.



### Key Milestones

<b>Budget: \$36,850</b>	
<b>2018</b>	<b>2019</b>
May – Contract signed	<b><i>June – Contract completion</i></b>
May – Benches installed	
June – WiFi installed	

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

June – Wayfinder signage installed	
August - Before intervention	
August – Kepler data analysis tool installed	
<b>November - Contract completion date</b>	

## THE NEXT CHAPTER CAFÉ (MCC)



Before

After

### Summary

- The volume of outside visitation compared to converted customers suggests that the area outside The Next Chapter Café is utilised as a pedestrian thoroughfare to access nearby locations.
- There is a 5% monthly average increase in visitation post-intervention however this could be attributed to customers entering either The Next Chapter Café and/or the Multicultural Centre.

### Project Overview

The Urban Activation project aims to establish a 'lighter, quicker, cheaper, approach to the Marion Cultural Centre Plaza and Next Chapter Café to improve the public amenity in front of the café.

Benching that frames the outdoor dining area, tables and chairs and planter boxes were installed. The planter boxes have since been replaced by grass.



**Average dwell time: 15 minutes**



**People outside (with a smart device): 573,541**



**Converted customers: 30,916**



**Return customers: 3,560**



**Current Facebook likes - 88**

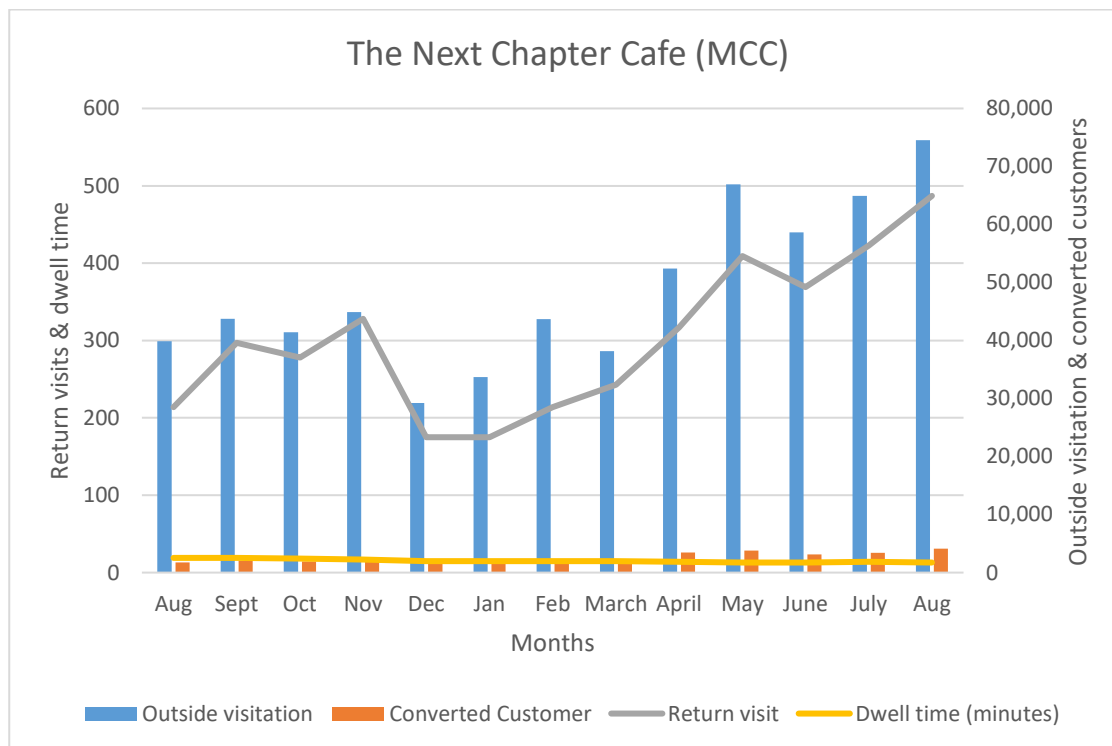
To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

## Data Analysis

The volume of outside visitation compared to converted customers suggests that the area outside The Next Chapter Café is utilised as a pedestrian thoroughfare to access nearby locations.

There has been a 5% monthly average increase in visitation post-intervention however this could be attributed to customers entering either The Next Chapter Café and/or the Multicultural Centre.

Return visitors could be attributed to events at the Multicultural Centre.



## Key Milestones

<b>Budget: \$10,000</b>
<b>2018</b>
August - Before intervention
August – Kepler data analysis tool installed
November – Benches, tables and chairs, and planter boxes installed
<b><i>November – Contract completion</i></b>

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

## LITTLE BICI BAKERY



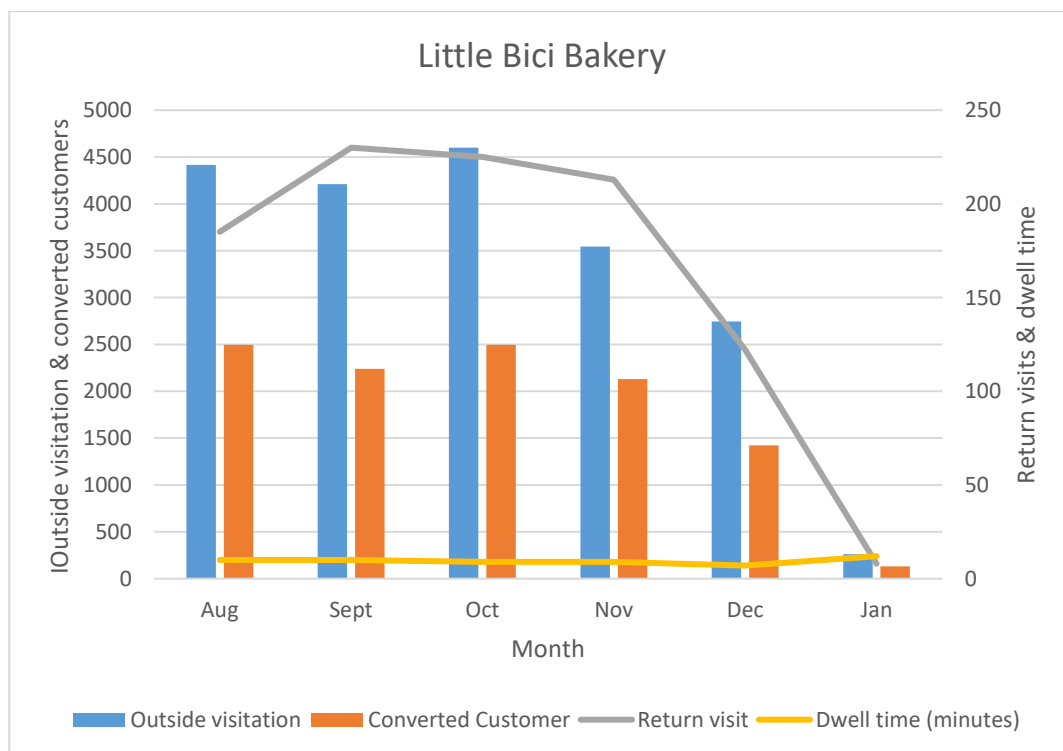
### Summary

- Little Bici Bakery ceased trading in January 2019. The former Little Bicki tenancy is currently available for lease.

### Project Overview

The purpose of the Little Bici Bakery Urban Activation project was to revitalise the tenancies and surrounding area in Trott Park Local Shopping Precinct to create a safe, attractive and place of convenience for local residents. Elements of the project included creating an ambient outdoor decking area, installing bike racks and bike pump/tools station, remodelling the gardens and repairing and remodelling the car park.

### Data Analysis



To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

**Key Milestones**

<b>Budget: \$44,000</b>
<b>2018</b>
August - Before intervention
August – Kepler data analysis tool installed
October – Bike park, deck, parklet seating and planters installed
<b><i>October – Contract completion</i></b>

**RECOMMENDATIONS**

- Note this report

**ATTACHMENTS**

- Appendix A – Urban Activation Project: Trend Data August 2018 – August 2019

To capture data from each project, Kepler Data Analytics tool has been installed at each site. The data captured includes: number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as per their reporting requirements.

## Leases and Licences Update

<b>Originating Officer</b>	Acting Manager City Property - Clare Benn
<b>Corporate Manager</b>	Acting Manager City Property - Clare Benn
<b>General Manager</b>	General Manager City Development - Ilia Houridis
<b>Report Reference</b>	GC191008R

### REPORT OBJECTIVE

To provide Council with a report on the current status of the implementation of the Leasing and Licensing Policy.

### EXECUTIVE SUMMARY

Council adopted a new Leasing and Licensing Policy in March 2017 to manage Council's 84 leases. To assist in the implementation of this Policy, new 'standard' Lease and License documentation was finalised by Solicitors in early 2019 and a review of 'Schedule B' (the maintenance obligations under the Lease/License) was also undertaken. Since preparation of the new documentation, progress in issuing new Lease/License documentation to tenants that have been holding over on existing agreements is progressing.

### RECOMMENDATION

That Council:

1. Notes the progress of the implementation of Council's Leasing and Licensing of Council Owned Facilities Policy
2. Notes the current status of all leases / licenses

### DISCUSSION

#### Background

#### **Leasing and Licensing Policy**

Leases or licenses are provided to a diverse range of organisations ranging from small community groups, sporting clubs, state government agencies and commercial entities.

*In 2017 Council looked to implement a new Policy (Leasing and Licensing of Council Owned Facilities), with the aim of the policy to make council land and building facilities available to groups or organisations on a fair and equitable basis to meet community needs and support the optimal use of Council facilities (Appendix 1).*

*The Policy provides guiding principles and statements that form the minimum negotiating position of Council as new leases are entered into for all organisations who occupy council owned facilities. It aims to ensure an equitable and consistent approach to leases and licenses with not-for-profit organisations being eligible for up to 93% discount based on meeting the criteria for good governance, facility utilisation, social inclusion, volunteer management and environmental initiatives (Appendix 2).*

Following initial consultation with all Head Lessees, the policy was adopted at the March 2017 General Council meeting and Head Lessees were formally advised of the change in Policy in May 2017, with the Policy to be rolled out as leases expire.



### **Standard Lease / License Documentation**

Unfortunately there was a significant delay in finalising the 'standard' Lease and License documentation, which was finalised in May 2019 (Appendix 3).

A revision of 'Schedule B' which sets out the maintenance responsibilities of both Council and tenants, has also been undertaken to provide clear concise language delineating both parties maintenance responsibilities (Appendix 3).

### **Resources**

Recently, an additional Property Management Officer has been employed on a full-time 2 year contract, to assist in the implementation of the Leasing and Licensing Policy. The two Property Management Officers are focussed on the renewal of all outstanding lease and licence agreements, implementation of governance requirements and undertaking quarterly property inspections (as per council resolution GC190326F02).

### **Current Status**

The Land and Property team currently manages 84 leases. Of these, 26 agreements are commercial agreements, with the commercial revenue agreements not eligible for the 'up to 93% subsidy' permitted under the Leasing and Licensing Policy.

The table below summarised the current Lease status. A detailed table of all leases is provided in Appendix 4:

Existing Lease/License Agreement in Place	32
Expired Lease / License - Tenant in holding over	20
Expired Lease / License - letter of Offer issued	21
Letter of offer signed - Draft Lease Issued	5
Draft lease signed and returned	6

### **Tenant Response**

The Land and Property team has been meeting with tenants to discuss the new Leasing and Licensing Policy, standard documents and maintenance schedule. These meetings have provided a valuable opportunity to discuss the detailed lease documentation and respond to questions and concerns of lessees.

Most tenants have not had any real issues with the proposed documentation. Where issues have arisen they are worked through on a case by case basis with the lessees. An example of this is Cosgrove Hall, with the Management Committee raising a number of concerns on the draft lease which are being worked through.

### **Next Steps**

Now that the standard Lease/License documentation is in place, this together with an additional resource for the Land and Property Team, is assisting in issuing letters of offer and draft lease agreements to tenants that are currently 'holding over'. These are being issued on a priority basis.

## Attachment

#	Attachment	Type
1	Appendix 1 - Leasing and Licencing Policy of Council Owned Facilities (005)	PDF File
2	Appendix 2 - Annual Subsidy Criteria	PDF File
3	Appendix 3 - Lease Agreement Template	PDF File
4	Appendix 4 - Lease & License Status report	PDF File

# Leasing and Licensing of Council Owned Facilities Policy



## 1. POLICY STATEMENT

City of Marion may lease or license Council owned or managed land to meet Council's strategic plans based on community priorities. The aim of the policy is to make land and building facilities available to groups or organisations on a fair and equitable basis to meet community needs and support the optimal use of facilities.

## 2. CONTEXT

Council provides an extensive range of facilities from multipurpose sites with playing fields, halls, community gardens, commercial, tennis and netball clubs, kindergartens etc. Leases or licenses are provided to a diverse range of organisations ranging from small community groups, sporting clubs, state government agencies to commercial entities.

The Policy provides guiding principles and statements that will form the minimum negotiating position of Council as new leases are entered into for all organisations who occupy council owned facilities.

The aim of the Policy is to ensure an equitable and consistent approach to leases and licenses which encourages high utilisation rates, diversity of use and supports organisations occupying Council facilities to be sustainable.

## 3. VISION

Council will ensure facilities are fit for purpose and the term and conditions of leases are equitable, consistent, support good governance, accountability and optimise the use of Council facilities.

## 4. PRINCIPLES

The following principles guide the provision and management of Council owned facilities:

### **Community Benefit & Social Inclusion:**

- Ensure Council-owned facilities are used to meet demonstrated community needs consistent with Council's policies and the Community Vision
- Optimise use of Council's community facilities and provides equitable and inclusive access by the City of Marion community
- Support and encourage diversity of programs and activities offered from Council facilities
- Assist not-for-profit and volunteer-based organisations that offer activities and services in the City of Marion;
- Encourage active and healthy lifestyles

### **Good Governance & Accountability:**

- Ensure a transparent and equitable process of granting new leases or licences and renewals by having clear assessment criteria
- Ensure lessees pay fair and reasonable rentals based on established eligibility criteria and calculation methodologies

# Leasing and Licensing of Council Owned Facilities Policy



- Facilitate a shared approach between Council and lessee as to the cost of management and maintenance of Council-owned facilities;
- Ensure lessees are accountable for meeting operational responsibilities for venue management and meeting agreed targets
- Ensure sound financial management and effective administration of community facility leasing and licensing.
- Ensure that Council-owned facilities are appropriately maintained as Council assets

## **Environmental Sustainability:**

- Ensure Council facilities maximise the use of solar, energy and water efficiency initiatives to reduce the environmental impact
- Encourage and support Lessees to implement environmental initiatives

## **5. SCOPE**

This Policy applies to the leasing or licensing of Council owned or managed land and facilities.

## **6. ELIGIBILITY FOR LEASE OR LICENCE**

### **6.1 Council will enter into a lease or licence agreement with a *not for profit organisation*, once the organisation can demonstrate**

- It is a not for profit organisation under Australian tax office definitions
- It is an incorporated/legitimate body under the auspice of an incorporated body or under the auspice of an incorporated body
- It has an Australian Business Number (ABN)
- It is financially viable by providing 3 years of annual financial statements to Council
- It complies with relevant legislation and regulations governing its activities
- It is able to demonstrate it will meet a community need
- It has good governance capability

### **6.2 Council will consider a lease or licence agreement, for a commercial organisation once the organisation demonstrates:**

- It is able to demonstrate it will meet a community need
- It provides a financial benefit or return to Council
- It has the professional capacity and experience
- It does not generate income from gambling (including poker machines)
- It provides an economic benefit to the City of Marion

# Leasing and Licensing of Council Owned Facilities Policy



## 6.3 Council will consider a lease or licence agreement with a *school or kindergarten* where:

- The use does not impact on the broader community needs or result in a facility being used beyond its capacity
- Consideration is given to a contribution to the maintenance of the facilities used by the school, the level of contribution reflecting the level of use
- Fees are consistent with community fees, although a reduction could be considered to reflect the school's socio economic status
- A school, DECD or other education body have appropriately contributed to the capital development of the facility they will be provided with exclusive use
- The school or kindergarten has adequate insurance

## 7. ANNUAL FEE

Rent will be based on the market rate supplied by an external valuer appointed by Council. The fee will be provided to the organisation at the time of entering into a new lease or renewing the lease. Rent will increase annually by CPI and the market rate will be reviewed every 5 years.

Not for profit organisations will be eligible for up to 93% discount based on meeting the criteria for good governance, facility utilisation, social inclusion, volunteer management and environmental initiatives (refer Appendix 1).

Where a building is acquired by or gifted to Council consideration will be given to the terms of this arrangement when determining the annual fee. In this situation a contribution to the ongoing repairs, maintenance and renewal costs will be considered when determining the annual fee to ensure alignment with the market rate and subsidy.

A minimum fee of \$300.00 (excluding GST) per annum shall be payable should the market rate and subsidy be calculated at less than \$300.00.

The minimum fee of \$300 (excluding GST) per annum shall be payable by Community Gardens.

## 8. TERM OF AGREEMENT

Terms of agreement will not be greater than 5 years unless Council resolves to grant a longer term lease. In these circumstances consideration will be given to developing a management plan in partnership with the organisation which seeks to develop the facility long term.

Where a lease or licence is to be granted for greater than 5 years and is located on Community Land community consultation will be undertaken in line with the Local Government Act 1999.

Where the term of the lease or licence is to be less than 5 years, and Section 20B of the Retail and Commercial Leases Act 1995 applies, the Lessees or Licensee shall be required to provide Council with a certificated exclusionary certificate duly signed by the Lessee's or Licensee's solicitor waiving the minimum statutory term of five years in the form required by the Act.

# Leasing and Licensing of Council Owned Facilities Policy



This certificate must be provided to the Council prior to the Lessee or Licensee taking possession of the premises.

## 9. MAINTENANCE, REPAIRS AND REPLACEMENTS

A comprehensive list of building items will be provided to organisations when providing a Letter of Offer which will clearly set out responsibilities. Council will take responsibility for structural items in buildings this will include items relating to footings, floor (not including coverings), walls (not including applied finishes), roof members and cladding and provision of services to the external walls.

## 10. UTILITIES, OUTGOINGS AND WASTE DISPOSAL

Organisations will be responsible for the cost of all utilities, outgoing and waste disposal associated with their operations.

Council will work with organisations to assist them to implement environmental initiatives such as waste reduction, recycling and energy efficient practices.

## 11. WATER USAGE

### 11.1 Buildings

Where the lease or licence refers only to a building and there is no open space attached to the leased or licensed area then the Lessee/Licensee shall be responsible for the payment of all water and sewer charges levied against the leased area.

### 11.2 Open Space

Where there is an associated playing field that is accessible to the general community the lessee/licensee will be responsible for 10% of the cost of the water used. Where the facility is fenced or not accessible to the community the lessee / licensee shall be responsible for the payment of all water and sewer charges levied.

Council encourages water conservation techniques and when considered appropriate shall place a cap on the amount contributed by Council. The amount of the cap shall be determined at the time of negotiating a lease or licence by Council. Access to stormwater reuse will be encouraged.

Where there are shared meters on the site consideration will be taken on community access to the site and the proportion will be negotiated with the organisation to ensure it is in line with like facilities.



# Leasing and Licensing of Council Owned Facilities Policy



## 12. SPORTING GROUNDS AND COURTS

Council maintains playing fields that are open to the public for passive recreational activities.

There are some circumstances where Council may negotiate with a Club to take on the responsibility of maintaining sporting grounds which are specialist in nature such as bowling greens.

Council will work in partnership with tennis and netball clubs, peak bodies and other funding organisations when courts are required to be resurfaced. Clubs will be expected to contribute funds either through a combination of club funds, external grants or a loan from Council. In determining the club contribution consideration will be given where courts are made available for community use.

## 13. FLOOD LIGHTING

Council will be responsible for the regular inspecting of light poles and ensuring they are maintained; lessee and licensees will be responsible for the replacement of lamps.

Should a lessee/licensee seek to install new lights, they will be expected to make a financial contribution. Council will work in partnership with the lessee to seek external funding and/or negotiate a Council loan.

## 14. SUB-LETTING OR HIRING OUT OF LEASED FACILITIES

It will be a condition of the lease that all sub-letting arrangements will be in line with this Policy and that lessees must seek Council approval to the terms and conditions prior to sub-letting.

Where an organisation enters into a sub-licence for part or all of the premises to another club or a commercial activity, Council reserves the right to assist the sub-tenant in negotiating a sub-licence fee based on the nature and quantum of the sub-licence

Clubs are encouraged to hire out facilities to maximise the use of the facilities and to generate income to support them to be sustainable. It is expected that these rates do not exclude the community from being able to access them due to the cost

## 15. HARDSHIP

Where a Lessee/ Licensee is able to produce evidence that the fee will cause undue hardship (after subsidies are applied) then the Lessee or Licensee can make an application to Council seeking deferment or reduction of payment.

The City of Marion is under no obligation to accept such a request and will make its decision based on the financial position of the lessee or licensee at the time of making the application.

# Leasing and Licensing of Council Owned Facilities Policy



## 16. GAMING MACHINES

Council does not support the introduction or increase of gaming machines in premises on Council owned land for any new Lessee or Licensee.

## 17. POLITICAL SIGNS

Advertising of political parties, Member of Parliament, Elected Members and candidates for Parliament/Council be prohibited on Council owned premises.

## 18. DEFINITIONS

**Community Buildings** – Buildings primarily available to facilitate community activities in line with Council's corporate strategies and community land management plans.

**Community Club or Organisations** – Organisations that are incorporated for the benefit of the community and any profit is distributed back into the facility and does not restrict its services to its members and provides one or more

**Incorporated Body** – Any Committee or Organisation that is incorporated under the Associations Incorporation Act 1985

**Lease** – Such agreements shall be used where the occupier has full and exclusive use of the premises.

**License** – Such agreements shall be used where the occupier does not have full and exclusive use of the premises

**Maintenance** – Means that facilities are maintained; in good repair and condition; conform to relevant legislation and codes; are free of graffiti and other acts of vandalism; and includes preventative maintenance approaches.

**Non-community organisations** – Organisations that are specifically a 'business' and are in business for the purpose of making a profit or which are so constituted that the assets may be distributed amongst the members of the organisations.

**Open space** – is leased outdoor facilities which is available for community use outside formal sporting use excluding sport related facilities such as clubrooms, storage sheds

# Leasing and Licensing of Council Owned Facilities Policy



## 19. RELATED DOCUMENTS

The following key City of Marion policies and plans relate to leased and licensed facilities:

- City of Marion Community Vision – Towards 2040
- City of Marion 10-Year Strategic Plan (under revision)
- City of Marion Community Facilities Strategy – (under development)
- City of Marion 3-Year Business Plan 2016-2019
- City of Marion Development Plan
- City of Marion Long Term Financial Plan
- Asset Management Plans
- Community Land Management Plans
- Irrigation Management Plan
- Asset Management Policy
- Disposal of Land and Assets Policy
- Community Consultation and Engagement Policy
- Liquor Licensing Policy

## 20. REFERENCES

- Local Government Act 1999
- Real Property Act 1886
- Law of Property Act 1936
- Retail and Commercial Leases Act 1995
- Associations Incorporation Act 1985
- Disability and Discrimination Act
- Gaming Machine Act
- Liquor Licensing Act
- Development Act 1993

Policy Name and version no.	Leasing and Licensing of Council Owned Facilities Policy – V2.0
Last update	2017
Last Council review (report reference)	GC280317R02
Next review due	2020
Responsibility	Manager, City Property

**Leasing and Licensing of Council Owned Facilities Policy** - (February 2017)

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City of Marion 245 Sturt Road, Sturt, 5047 (PO Box 21, Oaklands Park, 5046)  
T 8375 6600 F 8375 6699 www.marion.sa.gov.au

# Leasing and Licensing of Council Owned Facilities Policy



## Annual Fee - Subsidy Criteria for Sporting and Community Organisations

Annual lease/licence fee will be calculated at up to 93% of the market rental rate of the leased area/s. Council will offer the following subsidies on the annual fee for not for profit organisations.

<b>Subsidy Criteria</b>	<b>%</b>
<b>Good Governance</b> The organisation can demonstrate; <ul style="list-style-type: none"> <li>• Compliance with conditions of current or previous lease/licence agreements with Council</li> <li>• Provision of Annual General Meeting reports and minutes including financial reports (to be audited upon request)</li> <li>• Financial viability, have not incurred a debt with Council and have repaid any loans to Council in line with the loan agreement</li> <li>• Quality Management is integrated into operations - capacity building, good governance and planning etc., evidenced through provision of an annual business plan, current constitution, policies and procedures etc.</li> </ul>	33%
<b>Facility Utilisation</b> The organisation is able to; <ul style="list-style-type: none"> <li>• Provide evidence of membership/user/participant numbers and hours of use on an annual basis.</li> <li>• Provide evidence of activities and initiatives undertaken to increase the utilisation of the facility</li> <li>• Initiatives planned to increase use or participant numbers</li> <li>• Evidence of shared use of the facility by the community and other community clubs and organisation to ensure optimal use of the facility</li> </ul>	30%
<b>Social Inclusion</b> The organisation can demonstrate; <ul style="list-style-type: none"> <li>• The activity or service they provide is non-discriminatory and is open to all residents who meet stated criteria for participation.</li> <li>• The use of the facility will increase social inclusion, increase community participation and/or will promote health and well-being in the community</li> <li>• Activities support wider social inclusion targets</li> </ul>	20%
<b>Volunteer Management</b> The organisation can demonstrate that it promotes, supports and develops volunteers	5%
<b>Environmental Initiatives</b> The organisation can demonstrate that is promotes and implements environmental initiatives e.g. waste reduction, recycling, energy efficient practices including investments e.g. solar panels	5%
<b>Maximum subsidy available</b>	<b>93%</b>

# Leasing and Licensing of Council Owned Facilities Policy



## Annual Fee - Subsidy Criteria for Sporting and Community Organisations

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<b>Facility Utilisation</b> The organisation is able to; <ul style="list-style-type: none"> <li>• Provide evidence of membership/user/participant numbers and hours of use on an annual basis.</li> <li>• Provide evidence of activities and initiatives undertaken to increase the utilisation of the facility</li> <li>• Initiatives planned to increase use or participant numbers</li> <li>• Evidence of shared use of the facility by the community and other community clubs and organisation to ensure optimal use of the facility</li> </ul>	30%
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<b>Environmental Initiatives</b> The organisation can demonstrate that is promotes and implements environmental initiatives e.g. waste reduction, recycling, energy efficient practices including investments e.g. solar panels	5%
<b>Maximum subsidy available</b>	<b>93%</b>

## LEASE AGREEMENT

[INSERT ADDRESS]

The Corporation of the City of Marion

[Insert name of Lessee]



Level 15, 45 Pirie Street  
Adelaide SA 5000  
Telephone + 61 8 8210 1200  
Fax + 61 8 8210 1234  
[www.normans.com.au](http://www.normans.com.au)



## DATE

## PARTIES

**THE CORPORATION OF THE CITY OF MARION** of 245 Sturt Road, Sturt SA 5047  
(Council)

**[INSERT]** (Lessee)

## BACKGROUND

- A. The Council is the registered proprietor, or has the care, control and management, of the Land.
- B. The Lessee has requested a lease to use the Premises for the Permitted Use.
- C. The Council has agreed to grant the Lessee a lease of the Premises.
- D. The Council and Lessee wish to record the terms of their agreement.

## AGREED TERMS

### 1. DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

In this lease:

**Act** means the *Retail and Commercial Leases Act 1995 (SA)*.

**Actuaries Institute** means the Actuaries Institute being the peak body for Actuaries in Australia.

**Agreed Consideration** means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this lease (other than tax payable under clause 24).

**Business Day** means a day which is not a Saturday, Sunday or public holiday in Adelaide.

**Commencement Date** means the commencement date described in Item 3 of Schedule 1.

**Common Areas** means all areas of the Land which are not leased or tenanted and which are for common use by tenants and lessees of the Land and their invitees and customers including driveways, car parks, walkways, washrooms, toilets and stairways.

**Council** means the party described as 'Council' in this lease and where the context permits includes the employees, contractors, agents and other invitees of the Council.

**Council's Equipment** means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises and available for use by the Lessee.

**CPI** means the consumer price index published by the Australian Bureau of Statistics for All Groups (Adelaide) or the index which replaces it under clause 5.3.

**Current Market Rent** means the best rent that can be obtained for the Premises in an open market by a willing but not anxious lessor with or without vacant possession and on the following conditions:

- (a) on the terms of this lease for the whole of the Term (and not just the balance of the Term);
- (b) on the basis that the Lessee has complied with all its obligations under this lease;
- (c) not taking into account any damage or destruction to the Council's Improvements and Equipment or the Premises and not taking into account any resulting suspension or abatement of the Rent;
- (d) not taking into account any disturbance or nuisance to the Lessee's use of the Premises caused by any act or neglect of the Council or any adjoining owner or occupier;
- (e) taking into account any improvements or fixtures erected or installed at the Lessee's expense, unless the Council has required in writing the Lessee to remove any improvements or fixtures at the end of the lease;
- (f) taking into account any increase in value of the Premises arising from any permanent improvements on the Land at the expense of either the Lessee or the Council and which the Council has not required the Lessee in writing to remove at the end of the lease;
- (g) not taking into account any goodwill attributable to the Premises by reason of any trade, business or actions carried on by the Lessee; and
- (h) not taking into account any cash, premium, payment, abatement, allowance or other incentive paid, offered or allowed in respect of this lease or being offered or given in respect of comparable premises to induce lease to take a lease of or remain in such comparable premises.

**Default Rate** means the rate which is two per centum (2%) per annum greater than the published annual rate of interest charged from time to time by Westpac Banking Corporation on overdraft facilities of more than \$100,000.00 and if there is more than one rate published the highest of those rates.

**Fees and Charges Schedule** means the Fees and Charges Schedule as amended from time to time available on the Council's website.

**Gaming Machine** means a gaming machine as defined by the *Gaming Machines Act 1992 (SA)*.

**GST** has the meaning given to that term in the GST Legislation.

**GST Legislation** means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and any ancillary or similar legislation.

**GST Rate** means 10% or the rate of GST imposed from time to time under the GST Legislation.

**Improvements** means the interior and exterior of all present and future improvements on the Land and includes all Services and Common Areas and all other conveniences, services, amenities and appurtenances of in or to the Improvements.

**Institute** means the South Australian Division of the Australian Property Institute.

**Initial Term** means the initial term of this lease commencing on the Commencement Date and described in Item 3 of Schedule 1.

**Land** means the land described in Item 2 of Schedule 1 and includes any part of the Land.

**Legislation** includes any relevant Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

**Lessee** means the party described as 'Lessee' in this lease and where the context permits includes the employees, contractors, agents, customers and other invitees of the Lessee.

**Lessee's Equipment** means any and all fixtures and fittings and other equipment installed in or brought on to or kept in the Premises by the Lessee.

**Lessee's Share** means the proportion the lettable area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the Institute's guidelines current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

**Liquor Act** means the *Liquor Licensing Act 1997 (SA)*.

**Liquor Licence Applications Policy** means Council's policy which provides a framework for the exercise of the Council's powers pursuant to the Liquor Act as amended from time to time.

**Market Review** means a review of Rent to Current Market Rent as set out in clause 5.5.

**Outgoings** means the outgoings described in Item 7 of Schedule 1.

**Payment Date** means the Commencement Date and each anniversary of the Commencement Date during the Term unless otherwise agreed between the parties.

**Permitted Use** means the use described in Item 8 of Schedule 1.

**Premises** means the premises described in Item 1 of Schedule 1 including all Improvements thereon and the Council's Equipment.

**Rates and Taxes** means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority, department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises and includes water and sewer charges, council rates, emergency services levy and, subject to the Act, land tax (on a single holding basis).

**Renewal Term** means the term (if any) of renewal or extension granted under this lease.

**Rent** means the amount described in Item 4 of Schedule 1.

**Rent Subsidy Criteria** means the list of considerations to be assessed by the Council in granting a rent subsidy under this lease as listed in Schedule 2.

**Rent Subsidy Percentage** means the percentage reduction of Rent granted to the Lessee for compliance with the Rent Subsidy Criteria as listed in Schedule 2.

**Rent Subsidy Criteria Questionnaire** means the questionnaire provided to the Lessee which contains questions and requires the provision of information relevant to the Lessee satisfying the Council that it has satisfied each of the Rent Subsidy Criteria.

**Review Date** means each date described in Item 6 of Schedule 1.

**Review Method** means the relevant method of rent review in Item 6 of Schedule 1 for any Review Date.

**Services** includes all services (including gas, electricity, water, sewerage, lifts, escalators, communications, fire control, air-conditioning, plumbing and telephone and all plant, equipment, pipes, wires and cables in connection with them) to or of the Improvements or any premises in or on the Land supplied by any authority, the Council or any person the Council authorises.

**Special Conditions** means the special conditions in Schedule 3.

**Statutory Authorities** means any government or authorities created by or under any relevant Legislation (including the Council in its separate capacity as local government authority).

**Statutory Requirements** means all relevant Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation or by any Statutory Authorities.

**Term** means the Initial Term and any period during which the Lessee holds over or remains in occupation of the Premises.

**Valuer** means a qualified valuer appointed to make a determination under this lease:

- (i) who is appointed by agreement of the Council and the Lessee or, failing agreement within fourteen (14) days of either notifying the other of the requirement for such appointment, at the request of either the Council or the Lessee, by the President or acting President of the Institute;
- (j) who has practised as a valuer with a minimum of five years relevant experience; and
- (k) who acts as an expert and not as an arbitrator.

**Yearly Amounts** means the aggregate of the Rent, Outgoings and any other moneys payable by the Lessee during the Term.

## 1.2 Interpretation

In this lease, unless the context otherwise requires:

- 1.2.1 headings do not affect interpretation;
- 1.2.2 singular includes plural and plural includes singular;
- 1.2.3 words of one gender include any gender;
- 1.2.4 a reference to a party includes its executors, administrators, successors and permitted assigns;
- 1.2.5 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.2.6 a reference to this lease includes any schedules and annexures to this lease;
- 1.2.7 a reference to any document (including this lease) is to that document as varied, novated, ratified or replaced from time to time;
- 1.2.8 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- 1.2.9 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;

- 1.2.10 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.2.11 a provision is not construed against a party only because that party drafted it;
- 1.2.12 an unenforceable provision or part of a provision may be severed, and the remainder of this lease continues in force;
- 1.2.13 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- 1.2.14 an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by that act at the date of this lease.

### 1.3 **Retail and Commercial Leases Act**

If the Act applies to this lease:

- 1.3.1 this lease must be interpreted subject to the Act;
- 1.3.2 any right, power or remedy of the Council or obligation or liability of the Lessee that is affected by the Act is unenforceable or void but only to the extent that it is expressly made unenforceable or void by the Act.

### 1.4 **Background**

The Background forms part of this lease and is correct.

## 2. **GRANT OF LEASE**

The Council grants and the Lessee accepts a lease of the Premises for the Term as set out in this lease.

## 3. **RENT**

### 3.1 **Payment of Rent**

The Lessee must pay the Rent by equal instalments in advance on each Payment Date.

### 3.2 **Instalment**

If a rent instalment period is less than any one quarter of a financial year, then the instalment for that period is calculated at a daily rate based on the number of days in the quarter in which that period begins and the quarterly instalment which would have been payable for a full quarter.

### 3.3 **Rent Subsidy**

- 3.3.1 The parties acknowledge that the Rent includes a discount equivalent to the Rent Subsidy Percentage for each Rent Subsidy Criteria which the parties acknowledge the Lessee complies with in Schedule 2.



- 3.3.2 Prior to 30 November in each year of the Term the Lessee must complete and return a completed Rent Subsidy Criteria Questionnaire with copies of documentation supporting the Lessee's responses to the Rent Subsidy Criteria Questionnaire to Council.
- 3.3.3 The Lessee's failure to provide a completed Rent Subsidy Criteria Questionnaire to the Council by 30 November in each year of the Term will constitute a failure by the Lessee to evidence compliance with the Rent Subsidy Criteria in Schedule 2.
- 3.3.4 If applicable, after the Rent has been reviewed to Current Market Rent in accordance a Market Review, a rental discount equivalent to the Rent Subsidy Percentage for each Rent Subsidy Criteria will be applied to the Rent as determined by the Market Review.
- 3.3.5 A failure by the Lessee to comply with any Rent Subsidy Criteria in relation to which a discount has been applied during the Term will be a breach of an essential term of the lease.
- 3.3.6 The Council may review the Rent Subsidy Criteria on an annual basis.
- 3.3.7 The Council must notify the Lessee in writing of any changes to the Rent Subsidy Criteria within a reasonable time after the Council has made any such changes to the Rent Subsidy Criteria.

#### 4. TERM LESS THAN FIVE YEARS

- 4.1 This clause only has effect where:
  - 4.1.1 the Act applies to this lease; and
  - 4.1.2 the Term is less than five (5) years.
- 4.2 The Council and the Lessee acknowledge and agree that:
  - 4.2.1 the Term is less than five (5) years; and
  - 4.2.2 section 20B of the Act does not apply to this lease for the Term (including any holding over period which exceeds six (6) months).
- 4.3 The Lessee acknowledges that:
  - 4.3.1 the Lessee has received independent legal advice explaining the effect of section 20B of the Act and how it would apply if this lease did not contain this clause;
  - 4.3.2 the Lessee was not acting under coercion or undue influence in requesting or consenting to this clause; and
  - 4.3.3 the Lessee has given assurances to the Lessee's lawyer that the Lessee was not acting under coercion or undue influence in requesting or consenting to this clause.

## 5. RENT REVIEWS

### 5.1 Rent to be reviewed

The Rent will be reviewed on each Review Date during the Term by the relevant Review Method for the Review Date in accordance with clause 5.

### 5.2 CPI review

#### 5.2.1 In this clause:

5.2.1.1 **Current CPI** means for a CPI Review Date, the CPI number for the quarter ending immediately before that Review Date; and

5.2.1.2 **Previous CPI** means, for a CPI Review Date, the CPI number for the quarter ending immediately before the last Review Date (or if there has not been a review, the Commencement Date).

#### 5.2.2 Where the Review Method for any Review Date is CPI, the Rent on and from that Review Date is calculated as follows:

$$R_2 = R_1 \times \frac{\text{Current CPI}}{\text{Previous CPI}}$$

Where:

$R_2$  is the Rent on and from the Review Date; and

$R_1$  is the Rent immediately before the Review Date (disregarding any abatements incentives or reductions).

### 5.3 Change to CPI

If the CPI is no longer published, either party may ask the President of the Actuaries Institute to nominate an index which reflects the rate of price change in the area and group for the CPI and 'CPI' then means that index. Each party must pay one half of the President's costs for nominating an index.

### 5.4 Market Review

Where the Review Method for any Review Date is a Market Review, then the Rent must be reviewed to the Current Market Rent.

### 5.5 Current Market Rent

5.5.1 The Council will appoint an independent valuer to assess the Current Market Rent for the Premises (**Council's Rent Assessment**).

5.5.2 The Council may at any time give the Lessee written notice stating the Council's Rent Assessment.

- 5.5.3 The Rent from and including the relevant Review Date is the amount stated in the Council's notice under clause 5.5.2 unless the Lessee gives the Council written notice disagreeing with that amount (**Objection**) within fourteen (14) days after the Council's notice.
- 5.5.4 If the Lessee gives the Council an Objection, then the Rent must be determined by a Valuer.
- 5.5.5 The Valuer must determine the Current Market Rent under this clause.
- 5.5.6 The Council and the Lessee may make written submissions to the Valuer within fourteen (14) days after the Valuer is appointed.
- 5.5.7 Each party must forward to the other a copy of all written material provided to the Valuer when it is provided to the Valuer.
- 5.5.8 Within fourteen (14) days after receiving those written materials, a party may give written comments to the Valuer on the other party's written submissions.
- 5.5.9 The Valuer must make the determination in writing within sixty (60) days after appointment, giving detailed reasons and specifying the matters required to be taken into account under this lease. The determination is final and binding.
- 5.5.10 If the Valuer's determination is more than the Council's assessment of the Current Market Rent, the Lessee must pay all the costs of the valuation. In all other cases, the costs of the valuation must be shared equally between the Council and Lessee.

## 5.6 **Rent pending determination**

- 5.6.1 The Rent may be reviewed at any time from a Review Date even if the review is initiated after that Review Date.
- 5.6.2 If the Rent to apply on and from a Review Date is not agreed or determined by that Review Date, the Lessee must continue to pay instalments of Rent at the rate that applied before the relevant Review Date until the Rent is determined.

## 5.7 **Adjustment once Rent determined**

Once the Rent to apply on and from a Review Date is agreed or determined, the Lessee must pay any shortfall and the Council must allow any adjustment for overpayment at the next Payment Date.

## 5.8 **No decrease in Rent**

Subject to the Act, the Rent will not decrease on a Review Date.

## 5.9 **Other review**

Subject to the Act, the Council and Lessee may negotiate and agree a Rent to apply from a Review Date without following this clause.

## 6. RATES AND TAXES AND OUTGOINGS

### 6.1 Liability for Rates and Taxes

The Lessee shall be required to pay or reimburse the Council any Rates and Taxes levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.

### 6.2 Payment of Outgoings

The Lessee must pay or reimburse the Council all Outgoings levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises within thirty (30) days upon demand by the Council.

### 6.3 Lessee's Share

If any Rates and Taxes or Outgoings are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Land.

### 6.4 Power and other utilities

6.4.1 The Lessee must pay, when due, all costs for the use of telephone, light and other facilities and the consumption of electricity, gas, and any and all other services and utilities supplied to or used from the Premises.

6.4.2 If there is no separate meter for a service or utility used on or from the Premises and if the Council so requires, then the Lessee will install the meter at its own cost.

6.4.3 The Lessee shall be responsible for all electrical tagging and testing as required of the Lessee's Equipment at the Premises.

6.4.4 Without limiting this subclause, the Lessee must comply with the *Electricity (General) Regulations 2012* (SA) and any other applicable electricity laws.

### 6.5 Separate air-conditioning plant

6.5.1 If the Premises are served by separate air-conditioning plant or equipment the Lessee must, at its own cost, ensure that the air-conditioning plant or equipment is properly and regularly serviced and maintained. If the Council gives any instructions or directions with regard to the service and maintenance of that air-conditioning plant or equipment, the Lessee must, at its own cost, ensure that the air-conditioning plant and equipment is serviced and maintained in accordance with those instructions or directions.

6.5.2 If the Council chooses to arrange for the service, maintenance and repair of the air-conditioning plant or equipment (and notifies the Lessee accordingly) then the Lessee must permit the Council, and any person authorised by it for that purpose, to enter the Premises and

carry out such service, maintenance and repair at all reasonable times. The Lessee must pay or reimburse to the Council all costs incurred in that regard which the Council may recover from the Lessee as a debt due and payable on demand.

- 6.5.3 The Lessee must pay or reimburse to the Council the cost of all power consumed by such air-conditioning plant or equipment and the Council may recover any such amounts as a debt due.

## 7. WATER

### 7.1 Mains water

The Lessee must pay when due, all costs and outgoings in relation to water usage and water rates of all mains located on the Premises.

### 7.2 Water efficiency

The Lessee must use its best endeavours to ensure that, at all times, water is used and consumed at the Premises in an efficient and responsible manner.

### 7.3 Recycled water and bore water access

The Lessee shall be responsible for all costs and outgoings in relation to water usage and rates associated with the use of bore water or recycled water on the Premises and the Council may enter into a separate agreement with the Lessee regarding the costs of bore water and recycled water.

## 8. USE OF PREMISES

### 8.1 Permitted Use

The Lessee may use the Premises only for the Permitted Use and must not use or allow the Premises to be used for any other use without the Council's consent.

### 8.2 Offensive, illegal and restricted activities

The Lessee must:

- 8.2.1 not carry on any offensive, dangerous or illegal activities on or from the Premises;
- 8.2.2 not create a nuisance or disturbance for the Council or for the owners or occupiers of any adjoining property;
- 8.2.3 ensure at all times that activities conducted on or from the Premises do not discredit the Council;
- 8.2.4 not permit or allow persons to sleep or reside on the Premises; and
- 8.2.5 not keep animals on the Premises.

### 8.3 Use of facilities

- 8.3.1 The Lessee must ensure that the Services are used carefully and responsibly and in accordance with any directions given by the Council from time to time.
- 8.3.2 The Lessee must repair or correct any damage or malfunction which results from any misuse or abuse of the Services by the Lessee.

### 8.4 Statutory Requirements

The Lessee must comply with all Statutory Requirements (including the *Work Health and Safety Act 2012* (SA)) relating to:

- 8.4.1 the Lessee's use and occupation of the Premises;
- 8.4.2 the Permitted Use.

### 8.5 Signs

- 8.5.1 The Lessee must not place any sign or advertisement on the outside or inside (if they can be seen from outside) of the Premises, except a sign or advertisement which:
  - 8.5.1.1 is approved by the Council; and
  - 8.5.1.2 complies with any relevant Statutory Requirements.
- 8.5.2 Council reserves the right to require the Lessee to place any sign or advertisement on the outside or inside of the Premises in accordance with Council's policy at the time.
- 8.5.3 The Lessee is prohibited from placing any political sign or advertisement on the outside or the inside of the Premises.

### 8.6 Dangerous equipment and installations

The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use and must not install or bring onto the Premises:

- 8.6.1 any electrical, gas powered or other machinery or equipment that may pose a danger, risk or hazard;
- 8.6.2 any chemicals or other dangerous substances that may pose a danger, risk or hazard; or
- 8.6.3 any heavy equipment or items that may damage the Premises or Improvements.

### 8.7 Fire precautions

The Lessee must comply with all Statutory Requirements relating to fire safety and procedures including any structural works or modifications or other building



works which are required as a consequence of the Lessee's use of the Premises.

#### 8.8 **Security**

The Lessee must keep the Premises securely locked at all times when the Premises are not occupied and must provide a key to the Premises to the Council (or if the Council has engaged a manager, then to the manager) to be used only in emergencies.

#### 8.9 **No warranty**

The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

### 9. **LIQUOR LICENCE**

#### 9.1 **Service of alcohol**

The Lessee must not:

9.1.1 serve, sell or provide to persons; or

9.1.2 consume or allow persons to consume;

alcoholic beverages on the Premises except in accordance with a Liquor Licence obtained pursuant to clause 9.2 and otherwise in accordance with this clause.

#### 9.2 **Obtaining Liquor Licence**

9.2.1 The Lessee is responsible for and will take all steps necessary in order to obtain all necessary licences (**Liquor Licence**) under the Liquor Act.

9.2.2 In addition to the requirements of clause 9.2.1, the Lessee must take all steps necessary in order to comply with Council's Liquor Licence Applications Policy.

9.2.3 In addition to the requirements of clause 9.2.1, the Lessee must obtain all other approvals, licences, consents and renewals as may be necessary to serve or sell alcoholic beverages on the Premises.

9.2.4 The Lessee must obtain the Council's consent which may be withheld at the Council's discretion prior to seeking to obtain a Liquor Licence for the Premises and prior to agreeing to any conditions of the Liquor Licence.

#### 9.3 **Maintenance of Liquor Licence**

9.3.1 The Lessee must not do anything or allow anything to be done that would result in the Liquor Licence or any other licence, approval or

consent issued under the Liquor Act relating to the Premises or any business conducted from the Premises:

- 9.3.1.1 not being renewed or being suspended or forfeited or removed from the Premises;
  - 9.3.1.2 which results in more onerous conditions being imposed on or in respect of such Liquor Licence;
  - 9.3.1.3 which has or may have any prejudicial effect on any such Liquor Licence; or
  - 9.3.1.4 which may constitute or result in the commission of any offence under the Liquor Act.
- 9.3.2 Without limiting clause 9.3.1, the Lessee must not without the Council's prior written consent apply under the Liquor Act or to any other Statutory Authority to decrease or restrict the hours of trading permitted under the Liquor Licence or the Liquor Act in respect of the Premises.
- 9.3.3 The Lessee must at its own cost and expense in all things, comply with and observe, and carry out and perform all of the requirements of the Liquor Licence and the Liquor Act and all directions and requirements relating to the Premises and the business conducted on the Premises which may be issued under the Liquor Act or by any person or authority with lawful jurisdiction.
- 9.3.4 Where the Lessee is required pursuant to the terms of the Liquor Licence or under the Liquor Act or in pursuance of any direction or requirement issued under that Act or by any other person or authority with lawful jurisdiction, to carry out works, then such works must be carried out in a good manner which is consistent with that of one skilled in the works carried out, within the timeframe required and to the satisfaction of the person or authority who required the work to be completed.
- 9.3.5 The Lessee must renew the Liquor Licence and keep it current at all times during the Term.
- 9.3.6 On request by the Council, the Lessee must supply the Council with copies of all statutory declarations and other forms, letters, applications and material supplied by the Lessee to the Liquor and Gambling Commissioner and/or any other authorities under the Liquor Act.
- 9.3.7 If the Lessee or any manager, licensee or employee of the Lessee receives or is served with any summons, complaint or other legal process or any notice, requirement or further communication from any person or authority acting under the Liquor Act or otherwise relating to the Liquor Licence, then the Lessee must immediately inform the Council in writing of the same and provide all particulars requested by the Council.

#### 9.4 **Transfer of Liquor Licence after termination**

Upon the expiration or sooner termination of this lease, the Lessee will, if so requested by the Council, use its best endeavours to transfer to the Council or its nominee, the Liquor Licence and all other licences, approvals and consents at no cost to the Council or its nominee.

### 10. **GAMING MACHINES**

#### 10.1 **No new machines**

10.1.1 Subject to clause 10.2, on and from the Commencement Date and for the duration of this lease, the Lessee must not bring onto the Premises or operate any Gaming Machine.

10.1.2 With the Council's consent, the Lessee may retain and operate any pre-existing Gaming Machine that was operated by the Lessee on the Premises prior to the commencement of this lease.

#### 10.2 **Council's consent**

The Council may refuse to provide its consent under 10.1.2 in its absolute discretion.

### 11. **INSURANCE**

#### 11.1 **Lessee must insure**

The Lessee must keep current during the Term:

11.1.1 public liability insurance for at least the amount in Item 9 of Schedule 1 (or any other amount the Council reasonably requires) for each claim;

11.1.2 all insurance in respect of the Lessee's Equipment for its full replacement value; and

11.1.3 other insurances required by any Statutory Requirement or which the Council reasonably requires.

#### 11.2 **Requirements for policies**

Each policy must:

11.2.1 be with an insurer and on terms reasonably approved by the Council;

11.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;

11.2.3 cover events occurring during the policy's currency regardless of when claims are made; and

11.2.4 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

### 11.3 Evidence of insurance

The Lessee must give the Council certificates evidencing the currency of each policy. During the Term the Lessee must:

- 11.3.1 pay each premium before it is due for payment;
- 11.3.2 give the Council certificates of currency each year when the policies are renewed and at other times the Council requests;
- 11.3.3 not vary, allow to lapse or cancel any insurance policy without the Council's consent;
- 11.3.4 notify the Council in writing immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy;

### 11.4 Insurance affected

- 11.4.1 The Lessee must not do anything which may:
  - 11.4.1.1 prejudice any insurance of the Premises or the Improvements; or
  - 11.4.1.2 increase the premium for that insurance.

### 11.5 Council's insurance obligations

The Council must keep current during the Term insurance in respect of the Improvements and the Land.

## 12. REPAIR AND MAINTENANCE

### 12.1 Repair

- 12.1.1 The Lessee must keep and maintain the Premises, the Lessee's Equipment and any Services situated within the Premises and which exclusively service the Premises in good repair and condition.
- 12.1.2 The Lessee is responsible for all the day to day repairs and maintenance at the Premises including the repair and maintenance of:
  - 12.1.2.1 all items required to ensure compliance with all Statutory Requirements in relation to emergency and fire and safety procedures including operable hose reels, fire hydrants, fire extinguishers, fire blankets, alarms and emergency and exit lighting;
  - 12.1.2.2 all interior fittings including but not limited to light globes, washers, taps and carpets;
  - 12.1.2.3 signage; and
  - 12.1.2.4 internal paint works.

12.1.3 The Lessee is responsible for the removal of waste at the Premises including the removal of:

12.1.3.1 internal graffiti;

12.1.3.2 weeds; and

12.1.3.3 rubbish.

12.1.4 The Lessee must promptly repair any damage to the Improvements or the Land caused or contributed to by the act, omission, negligence or default of the Lessee and in any event must repair any such damage to the Improvements or the Land within fourteen (14) days of the Lessee being given notice to repair the damage by the Council.

12.1.5 Without limiting the general obligations of the Lessee under this clause, the Lessee must ensure that it keeps and maintains the Premises, the Lessee's Equipment and any Services situated within the Premises so as to comply with its obligations under the Council's guidelines for maintenance, repair and building upgrades for Council owned land in Annexure B of this lease.

## 12.2 **Maintain and replace**

The Lessee must maintain items in or attached to the Premises, and, if damaged or worn, repair them or replace them with items of quality similar to those in use at the Commencement Date, or, if previously replaced with the Council's approval, when last replaced. Notwithstanding this clause, applications for capital works are to be made by Lessee in accordance with the relevant Council policy at the time.

## 12.3 **Alterations by Lessee**

12.3.1 The Lessee must not carry out any alterations or additions to the Premises without the Council's prior written consent.

12.3.2 The Lessee must provide full details of the proposed alterations and additions to the Council.

12.3.3 The Council may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to the alterations or additions.

12.3.4 The Lessee must carry out any approved alterations and additions:

12.3.4.1 in a proper manner which is consistent with that of one skilled in the works carried out;

12.3.4.2 in accordance with the conditions imposed by the Council and with the approvals made by Council in its capacity as lessor under this lease;

12.3.4.3 in accordance with all Statutory Requirements; and

12.3.4.4 in a way to minimise disturbance to others.

12.3.5 Unless otherwise agreed in writing between the parties, all alterations and additions to the Land or the Premises made pursuant to this clause become the property of the Council.

12.3.6 The Lessee must pay all of the Council's costs (including consultant's costs and legal costs) as a result of the Lessee's alterations and additions.

### 13. **CLEANING**

The Lessee must:

13.1 keep the Premises clean and tidy;

13.2 keep the Premises free of vermin, insects and other pests;

13.3 promptly remove any internal graffiti on the Premises; and

13.4 not cause the Common Areas to be left untidy or in an unclean state or condition.

### 14. **ASSIGNMENT, SUBLETTING AND CHARGING**

#### 14.1 **Assignment**

14.1.1 The Lessee may assign its interest in this lease provided that the Lessee must first obtain the consent in writing of the Council.

14.1.2 Subject to the Act, the Council may withhold consent to an assignment of the lease if:

14.1.2.1 the proposed assignee proposes to change the Permitted Use;

14.1.2.2 the proposed assignee is unable to meet the financial obligations under this lease;

14.1.2.3 the Council reasonably considers that the assignee's business skills are inferior to those of the assignor;

14.1.2.4 the Lessee makes a profit on the assignment of the lease; or

14.1.2.5 the Lessee has not complied with the Council's procedural requirements for obtaining the Council's consent.

#### 14.2 **Subletting**

14.2.1 The Lessee must not sublet or license any part of the Premises without the Council's prior written consent and provided that the Lessee does not make a profit as a result of subletting the Premises or any part of the Premises.



- 14.2.2 The Council may, in considering whether or not to provide its consent under clause 14.2.1, request copies of the terms and conditions on which the Lessee proposes to grant a right of occupancy to a proposed sublessee or licensee.

**14.3 Hiring out Premises**

Subject to clauses 14.4 and 14.5, the Lessee may hire out or otherwise part with possession of the Premises without the Council's consent provided that hiring the Premises is consistent with the Permitted Use.

**14.4 Public access**

The Lessee acknowledges and agrees that the Premises are for and are to be made available for use by the public at any time provided that:

- 14.4.1 the relevant member of the public has previously booked a time with the Lessee for use of the Premises; and
- 14.4.2 the booking does not substantially interfere with any competitive or organised use of the Premises by the Lessee notified to the Council.

**14.5 Sublease or hire charges**

- 14.5.1 Subject to Clause 14.5.2, the Lessee acknowledges and agrees that any rate charged for use of Premises will be no more than the rates stated in the Council's Fees and Charges Schedule.
- 14.5.2 The Lessee may request the Council's consent to charge rates for use of the Premises in excess of the rates stated in the Council's Fees and Charges Schedule.
- 14.5.3 The Council may refuse its consent to a request under clause 14.5.2 in its absolute discretion

**15. LESSEE GOVERNANCE**

- 15.1 On or before the Commencement Date the Lessee must provide to the Council a copy of the Lessee's constitution and any other documents that regulate its governance and operations.
- 15.2 The Lessee must provide to the Council any information reasonably required by Council in relation to the Lessee's use and occupation of the Premises, the governance and operations of the Lessee including but not limited to annual general meeting reports and minutes of meeting and finances including but not limited to audited financial statements.

**16. COUNCIL'S OBLIGATIONS AND RIGHTS**

**16.1 Quiet enjoyment**

Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this lease, the Lessee may occupy the Premises during the Term without interference from the Council.

## **16.2 Right to enter**

The Council may (except in an emergency when no notice is required) enter the Premises after giving the Lessee reasonable notice:

- 16.2.1 to assess the Lessee's compliance with the terms of this lease;
- 16.2.2 to do any repairs or maintenance as deemed necessary by the Council to the Premises or the Improvements or other works which cannot reasonably be done unless the Council enters the Premises;
- 16.2.3 to do anything the Council must or may do under this lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and
- 16.2.4 to show prospective lessees through the Premises.

## **16.3 Emergencies**

In an emergency the Council may:

- 16.3.1 close the Premises or Improvements; and
- 16.3.2 prevent the Lessee from entering the Premises or Improvements.

## **16.4 Works and restrictions**

16.4.1 Upon giving reasonable notice to the Lessee, the Council may:

- 16.4.1.1 install, use, maintain, repair, alter, and interrupt Services;
- 16.4.1.2 carry out works on the Improvements (including extensions, renovations and refurbishment); and
- 16.4.1.3 close (temporarily or permanently) and restrict access to the Common Areas.

16.4.2 The Council must (except in an emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises.

## **16.5 Right to rectify**

The Council may at the Lessee's cost do anything which the Lessee should have done under this lease but which the Lessee has not done or which the Council reasonably considers the Lessee has not done properly.

## **16.6 Maintenance**

Without limiting the general obligations of the Council under this lease, the Council must ensure that it complies with its obligations under the guidelines for maintenance, repair and building upgrades for Council owned land contained in Annexure B of this lease.

## 17. DAMAGE OR DESTRUCTION

### 17.1 Termination for destruction or damage

17.1.1 If the Premises are destroyed or are damaged so that they are unfit for the Lessee's use then, within three (3) months after the damage or destruction occurs, the Council must give the Lessee either:

17.1.1.1 a notice terminating this lease (on a date at least one (1) month after the Council gives notice); or

17.1.1.2 a notice advising the Lessee that the Council intends to repair the Premises and/or the Improvements so that the Premises are accessible and the Lessee can occupy and use the Premises (**Intention to Repair Notice**).

17.1.2 If the Council gives an Intention to Repair Notice but does not carry out the repairs within a reasonable time, the Lessee may give notice to the Council that the Lessee intends to end this lease if the Council does not make the Premises accessible and fit for use and occupation by the Lessee within a reasonable time (having regard to the nature of the required work) (**Intention to Terminate Notice**).

17.1.3 If the Council does not give a notice under this subclause or does not take the action specified in the Intention to Terminate Notice, the Lessee may end this lease by giving the Council not less than one (1) month's notice.

### 17.2 Reduction or abatement of Rent

17.2.1 While the Premises are unfit or inaccessible, the Yearly Amounts are reduced unless:

17.2.1.1 the Premises are unfit or inaccessible; or

17.2.1.2 an insurer refuses to pay a claim;

as a result of a deliberate or negligent act or omission of the Lessee.

17.2.2 The level of the reduction (if any) depends on the nature and extent of the damage.

17.2.3 If the level of the reduction (if any) cannot be agreed it must be determined by a Valuer.

## 18. REDEVELOPMENT AND DEMOLITION

If as part of any redevelopment or other project conducted by the Council that includes the Premises (**Redevelopment**), or for any other reason, the Council wishes to demolish or acquire vacant possession of the Premises or any part of the Premises, then the Council may:

## 18.1 Redevelopment and termination

terminate this lease subject to the following provisions:

- 18.1.1 at any time after providing the Lessee with those details, the Council may give the Lessee a written notice of termination of this lease (**Termination Notice**) specifying the date on which this lease is to come to an end being a date not less than twelve months after the Termination Notice is given. Unless terminated earlier by the Lessee under clause 18.1.2, this lease comes to an end at midnight on the day specified in the Termination Notice;
- 18.1.2 at any time after receiving a Termination Notice, the Lessee may terminate this lease by giving not less than seven days' written notice to the Council; and
- 18.1.3 when either party terminates this lease under this clause, the rights and obligations of the Council and the Lessee under this lease (except with regard to an existing breach) come to an end.

## 18.2 Relocation

propose that the Lessee, upon reasonable notice, vacate the Premises and to occupy an alternative site owned by the Council subject to the following conditions:

- 18.2.1 the Council may at any time after providing the Lessee with those details, give the Lessee a written notice of relocation of this lease (**Relocation Notice**) specifying the date on which the Lessee must relocate being a date not less than six (6) months after the Relocation Notice is given;
- 18.2.2 where the Lessee agrees to be relocated, the Lessee must relocate to the alternative site on the date stipulated in the Relocation Notice and must give to the Council all assistance and cooperation necessary to give effect to this clause and to the relocation including the execution of any documents or instruments which the Council reasonably requires;
- 18.2.3 the alternative site must, in the reasonable opinion of the Council, be of comparable quality and utility to the Premises;
- 18.2.4 any reasonable costs incurred in relocating the Lessee must be borne by the Council; and
- 18.2.5 the Lessee's occupation of the alternative site is on the terms in this lease (changed as necessary); or
- 18.2.6 if the Lessee does not agree to be relocated, the Lessee may terminate the lease.

### 18.3 Conditions

The Council may only exercise its rights under this clause if it has provided the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practicable time after this lease is to be terminated.

## 19. RENEWAL

19.1 If a right of renewal or first right of renewal is specified in Item 5 of Schedule 1 and the Lessee wishes to exercise that right of renewal, then the Lessee must give a written notice to the Council not less than six (6) months and not more than twelve (12) months before the expiry of the Initial Term stating it wishes to renew this lease for the period specified in Item 5 of Schedule 1. If such notice is given, the Council must renew this lease for the first Renewal Term on the terms in this lease (except this subclause) commencing immediately after the Initial Term expires.

19.2 If a second right of renewal is specified in Item 5 of Schedule 1 and the Lessee wishes to exercise that right of renewal, then the Lessee must give a written notice to the Council not less than six (6) months and not more than twelve (12) months before the expiry of the Renewal Term stating it wishes to renew this lease for the period specified in Item 5 of Schedule 1. If such notice is given, the Council must renew this lease for the second Renewal Term on the terms in this lease (except this subclause and the previous subclause) commencing immediately after the first Renewal Term expires.

19.3 The Lessee is not entitled to renew this lease if:

19.3.1 the Lessee has been in breach of this lease at any time before giving notice of exercise of the right of renewal;

19.3.2 the Lessee is in breach of this lease at the time of giving that notice; or

19.3.3 the Lessee is in breach or commits a breach of this lease after giving that notice but before commencement of the Renewal Term.

## 20. RIGHTS AND OBLIGATIONS ON EXPIRY

### 20.1 Expiry

This lease comes to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under this lease.

### 20.2 Handover of possession

Before this lease comes to an end, the Lessee must:

20.2.1 if required by Council, remove all of the Lessee's Equipment and repair any damage caused by such removal;

20.2.2 if required by Council, remove and reinstate any alterations or additions made to the Premises by the Lessee; and

20.2.3 complete any repairs which the Lessee is obliged to carry out under this lease.

### 20.3 **Abandoned goods**

If, when this lease comes to an end, the Lessee leaves any goods or equipment at the Premises, then the Council may deal with and dispose of those goods in accordance with the Act.

### 20.4 **Holding over**

If, with the Council's consent, the Lessee continues to occupy the Premises after the end of this lease, the Lessee does so under a monthly lease which:

20.4.1 either party may terminate on one month's notice given at any time; and

20.4.2 is on the same terms as this lease.

## 21. **BREAK CLAUSE**

21.1 The Lessee may terminate this lease by giving at least three (3) months prior written notice to the Council of its intention to terminate the lease.

21.2 If the Lessee terminates this lease pursuant to this clause, the rights and obligations of Council and the Lessee under this lease (except with regard to an existing breach) come to an end on and from, but not before, the date termination of this lease takes effect pursuant to clause 21.1.

21.3 For the avoidance of doubt the provisions of clause 20 apply to a termination of the lease under this clause.

## 22. **BREACH**

### 22.1 **Payment obligations**

22.1.1 The Lessee must make payments due under this lease:

22.1.1.1 without demand (unless otherwise provided);

22.1.1.2 without set-off, counter-claim, withholding or deduction;

22.1.1.3 to the Council or as the Council directs; and

22.1.1.4 by means directed by the Council.

22.1.2 If a Payment Date does not exist, the Lessee must make any payment due on that Payment Date on demand.

### 22.2 **Set off**

The Council may, by notice to the Lessee, set off any amount due by the Lessee to the Council under this lease or any other agreement or otherwise against any amount due by the Council to the Lessee under this lease.



### 22.3 Council's rights on breach

22.3.1 The Council may come onto the Premises and remedy a breach of this lease without notice:

22.3.1.1 in an emergency; or

22.3.1.2 if the Lessee breaches any provision of this lease and fails to remedy the breach within fourteen (14) days after receiving notice requiring it to do so.

22.3.2 The Lessee must pay or reimburse the Council on demand for all costs of remedying the breach.

### 22.4 Breach and re-entry

Subject to clause 29, if:

22.4.1 the Lessee fails to pay a sum of money when due and fails to remedy that failure within seven (7) days after receiving notice requiring it to do so;

22.4.2 the Lessee breaches any other provision of this lease and fails to remedy the breach within fourteen (14) days after receiving notice requiring it to do so;

22.4.3 the Lessee ceases to be able to pay its debts as they become due;

22.4.4 any step is taken by a mortgagee to take possession or dispose of the whole or any part of the Lessee's assets, operations or business;

22.4.5 any step is taken to enter into any arrangement between the Lessee and its creditors;

22.4.6 any step is taken to appoint a receiver, a receiver and manager, a trustee in bankruptcy, a liquidator, a provisional liquidator, an administrator or other like person of the whole or any part of the Lessee's assets or business;

22.4.7 the Lessee is deregistered or dissolved or any step is taken by any person towards that;

22.4.8 the Lessee is a natural person and commits an act of bankruptcy;

22.4.9 the Lessee is convicted of an indictable offence (other than a traffic offence);

22.4.10 execution is levied against the Lessee and not discharged within fourteen (14) days; or

22.4.11 the Premises are unoccupied for one month or more without the Council's consent;

then despite any other clause of this lease, the Council:

22.4.12 may re-enter and repossess the Premises, without prejudice to its other rights; and

22.4.13 is discharged from any claim by or obligation to the Lessee under this lease.

## **22.5 Rights of Council not limited**

A power or right of the Council under this lease or at law resulting from a breach or repudiation of this lease by the Lessee, or the exercise of such power or right, does not limit the Council's powers or rights.

## **22.6 Repudiation and damages**

22.6.1 The following provisions are essential terms of this lease:

22.6.1.1 the obligation to pay the Rent;

22.6.1.2 the obligation to comply with the Rent Subsidy Criteria;

22.6.1.3 the obligation to pay Rates and Taxes or Outgoings;

22.6.1.4 the provisions about use of the Premises;

22.6.1.5 the provisions about the repair and maintenance of the Premises;

22.6.1.6 the provisions about additions and alterations to the Premises; and

22.6.1.7 the obligations set out in clause 14.

22.6.2 The Council does not waive the essential nature of an essential term by accepting late payment of Rent or other money or by failing to exercise its rights or by delay in doing so.

22.6.3 Any breach of an essential term by the Lessee is a repudiation of this lease. The Council may at any time accept that repudiation, rescinding this lease.

22.6.4 If:

22.6.4.1 the Council terminates this lease because of a breach of an essential term by the Lessee; or

22.6.4.2 the Lessee repudiates this lease and the Council accepts that repudiation, rescinding this lease;

the Lessee must pay compensation to the Council including the Rent and other money which the Council would otherwise have received under this lease for the balance of the Term. The Council must take reasonable steps to mitigate its losses and to endeavour to lease the Premises at a reasonable fee and on reasonable terms.

### 22.7 Interest on overdue amounts

The Lessee must pay to the Council interest on any overdue amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

### 22.8 Landlord and Tenant Act

A notice under section 10 of the *Landlord and Tenant Act 1936* (SA) must allow fourteen (14) days for the Lessee to remedy a breach of this lease if it is capable of remedy and to make reasonable compensation in money to the satisfaction of the Council. No period of notice is required in respect of non-payment of the Rent.

## 23. INDEMNITY AND RELEASE

### 23.1 Risk

The Lessee occupies and uses the Premises at the Lessee's risk.

### 23.2 Indemnity

The Lessee is liable for and must indemnify the Council against all actions, liabilities, costs, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

- 23.2.1 any act or omission of the Lessee;
- 23.2.2 the overflow or leakage of water or any other harmful agent into or from the Premises;
- 23.2.3 any fire on or from the Premises;
- 23.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises by the Lessee or otherwise relating to the Premises;
- 23.2.5 a breach of this lease by the Lessee; or
- 23.2.6 the Lessee's use or occupation of the Premises;

except to the extent that they are caused by the Council's negligence.

### 23.3 Release

The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises or the Improvements except to the extent that they are caused by the Council's negligence.

### 23.4 Indemnities are independent

Each indemnity is independent from the Lessee's other obligations and continues during this lease and after this lease ends.

## 24. GOODS AND SERVICES TAX

- 24.1 If the Council is liable to pay GST in connection with a supply under this lease then:
- 24.1.1 the Agreed Consideration for that supply is exclusive of GST;
  - 24.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by the GST Rate; and
  - 24.1.3 the Lessee must pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.
- 24.2 Where the Agreed Consideration is increased under this clause, the Council must, on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.
- 24.3 If the Lessee breaches this clause and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the penalties and interest.

## 25. RESUMPTION

- 25.1 The Council may terminate this lease by giving at least three (3) months' written notice to the Lessee if the Council receives notice of resumption or acquisition of the Premises or the Improvements or Land (or any part of the Improvements or Land affecting the Premises) from or by any Statutory Authority governmental or semi-governmental body.
- 25.2 The Council may terminate this lease immediately by giving written notice to the Lessee if the Premises or the Improvements or Land (or any part of the Improvements or Land affecting the Premises) is Crown land dedicated to a particular purpose and:
- 25.2.1 it is withdrawn from the Council's care control and management;
  - 25.2.2 the purpose for which it has been dedicated is altered under section 18 of the *Crown Land Management Act 2009* (SA); or
  - 25.2.3 the dedication is revoked under section 19 of the *Crown Land Management Act 2009* (SA) or other legislation.
- 25.3 Termination of this lease under this clause releases each party from further liability under this lease, but does not affect a party's rights or liabilities for a prior breach.

## 26. MISCELLANEOUS

### 26.1 Approvals and consents

Unless otherwise provided, where Council's consent (as lessor) is required under this lease:

- 26.1.1 the consent will be provided in writing; and

- 26.1.2 the Council may in its discretion give (conditionally or unconditionally) or withhold any approval or consent.

## 26.2 **Entire agreement**

This lease:

- 26.2.1 constitutes the entire agreement between the parties about the Premises;
- 26.2.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about the Premises.

## 26.3 **Waiver**

If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this lease.

## 26.4 **Exercise of power**

- 26.4.1 The failure, delay, relaxation or indulgence by a party in exercising a power or right under this lease is not a waiver of that power or right.
- 26.4.2 An exercise of a power or right under this lease does not preclude a further exercise of it or the exercise of another right or power.

## 26.5 **Special conditions**

Any Special Conditions will apply to this lease and in the event of any inconsistency with the terms and conditions in the body of this lease, then those Special Conditions will prevail.

## 27. **NOTICE**

- 27.1 A notice, demand, consent, approval or communication under this lease (**Notice**) must be in writing, in English and signed by a person authorised by the sender.
- 27.2 Without excluding any other method, Notice is sufficiently given:
- 27.2.1 to the Lessee, if left at the Premises or if emailed to the last known email address or posted by pre-paid post to the last known post address of the Lessee;
- 27.2.2 to the Council, if posted by pre-paid post to the Council at its principal place of business in South Australia (which is taken to be the address stated in this lease unless the Lessee is or ought reasonably be aware that that is not the Council's principal place of business at the relevant time).
- 27.3 Notice given by pre-paid post is deemed to have been given three (3) Business Days after posting.

27.4 If two or more people comprise a party, notice to one is effective Notice to all.

## 28. COSTS

Subject to the Act, on request the Lessee must pay or reimburse to the Council:

- 28.1 all stamp duty (if any) payable on this lease;
- 28.2 all of the legal costs (determined on a solicitor and client basis) incurred by the Council in connection with any extension of this lease; and
- 28.3 all legal and other costs incurred by the Council in consequence of any actual or threatened breach by the Lessee under this lease or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council under this lease or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

## 29. DISPUTE RESOLUTION

- 29.1 A party must not terminate this lease (except, in the case of the Council, for a breach of an essential term by the Lessee) or commence arbitration or court proceedings (except for urgent equitable or injunctive relief) in respect of a dispute under this lease, unless it first complies with this clause. If one party to the dispute fails to comply with this clause, any other party to the dispute need not comply with this clause.
- 29.2 If there is a dispute between the parties, the aggrieved party must serve a notice on the other party setting out the nature of the dispute and designating its representative with authority to settle the dispute (**Complaint Notice**). The other party must promptly give written notice to the aggrieved party designating its representative with authority to settle the dispute. The parties must then make every effort to resolve the dispute by negotiation.
- 29.3 The representatives must attempt to resolve the dispute within thirty (30) Business Days of service of the Complaint Notice.
- 29.4 If the dispute is not resolved within that period (or any further period the representatives agree), any party which has complied with this clause may in writing terminate the dispute resolution process under this clause and exercise their rights under the lease and terminate the lease and/or commence arbitration or court proceedings in respect of the dispute.
- 29.5 The sole purpose of any exchange of documents and other information or any offer of settlement under this clause is to attempt to settle the dispute. No party may use any documents or information obtained through the dispute resolution process under this clause for any purpose other than a bona fide attempt to settle the dispute.
- 29.6 Nothing in this clause is intended to oust the jurisdiction of any court of competent jurisdiction.



### Schedule 1

<b>Item 1</b> Premises	The portion of the land comprised in Certificate of Title Volume [insert] Folio [insert] being the area(s) delineated on the plan in Annexure A	
<b>Items 2</b> Land	The whole of the land comprised in Certificate of Title Volume [insert] Folio [insert]	
<b>Item 3</b> Initial Term	[insert] years commencing on [insert] ( <b>Commencement Date</b> ) and expiring at midnight on [insert]	
<b>Item 4</b> Rent	Based on the market rent rate of \$XXXXXXX (less up to 93 % subsidy) the rental rate of \$XXXXXXX per annum plus GST will be payable annually and in advance (subsidy reviewed annually)	
<b>Item 5</b> Renewals	[insert] of renewal each for a further term of [insert] years commencing on [insert] and [insert] respectively	
<b>Item 6</b> Review Dates and Review Methods	<b>Review Date</b>	<b>Review Method</b>
	Each anniversary of the Commencement Date except where Rent is reviewed to Current Market Rent  [insert dates for market reviews]	CPI Review (pursuant to clause 5.2)  Current Market Rent (pursuant to clause 5.5)
<b>Item 7</b> Outgoings	<p><b>Outgoings</b> means the total of all amounts paid or payable by the Council in connection with the ownership, management, administration and operation of the Land and/or Improvements including:</p> <ol style="list-style-type: none"> <li>all costs of the Council in connection with the operation, supply, maintenance, repair, replacement and renovation of Services and all other facilities within the Common Areas or elsewhere in the Improvements that are provided from time to time; and</li> <li>a proportion of the costs of the Council in connection with providing utilities to the Premises including gas, electricity, and water for the buildings on the Premises as agreed by the parties.</li> </ol>	
<b>Item 8</b> Permitted Use	[Insert permitted use. Please be as descriptive as you can so as to accurately record the permitted use]	
<b>Item 9</b> Public Liability Insurance	\$20,000,000.00	

## Schedule 2

<b>Rent Subsidy Criteria</b>	<b>Rent Subsidy Percentage</b>
<b>Good Governance</b> <i>The organisation can demonstrate;</i> <ul style="list-style-type: none"> <li>• Compliance with conditions of current or previous lease/licence agreements with Council</li> <li>• Provision of Annual General Meeting reports and minutes including financial reports (to be audited upon request)</li> <li>• Financial viability, have not incurred a debt with Council and have repaid any loans to Council in line with the loan agreement</li> <li>• Quality Management is integrated into operations - capacity building, good governance and planning etc., evidenced through provision of an annual business plan, current constitution, policies and procedures etc.</li> </ul>	33%
<b>Facility Utilisation</b> <i>The organisation is able to;</i> <ul style="list-style-type: none"> <li>• Provide evidence of membership/user/participant numbers and hours of use on an annual basis.</li> <li>• Provide evidence of activities and initiatives undertaken to increase the utilisation of the facility</li> <li>• Provide evidence of initiatives planned to increase use or participant numbers</li> <li>• Provide evidence of shared use of the facility by the community and other community clubs and organisation to ensure optimal use of the facility</li> </ul>	30%
<b>Social Inclusion</b> <i>The organisation can demonstrate;</i> <ul style="list-style-type: none"> <li>• The activity or service they provide is non-discriminatory and is open to all residents who meet stated criteria for participation.</li> <li>• The use of the facility will increase social inclusion, increase community participation and/or will promote health and well-being in the community</li> <li>• Activities support wider social inclusion targets</li> </ul>	20%
<b>Volunteer Management</b> <i>The organisation can demonstrate that it promotes, supports and develops volunteers</i>	5%
<b>Environmental Initiatives</b> <i>The organisation can demonstrate that it promotes and implements environmental initiatives e.g. waste reduction, recycling, energy efficient practices including investments e.g. solar panels</i>	5%
<b>Maximum subsidy available</b>	<b>93%</b>

**Schedule 3  
Special Conditions**

**EXECUTED** as an agreement

**Signed for The Corporation of the City of Marion** by its authorised delegate in the presence of:

.....  
Signature of witness

.....  
Signature of authorised delegate

.....  
Name of witness (print)

.....  
Name of authorised delegate (print)

.....  
Position of authorised delegate

**Signed for [Lessee]** by its authorised delegate in the presence of:

.....  
Signature of witness

.....  
Signature of authorised delegate

.....  
Name of witness (print)

.....  
Name of authorised delegate (print)

.....  
Position of authorised delegate

## **Annexure A Plan**

## **ANNEXURE B      Guidelines for maintenance, repair and building upgrades for Council owned Land**

The following list of maintenance responsibilities are a guide only and must be read in accordance with the relevant provisions of the licence to the extent of any ambiguity or conflict.

### **Building**

<b>Description</b>	<b>Council</b>	<b>Lessee</b>	<b>Additional Information</b>
Automatic Doors including keypad	Install/Replace	Repair/Maintain	Lessee to keep clean and unobstructed and service regularly
Bore Systems including sheds	Install/Replace/Repair	Maintain	Lessee to maintain pump
Ceiling Fans	Nil Responsibility	Total Responsibility	Landlord Approval Required
Ceilings	Install/Replace/Repair	Maintain	Lessee to keep clean and free from cobwebs Repair damage from activities
Cleaning - Internal and within 3 metres of the exterior of the building	Nil Responsibility	Total responsibility	
Curtains and Blinds	Install/Replace	Repair/Maintain	
Doors and Doorways	Install/Replace	Repair/Maintain	Lessee to make minor adjustments to make operable. Keep doors operational – repair (broken door hinges, handles locks, coverings)
Electrical Supply / Meter Board	Total Responsibility	Nil Responsibility	
Electrical Switches & Power Points	Nil Responsibility	Total Responsibility	Landlord Approval Required
Electrical Testing and Tagging	Nil Responsibility	Total Responsibility	
Emergency Light(s)	Nil Responsibility	Total Responsibility	
Exhaust/Extraction Fan(s)	Nil Responsibility	Total Responsibility	Lessee to clean and maintain



Description	Council	Lessee	Additional Information
Fire Blanket(s)	Nil Responsibility	Total Responsibility	Maintain in accordance with the Building Code of Aust.
Fire Exit Door(s)	Install/Replace	Repair/Maintain	Maintain in accordance with the Building Code of Aust.
Fire Extinguisher(s)	Nil Responsibility	Total Responsibility	Maintain in accordance with the Building Code of Aust.
Fire Hose Reel(s)	Install/Repair/Replace	Maintain	Lessee to keep clean and unobstructed
Fire Sprinkler System	Total Responsibility	Nil Responsibility	
Fixed RCD's	Total Responsibility	Nil Responsibility	
Floors – Carpet / Vinyl / Tiles	Install/Replace	Repair/Maintain	Lessee to clean and repair to appropriate finish
Floors – Timber / Concrete	Install/Replace	Repair/Maintain	Lessee to clean, polish and repair to appropriate finish
Gas Supply / Pipes	Total Responsibility	Nil Responsibility	
Graffiti – External	Total Responsibility	Nil Responsibility	Unless specific to the user
Graffiti - Internal	Nil Responsibility	Total Responsibility	
Grease Traps	Nil Responsibility	Total Responsibility	
Gutters and Downpipes	Total Responsibility	Nil Responsibility	
Hand Drying Facilities – Electric / Paper	Nil Responsibility	Total Responsibility	Lessee to undertake Electrical Testing and Tagging
Heating & Cooling Systems	Install/Replace	Repair/Maintain	Lessee to clean, service regularly, change filters etc
Hot Water System	Install/Replace	Repair/Maintain	
Illuminated Exit Light(s)	Install/Replace	Repair/Maintain	

<b>Description</b>	<b>Council</b>	<b>Lessee</b>	<b>Additional Information</b>
Kitchen & Bar – Pipes and Taps (Plumbing only)	Install/Replace	Repair/Maintain	Lessee to keep clean
Kitchen & Bar – Surfaces & Structure	Install/Replace	Repair/Maintain	
Lifts	Total Responsibility	Nil Responsibility	Lessee to keep clean and unobstructed
Lighting – Exterior (including Sensors and Timers)	Install/Replace	Repair/Maintain	Lessee to replace globes, keep clean and free from cobwebs
Lighting – Interior	Nil Responsibility	Total Responsibility	
Locks and Keys – Council Code System	Install/Replace/Repair	Maintain	Lessee to replace lost keys/security fobs at own cost
Locks and Keys – Non Council Code System	Install/Replace	Repair/Maintain	Lessee to replace lost keys at own cost
Loose Furniture and Electrical Appliances	Nil Responsibility	Total Responsibility	
Mirrors	Nil Responsibility	Total Responsibility	
Paintwork - External	Total Responsibility	Nil Responsibility	
Paintwork – Internal	Nil Responsibility	Total Responsibility	Repaint every 7 years and end of lease
Pest Control (Licensed Premises)	Nil Responsibility	Total Responsibility	
Pipes - External	Total responsibility	Nil responsibility	
Ramps/Hand Rails	Install/Replace/Repair	Maintain	Keep clear and unobstructed
Roller Doors	Nil Responsibility	Total Responsibility	Landlord Approval Required
Roof	Total responsibility	Nil responsibility	
Security Alarm System	Nil Responsibility	Total Responsibility	

<b>Description</b>	<b>Council</b>	<b>Lessee</b>	<b>Additional Information</b>
Security Screen Doors	Install/Replace	Repair/Maintain	
Sewer Drain	Install/Replace/Repair	Maintain	Lessee to keep free from blockages and repair damage caused by use
Showers	Install/Replace	Repair/Maintain	Lessee to clean and descale shower head on a regular basis to keep free from bacteria
Signs - External	Nil Responsibility	Total Responsibility	Landlord Approval Required
Signs – Internal	Nil Responsibility	Total Responsibility	
Smoke Alarms/Detectors	Install/Replace	Repair/Maintain	Lessee to test/service regularly and replace batteries if not hardwired
Soap Dispensers	Nil Responsibility	Total Responsibility	
Solar Panels and System	Nil responsibility	Total Responsibility	
Special Equipment (Community Installed)	Nil responsibility	Total Responsibility	Landlord Approval Required
Staircase	Install/Replace/Repair	Maintain	Lessee to and keep free of debris. Keep access egress areas clear
Tapware	Install/Replace	Repair/Maintain	
Telecommunications	Nil Responsibility	Total Responsibility	
Toilets – Cisterns and Bowls	Install/Replace/Repair	Maintain	
Toilets – Seats	Nil Responsibility	Total Responsibility	
Verandah - Posts	Install/Replace/Repair	Maintain	Lessee to repaint
Walls - External	Install/Replace/Repair	Maintain	Lessee to keep clean and free from cobwebs

Description	Council	Lessee	Additional Information
Walls – Internal	Replace structural walls only	Repair/Maintain	Clean and keep free of mould/ grime and cobwebs. Repair damage caused by use. Repaint
Water Supply / Pipes / Systems	Install/Replace	Repair/Maintain	
Windows – Frames and Mechanisms	Install/Replace/Repair	Maintain	
Windows – Glass	Install/Replace/Repair	Maintain	Lessee to keep glazing clean (Internal and External) Replace glazing if damage caused by use

### Building Grounds

Description	Council	Lessee	Additional Information
Boundary Fencing & Gates	Total responsibility	Nil responsibility	
Carpark Line Marking	Total responsibility	Nil responsibility	
Carpark Surfaces	Install/Replace/Repair	Maintain	Lessee to keep clean and unobstructed
Garden Areas	Nil Responsibility	Total Responsibility	Lessee to plant, irrigate and keep free from weeds
Internal Roads	Install/Replace/Repair	Maintain	Lessee to keep clean and unobstructed
Internal Roads Line Marking	Total responsibility	Nil responsibility	
Irrigation (Reticulation) System	*Install/Replace	Repair/Maintain	*Replacement in partnership
Pathways	Install/Replace/Repair	Maintain	Lessee to keep clean and unobstructed
Play Equipment – Council Installed	Total responsibility	Nil responsibility	
Play Equipment – Non Council Installed	Nil responsibility	Total responsibility	

Public Toilets	Total responsibility	Nil responsibility	
Seating – Public Benches	Total responsibility	Nil responsibility	
Sheds	Nil responsibility	Total responsibility	Landlord Approval Required
Unimproved Surfaces	Install/Replace/Repair	Maintain	Lessee to keep clean and unobstructed
Water Tanks	Replace/Repair	Maintain	

### Sporting Facilities

Description	Council	Lessee	Additional Information
Basketball Floor/Surface	*Nil Responsibility	*Total Responsibility	*Replacement in partnership Lessee to clean, repair to appropriate finish, sand and polish every 5 years and undertake line marking
Basketball– Backboards, nets, rings	Nil Responsibility	Total Responsibility	
Basketball – scoreboard/fixed furniture	Install/Replace	Repair/Maintain	
Bowling Greens	Nil Responsibility	Total Responsibility	
Cricket Nets and Turf Pitches	Nil Responsibility	Total Responsibility	
Goal Posts - All	Total Responsibility	Nil Responsibility	
Hard wickets	Total Responsibility	Nil Responsibility	
Hard wickets – Covering/Uncovering	Total Responsibility	Nil Responsibility	
Improvements, coaches boxes, etc.	Nil Responsibility	Total Responsibility	Landlord Approval Required
Lights and Lighting Towers - Sporting Grounds	*Install/Replace	Repair/Maintain/ Replace globes	*Replacement in partnership

Line Marking - Ovals	Nil Responsibility	Total Responsibility	
Netball Courts	*Nil Responsibility	*Total Responsibility	*Replacement in partnership
Oval Grounds Maintenance	Install/Replace/Repair	Maintain	Keep clean and unobstructed
Scoreboards	Nil Responsibility	Total Responsibility	Landlord Approval Required
Tennis Courts	*Nil Responsibility	*Total Responsibility	*Replacement in partnership Lessee to clean and keep free from debris and clear drains
Tennis/Netball fences, nets, posts and line marking	*Total Responsibility	*Nil Responsibility	* Lessee responsible for line marking and nets

**Emergency contact details:****City of Marion After Hours Number 8375 6666**



## Lease License Status Report

Lessee/Licencee	Property	Physical Address	Lease/Licence	Awaiting application	Letter of Offer	Lease Issued	Lease Signed	Expired	Existing	Right of Renewal	% of annual subsidy
	Todays Date: 3/10/2019										
Active Elders Association	Active Elders Clubrooms & Sheds	27A Charles St (Cnr Albert St) Ascot Park	Licence				1			NIL	93%
Lions Club		27A Charles St (Cnr Albert St) Ascot Park	Licence	1							
Adelaide Wildcats Netball Club Inc	Clovelly Park Memorial Community Centre	16 York Avenue Clovelly Park	Licence				1			NIL	93%
Altus Traffic Pty Ltd	Car Park City Services	935 Marion Road Mitchell Park	Licence					1		NIL	
A.R.T Employment	Fairford House	9 Laffer Drive, Bedford Park	Licence						1		
Boatshed Café (H & C Bound)	ex Hallett Cove Community Centre	Herron Way Hallett Cove	Lease						1	1x7 Years	Agreed Rent
Boral	Land	Marion Golf Course	Lease						1		
City of Marion lease from Minister of Water Resource	Majors Road (Sheidow Park) - O'Halloran Hill Tank Site	Cnr Majors Road and Lonsdale Highway	Licence						1		
City of Onkaparinga	Portion of Southern Depot	Adams Road, Sheidow Park	Licence					1		9x1 Years	Agreed Rent
Clovelly Park Memorial Community Centre Committee of Management Inc.	Clovelly Park Community Centre	16 York Avenue Clovelly Park	Licence						1	NIL	93%
Cosgrove Hall Committee of Management Inc	Cosgrove Hall, Clovelly Park	40-50 York Ave, Clovelly Park	Lease		1					NIL	93%
Cove BMX	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1					NIL	Agreed Rent
Cove Netball (Cove Tigers)	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1					NIL	Agreed Rent
Hallett Cove Netball	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1						Agreed Rent
Cove FC (Soccer)	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1					NIL	Agreed Rent
Cove Football	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1						Agreed Rent
Cove Cricket	Cove Sports and Community Club	Oval Road Hallett Cove	Licence		1						Agreed Rent
Culinary Escapades Pty Ltd	Marion Cultural Centre	287 Diagonal Road, Oaklands Park	Lease						1	1x2	Market Rent
DECS	Ascot Park Kindy	630 Marion Road, Park Holme	Lease					1		NIL	Agreed Rent
DECS	Ballara Park Kindy	9B Ormonde Ave	Lease					1		NIL	Agreed Rent
DECS	Oaklands Estate Kindy	16 Pethick Toe	Lease					1		NIL	
DECS	Seacombe Gardens Kindergarten - Darlington - Land only	Ramsay Avenue	Lease					1		NIL	
DECS	Seaview Downs Kindy	5A Hume St	Lease					1		NIL	
DECS	Plympton South Kindergarten previously known as Vermont Kindergarten	13 Yapinga Street	Lease					1		NIL	
DECS	Warradale Kindergarten	2 Wyndham St	Lease					1		NIL	
DECS	Woodend Childrens' Centre, Sheidow Park - crossover	Bathbank Crescent, Sheidow Park	Lease					1		NIL	Agreed Rent
Dover Gardens Kennel & Obedience Dog Club	Portion of Mitchell Park Sports and Community Club	Moreland Avenue, Mitchell Park (PO Box 91 Parkholme)	Licence						1		
Gallery M	Marion Cultural Centre	287 Diagonal Road, Oaklands Park	Licence						1		
GYM SA	Marion Leisure & Fitness Centre	Oaklands Road, Morphettville	Lease						1	2x 5 Years	Market Rent
Koorana Gym	Marion Leisure & Fitness Centre	Oaklands Road, Morphettville	Lease						1		Market Rent
Marino Hall Committee of Management Inc.	Marino Community Hall	44 Newland Ave, Marino	Lease			1				NIL	93%
Marion Basketball Club	Marion Sports & Community Club	262 Sturt Road, Sturt	Lease				1			NIL	93%
Marion Croquet Club	Marion Sports & Community Club	262 Sturt Road, Sturt	Licence					1			
Marion Sports & Community Club Inc	Marion Sports & Community Club	262A, 262B, 262C Sturt Road, Marion	Lease						1	NIL	93%
Marion Sub Branch of the RSL Inc	Marion RSL	31-39 Norfolk Avenue, Marion	Lease			1				NIL	
Marion Tennis Club	Marion Sports & Community Club	262 Sturt Road, Sturt	Lease	1					1		
Marion Vineyards (G Patrilli and Co Pty Ltd)	Oaklands Road and Western Avenue		Contract			1					
Mitchell Park Sports & Community Club Inc	Mitchell Park Sports Club & Oval	Moreland Avenue, Mitchell Park	Lease		1					NIL	93%
Park Holme Community Hall Committee of Management	Park Holme Community Hall	638 Marion Road, Park Holme	Lease		1					NIL	93%
Plympton Sporting & Recreation Club Inc	Plympton Oval Clubrooms	Park Terrace, Plympton Park 5038	Lease		1					NIL	
The Cove FC Inc	Capella Reserve	Capella Road, Sheidow Park	Licence		1					NIL	93%
YMCA South Australia Inc.	Glengowrie YMCA Hall	39A Maxwell Terrace, Glengowrie	Licence				1			NIL	93%
YMCA South Australia Inc.	Marion Leisure & Fitness Centre	Oaklands Road, Morphettville	Lease						1	NIL	Agreed Rent
YMCA South Australia Inc.	Marion Leisure & Fitness Centre	Oaklands Road, Morphettville	Licence				1			NIL	93%
YMCA South Australia Inc.	Marion Leisure & Fitness Centre	Oaklands Road, Morphettville	Licence		1					NIL	93%
YMCA Aquatic Events & Services Victoria Inc	Swimming Pool Residence	1 Western Avenue, Park Holme	Licence		1						
Minister for Administrative Services	Marion Administration Centre Land		Lease						1		
Ascot Park Bowling Club	Ascot Park Bowling Club,	Davidson Avenue, Park Holme	Lease		1					NIL	93%
Belair Turf Management Pty Ltd	Marion Golf Course Land/Pro Shop	Clubhouse Road, Seaciff Park	Lease						1	NIL	Turnover Rent
Combined Cars Club	Glandore Building - Glandore Community Centre	Cnr Clark Cres and 25 Naldera Street, Glandore	Licence						1	NIL	93%
Community Centres SA Inc	Gundy House - Glandore Community Centre	Cnr Clark Cres and Naldera Street, Glandore	Lease						1	NIL	Agreed Rent
Crown Castle Australia (assigned from Vodafone)	Marion Golf Park	Ocean Boulevard	Licence						1		
Hallett Cove Beach Tennis Club Inc	Hallett Cove Beach Tennis Club	Shamrock Reserve, Shamrock Rd, Hallett Cove	Licence				1			NIL	93%
Huntingtons SA & NT Inc	Fitz James Building - Glandore Community Centre	25 Naldera Street, Glandore	Licence						1	4x 1 Year	93%
Kiwanis Bus Service	Marion Community House	175 Oaklands Rd, Warradale	Licence						1		Agreed Rent
Lutheran Community Care	Marion Community House	175 Oaklands Road, Warradale	Licence						1	NIL	93%
Marino Community Garden Inc	Marino Community Garden	25 Newland Avenue, Marino	Licence					1		NIL	
Marion City Band	Edwardstown Senior Citizens Hall	48 Dumbarton Ave, Edwardstown	Lease			1				NIL	93%
Marion Park Golf Club Inc	Marion Golf Club - Clubhouse	Brighton Road, Seaciff Park SA 5049	Licence					1			

## Lease License Status Report

Lessee/Licencee	Property	Physical Address	Lease/Licence	Awaiting application	Letter of Offer	Lease Issued	Lease Signed	Expired	Existing	Right of Renewal	% of annual subsidy
Todays Date: 3/10/2019											
Meals on Wheels Inc (Edwardston)	Meals On Wheels -	1 Aberfeldy Avenue	Lease		1					1x 5 Years	Minimum Fee
Meals on Wheels SA Inc (Warradale)	Marion Community House	175 Oaklands Rd	Lease						1	NIL	Peppercorn
Meals On Wheels SA Inc (Hallett Cove)	Hallett Cove Meals on Wheels	Zwerner Drive Hallett Cove	Lease						1	NIL	Peppercorn
Morphettville Park Sporting Club Inc	Morphettville Park Sports Clubrooms & Oval	Denham Avenue, Morphettville	Licence					1			93%
Morphettville Park Tennis Club Inc	Morphettville Park Tennis Club	Kendall Terrace, Morphettville	Licence						1	NIL	93%
Rotary Club of Edwardstown	Harcourt Gardens bldg - formerly Kindy	29 Aberfeldy Ave, Edwardstown	Lease						1	NIL	93%
Scout Association of SA	Perry Barr Implement Shed	Quailo Avenue Hallett Cove	Lease						1	NIL	Agreed Rent
Morphettville Park Netball Club	Woodforde Family Reserve Clubrooms	Sandison Avenue, Park Holme	Licence			1				NIL	93%
Southbank Tennis Club	Hessing Crescent Reserve, Trott Park	Hessing Crescent Trott Park	Lease		1					NIL	93%
Southern and Western Community Broadcasters (Coast FM)	Portion of Naldera Building - Glandore Community Centre	Cnr Clark Cres and Naldera Street, Glandore	Lease						1	NIL	Market Rent
Stanley Street Tennis Club Inc	Stanley Street Reserve - Tennis Club	Stanley Street, Glengowrie	Licence		1					NIL	Minimum Fee
Stella Maris Parish School	Ramsay Ave Reserve	1 Syme Ave Seacombe Gardens	Licence					1		NIL	Agreed Rent
Telstra	Marion Golf Park (telephone tower New)	Ocean Boulevard	Licence						1		
Telstra	Kellett Reserve, Morphettville	Denham Avenue, Morphettville	Licence						1		
The Abbeyfield Society	Abbeyfield House -	5 St Lawrence Ave, Edwardstown	Lease		1					NIL	
The Glandore Recreation Centre Board of Management Inc.	Glandore Oval	716-786 South Road Glandore	Lease		1					NIL	Agreed Rent
The Lions Club of Hallett Cove	Perry Barr Farm, Shearing Shed & The Barn	Quailo Avenue Hallett Cove	Lease						1	NIL	93%
Trott Park Community Garden Inc	Rear of Trott Park Neighbourhood Centre	Trott Pk Neighbourhood Centre Hessing Cres Trott Park	Licence					1		NIL	Minimum Fee
Warradale Park Tennis Club Inc	Warradale Park Tennis Club	Cnr Gardiner and Cairns Avenue, Warradale	Lease		1					NIL	93%
Wesley Netball Club Inc	Portion of Hazelmere Reserve (netball Courts)	Hazelmere Road, Glengowrie	Licence						1	4x 1 Year	93%
Weaver Street Clubrooms	Weaver Street Clubrooms	Weaver Street, Edwardstown	Licence					1			
Seaview-Seacombe Tennis Club	Seaview-Seacombe Tennis Club	401R Tarnham Road, Seacombe Heights	Licence					1			
Minister for Transport and Infrastructure	Car Park Hallett Cove Beach Train Station	Shamrock Reserve, Shamrock Rd, Hallett Cove						1			
Arow Nominees Pty Ltd	Marion Caravan Park	323 Sturt Road, Bedford Park						1			
Dancers by Donna	Castrol Shed, Perry Barr Farm	Quailo Avenue Hallett Cove	Hire Agreement						1		Hirer Fee
Edwardstown Memorial Sports and Community Club	Edwardstown Soldiers Memorial Ground	Raglan Avenue, South Plympton	Licence		1					NIL	93%
				21	5	6	20	32			

Existing	32
Expired	20
Letter of Offer	21
Lease Issued	5
Lease Signed	6
Total	84

## WORKSHOP / PRESENTATION ITEMS - Nil

### MOTIONS WITH NOTICE

#### Elected Member Conduct Register

**Elected Member** Councillor Luke Hutchinson

**Report Reference:** GC191008M01

#### Motion:

That Council:

1. Establish an “Elected Member Conduct Register” and publish it on the City of Marion website by December 2019, with the following parameters:

a. Disclosure types will include all resolved/confirmed:

- i. Censures;
  - ii. Meeting suspensions;
  - iii. Confirmed misconduct;
- which transpired/transpires in the course of an elected member formally discharging their duties.

b. Disclosures shall provide:

- i. The name of the elected member;
- ii. The date of resolution;
- iii. A description of the nature of the conduct.

c. Disclosures shall include a hyperlink relevant public reports and/or minutes relating to the resolution.

d. Disclosures shall encompass the period from the commencement of the 2014 council term to current date, then be rolling as no less than 2 consecutive council terms.

e. Disclosures shall be updated as resolutions are passed by council.

#### Supporting Information:

For many years Local Government has been plagued by unacceptable elected member behaviour; that behaviour has brought into question the personal and collective integrity of council and perception of other elected members by the behaviour of a few.

Similarly, the community do not have a single, one stop resource to judge the conduct of elected members. The community is solely reliant on the intermittent, and at times biased view of the media. Thus, unacceptable behaviour is notionally hidden from public view, by virtue of fact behavioural matters are lost amongst the many thousands of pages of meeting minutes.

Voters have a democratic right to know who they are voting for - by understanding an elected member's impost on council finances, time and effort. Council already has a robust process for the disclosure of elected council member interests and expenses, as such, implementing a public disclosure of unacceptable behaviour is equally, if not more important.

**Response Received From:** Unit Manager Governance & Council Support - Jaimie Thwaites

**Corporate Manager**

Manager Corporate Governance - Kate McKenzie

**General Manager**

General Manager Corporate Services - Sorana Dinmore

**Staff Comments:**

Under the Code of Conduct for Council Members:

- A breach of the Part 2 (Behavioural) must be the subject of a report to a public meeting of the Council.
- A report from the Ombudsman that finds a Council member has breached Part 3 (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council.

If Council approves, a register could be maintained of the above reports as recommended by the motion. The register would exclude items where confidential provisions apply (eg ICAC matters).

## Citizenship Dress Code

**Elected Member** Mayor Kris Hanna

**Report Reference:** GC191008M02

### Motion:

#### That Council:

Write to the Minister for Home Affairs submitting the following dress code for the Minister's approval:

"Candidates for citizenship and others attending citizenship ceremonies should be dressed to reflect the significance of the occasion. Candidates are welcome to wear the national dress of their original country".

### Supporting Information:

The Minister for Immigration and Citizenship wrote to all councils in Australia in September attaching a new manual for citizenship ceremonies, the "Australian Citizenship Ceremonies Code".

There is a new section regarding the dress code for ceremonies. It states,

"The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion.

A Dress Code is to be set by individual councils.

Councils must provide a current copy of their Dress Code to the Department of Home Affairs".

Council has never been asked to supply a dress code to the department before. All of our attendees have dressed respectably.

It is been our custom for many years to hold citizenship ceremonies on or about 26th January. For the past several years these ceremonies have included outdoor events. Attendees tend to wear more casual clothing to outdoor ceremonies where a barbecue is provided.

The Department of Home Affairs sends out the invitation letters on Council's behalf. I am advised Council has never provided content for that letter other than date and venue.

**Response Received From:** Craig Clarke, Unit Manager Communications

**Corporate Manager** Manager Customer Experience - Karen Cocks

**General Manager** General Manager City Services - Tony Lines

### Staff Comments:

Should Council support the motion, a letter can be prepared for the Home Affairs Minister regarding dress standards at City of Marion citizenship ceremonies.

Marion Council confers citizenship on up to 900 new Australians a year spread across 12 citizenship ceremonies.

While Council stages the event, the Department of Immigration communicates directly with candidates, notifying them about the time and location of a ceremony.

Council has previously not set a dress standard. Candidates have always dressed appropriately, sometimes wearing their national costume or formal dress.

## Rescission Motion - Youth Engagement and Consultation Report

**Elected Member** Councillor Ian Crossland

**Report Reference:** GC191008M03

### Motion:

#### That Council:

**1. Rescinds the following motion GC190924R07 - Youth Engagement and Consultation Report**

**1. Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1).**

**2. Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion.**

**3. Adopts option 3 (maintain status quo and establish a Youth Advisory Committee) relating to youth leadership opportunities and participation groups (Appendix 2).**

**4. Endorses the ongoing funding allocation for 0.5 FTE for year 1 and 0.4 FTE ongoing required for option 3, noting \$45,000 for year 1 and \$36,000 ongoing will be incorporated into the 2019/20 budget through the quarterly budget review process.**

**2. Adopts the following proposed motion:**

**1. Notes the report provided by Youth Affairs Council SA (YACSA).**

**2. Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion and that a report will be brought to the Elected Member Forum on 2 November 2019 to further discuss a review of the Youth Services.**

**3. Adopts option 1 - Maintains the status quo - continue working with funded programs and partnership initiatives.**

**4. Notes there is no change to FTE resources as this would be covered within existing resources and budget.**

### Supporting Information:

NIL

**Response Received From:** General Manager City Services - Tony Lines

**Corporate Manager** N/A

**General Manager** General Manager City Services - Tony Lines

### Staff Comments:

The motion GC190924R07 was Carried Unanimously at the General Council Meeting on 24th September 2019. Should council wish to rescind this motion, a report on Youth Services can be brought to the 2nd November 2019 Elected Member Forum.





**QUESTIONS WITH NOTICE - Nil**

**MOTIONS WITHOUT NOTICE**

**QUESTIONS WITHOUT NOTICE**

**OTHER BUSINESS**

**MEETING CLOSURE**

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.