



## **AGENDA**

### **FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON**

**17 JANUARY 2022 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES  
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY**

#### **MEMBERS**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

#### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
Manager Governance, Mr R Deco  
Team Leader Corporate Governance, Mr B Kahland

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 13 December 2021.

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## **REPORTS**

### *Administration*

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### *For Decision*

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## **OTHER BUSINESS**

## **QUESTIONS WITHOUT NOTICE**

## **MOTIONS WITHOUT NOTICE**

## **CLOSE**



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN  
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY ON**

**13 DECEMBER 2021**

**MEMBERS PRESENT**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug (*via Teams VC*)  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

**OBSERVERS**

Nil

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mrs M English  
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 7:18pm

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

## PRESENTATION OF MINUTES

Moved Cr D Proleta  
Seconded Cr S Reardon

The Minutes of the Governance and Compliance Committee Meeting held on 15 November 2021, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Governance and Compliance Committee**

Moved Cr B Brug  
Seconded Cr D Proleta

That Council:

1. Notes the report.

**CARRIED**

### *For Decision*

#### **3.1.1 Improving Audio Visual Capability in the Little Para Conference Rooms**

Moved Cr K Grenfell  
Seconded Cr A Duncan

That Council:

1. Notes the report.
2. Reiterates its earlier position as per its decision on 27 September 2021, that the administration commences necessary preparations to implement quality audio recording of all public meetings, and publish the recording of the public Council meeting on the Council website within 48 hours after the Council meeting and retain on the website for a period of 3 months, after which it will be removed from the website; with the associated 2022/23 new initiative budget bid to be presented to Council for consideration in due course.

**CARRIED**

#### **+3.1.2 Review of the Internal Review of Council Decisions Policy and Procedure**

Moved Cr B Brug  
Seconded Cr G Reynolds

That Council:

1. Adopts the revised Internal Review of Council Decisions Policy and Procedure as contained in Attachment 1 to this report (Governance and Compliance 13/12/2021, Item No. 3.1.2).

2. Authorises the Chief Executive Officer to, where deemed appropriate, reduce, waive or refund the new prescribed statutory application fee of \$20 for a review of a Council decision in accordance with the new section 270(3a) of the *Local Government Act 1999*.
3. Authorises the Chief Executive Officer to, where deemed appropriate choose to permit applications made after 6 months of the making of the relevant Council decision in accordance with the new section 270(2a) of the *Local Government Act 1999*.

**CARRIED**

### **3.1.3 Review of Elected Members Training and Development Policy**

Moved Cr B Brug

Seconded Cr K Grenfell

That Council:

1. Adopts the reviewed Elected Members Training and Development Policy as contained in Attachment 1 to this report (Governance and Compliance, 13/12/2021, Item No. 3.1.3)

**CARRIED**

### **3.1.4 Nominations Sought for the SA Power Networks Community Advisory Board**

That Council:

1. Approves the nomination of \_\_\_\_\_ as a Local Government Member on the SA Power Networks Community Advisory Board.

*The **ITEM LAPSED** for want of a MOVER and SECONDER.*

**LAPSED**

Moved Cr D Proleta

Seconded Cr G Reynolds

That Council:

That no-one be nominated for the SA Power Networks Community Advisory Board position.

**CARRIED**

### **OTHER BUSINESS / MOTIONS WITHOUT NOTICE**

Nil

The meeting closed at 7:33pm.

CHAIRMAN.....

DATE.....



<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	17 January 2022
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**That Council:

1. Notes the report.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

**2. CONSULTATION / COMMUNICATION****2.1 Internal**

- 2.1.1 Report authors and General Managers.

**2.2 External**

- 2.2.1 Nil.

### 3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
22/11/2021 3.1.2	<b>By- Laws Review 2022</b> Approves that this item be deferred to a CEO Briefing or Workshop Session to discuss in more detail with Elected Members and staff. <b>Due:</b> February 2022 <b>Comment:</b> A CEO Briefing was held in December 2021. The report will now be presented to Council in February 2022 and will seek approval to commence public consultation on the draft by-laws.	John Darzanos

### 4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented to Council for noting.



<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	17 January 2022
<b>HEADING</b>	Local Government Association Ordinary General Meeting: 08/04/2022 - Proposed Items of Business and Voting Delegates
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report presents information relating to the Ordinary General Meeting (OGM) of the Local Government Association (LGA) to be held on Friday 8 April 2022 and seeks consideration of any proposed items of business Council may wish to submit.

**RECOMMENDATION**That Council:

1. Notes the information.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Guidelines on Considering Proposed Items of Business for LGA General Meetings

**1. BACKGROUND**

- 1.1 The LGA OGM will be held on Friday 8 April 2022 (subject to restrictions on gatherings).
- 1.2 Council has the opportunity to submit an item of business for consideration at the LGA OGM meeting. This report calls for such potential items of business.

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Chief Executive Officer and General Managers.
- 2.2 External
  - 2.2.1 The relevant LGA Circular was distributed to Elected Members via email on 4 November 2021.

### 3. REPORT

#### Process for Submission of Proposed Items of Business

- 3.1 A key purpose of the OGM is to consider items of strategic importance to local government and the LGA, as recommended by the SA Regional Organisation of Councils (SAROC), the Greater Adelaide Region Organisation of Councils (GAROC) or the LGA Board of Directors.
- 3.2 Member councils may at any time throughout the year propose an item of business for a General Meeting.
- 3.3 Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.
- 3.4 It is at the discretion of councils whether to refer an item to their relevant Regional Organisation of Councils (SAROC or GAROC) or the Board of Directors.
- 3.5 Guidelines on how proposed items of business will be considered are attached for reference. All items of business should comply with these guidelines.
- 3.6 In order for items of business to be considered for the OGM of 8 April 2022, **proposals must be received no later than Friday 2 February 2022.**
- 3.7 All proposed items will then be considered by either SAROC, GAROC or the Board of Directors and must be approved by them for inclusion in the agenda for the OGM.
- 3.8 Proposals received after this date will not be considered for the 2022 OGM, but will be considered for the next LGA Annual General Meeting in October 2022.
- 3.9 The OGM agenda will be provided to councils at least 30 days prior to the meeting.

#### Topics for Proposed Items of Business

- 3.10 Council has the opportunity to submit any items of business should it resolve to do so.
- 3.11 At the time of writing this report, there are no issues proposed to be submitted by the Administration.

### **Voting Delegates**

3.12 In January 2021, Council resolved:

**3.1.2 Local Government Association Ordinary General Meeting:  
30/04/2021 – Proposed Items of Business and Voting  
Delegates.**

1. *The information be received.*
2. *Council appoint Cr C Buchanan as voting delegate and Mayor G Aldridge as deputy voting delegate at Local Government Association General Meetings for the remainder of the Council term.*

**CARRIED  
0822/2021**

- 3.13 A report will be presented to Council prior to each LGA Meeting that provides a summary of the matters being considered and puts forward a recommended position for each matter, based on advice from the Chief Executive Officer. Council is then provided with the opportunity to provide direction to the voting delegate if it determines to do so, or authorise the voting delegate to vote in the best interests of Council.
- 3.14 Under the LGA Constitution, the OGM agenda is due to be distributed 30 days before the meeting (ie 09/03/2022 at the latest).
- 3.15 A report will therefore be presented to the March Governance and Compliance Committee, which will include the agenda and advice from the Chief Executive Officer in relation to each item of business, allowing Council to consider these items.

### **4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to consider whether it wishes to submit an item of business for the LGA OGM to be held 8 April 2022.
- 4.2 A further report providing the agenda items to be considered at the April OGM will be presented for Council's consideration.



## Considering Proposed Items of Business for LGA General Meetings

**Guidelines**

February 2019

Version 1

## Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

## LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

### 16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
  - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
  - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA.

## Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

#### **LGA Board of Directors**

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

#### **SAROC or GAROC**

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

## **Guiding principles**

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

### **1. Strategic importance**

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;



- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

## 2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

## 3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

## 4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.



## Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.