NOTICE is hereby given pursuant to the provisions of Section 81(4) of the Local Government Act 1999, that an Ordinary Meeting of Council will be held in the Port Broughton Council Chambers, 11 Bay Street, Pt Broughton on Tuesday the 20th November 2018, commencing at 7.00pm.

A copy of the Agenda for the above meeting is supplied as prescribed by the aforesaid Section of the Act. The relevant reports and documents relating thereto have also been supplied for the Council Members’ perusal.

Andrew Cole
Chief Executive Officer
16 November 2018

MEMBERS:

1. Please note that if you require further clarification of any Officer’s report, please contact the appropriate Officer prior to the Council Meeting.

2. If Members are proposing:

   Questions without Notice
   and/or
   Motions without Notice

   Please ensure a written copy is made available to the Minutes Secretary at the meeting.
BARUNGA WEST COUNCIL
Ordinary Council Meeting – Tuesday November 20 2018

AGENDA

1. **Opening of the Meeting**

2. **Welcome**

3. **Apologies & Leave of Absence**
   3.1 Leave of Absence: Nil
   3.2 Apologies: Nil

4. **Confirmation of the Minutes of the previous Meetings**
   4.1 Special Council Meeting – Tuesday 30th October 2018

5. **Council Business – Officers Report**
   5.1 **Chief Executive Office**
      5.1.1 Announcement of Candidates Elected
      5.1.2 Taking of Oath/Declaration of Office
      5.1.3 Registration of Interest
      5.1.4 Conflict of Interest
      5.1.5 Campaign Donations
      5.1.6 Time and Place of Ordinary Meetings
      5.1.7 Structure of Council Meeting Agenda
      5.1.8 Appointment of Principal Member of Council
      5.1.9 Appointment of Deputy Mayor of Council
      5.1.10 Statutory Committee Appointments
      5.1.11 Council Assessment Panel Appointment
      5.1.12 Council Representation on External Bodies
      5.1.13 Allowances and Benefits
      5.1.14 Matters Which Lay on the Table
      5.1.15 Training and Induction of Elected Members

6. **Closure**
Present: Mayor C Axford, Cr Margaret McDonald, Cr L Kerley, Deputy Mayor Dolling, Cr G Simmons, Cr G Winen

Staff in Attendance: A Cole (Chief Executive Officer)
L Gale (Minute Taker)
P Ward (Finance Manager)
F Linke (Manager Infrastructure Services)
B Harry (Planning Officer)

1. **Opening**

The Mayor Cynthia Axford opened the meeting at 5:30pm.

No members of the public were present.

2. **Apologies and Leave of Absence**

2.1 Apologies: Cr Barker, Cr Malcolm McDonald, Cr J Bettess
2.2 Leave of Absence: nil

3. **Confirmation of Minutes**

3.1 Ordinary Meeting of Council held on the 9th October 2018

MOVED: Cr Kerley   SECONDED: Cr Margaret McDonald
“That the Minutes of the Ordinary Meeting of Council held on the 9th October 2018, be confirmed as printed and supplied.”

CARRIED UNANIMOUSLY

Cr Winen joined the meeting at 5:36pm

4. **Business Items**

4.1 **Annual Report 2017-18**

MOVED: Cr Kerley   SECONDED: Mayor Axford
“That Council:
1. Adopts the Annual Report 2017/18, including the audited annual financial statements of both Council and the Legatus Group subsidiary; and
2. Authorises the Mayor and CEO to sign the Certification of Financial Statements 2017-18.”

CARRIED UNANIMOUSLY

5. **Closure**

5.1 The Mayor declared the meeting closed at 5:42PM.

Cr Cynthia Axford
Mayor, Barunga West Council
5.1 Report to Council – Chief Executive Officer
November 2018

5.1.1 Announcement of Candidates Elected

Author: Andrew Cole, Chief Executive Officer

Attachments: Nil

Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
The purpose of this Report to report the results of the recently held periodical Local Government Elections for 2018.

2. SUMMARY
The periodic election was conducted by postal ballot and the election process commenced with the Opening of Nominations on the 4th of September 2018 and closed at 5pm on Friday the 9th of November 2018.

At the Close of Nominations, on the 18th of September 2016, there were 12 nominations received and validated by the Electoral Commission of South Australia (ECSA).

3. RECOMMENDATION
For Members Information.

4. DISCUSSION
Following the conclusion of the Scrutiny and Count process, conducted jointly by Council staff and the Electoral Commission of South Australia, the provisional results of the election are detailed as follows.

The number of ballot papers received was 1108 ballots, comprising a return rate of 56.07%. This represents a slight decline for 2014, which comprised a return rate of 62.2%, with the previous return rate in 2010 being 60.6%.

<table>
<thead>
<tr>
<th>BARUNGA WEST</th>
<th>Received</th>
<th>Roll Total</th>
<th>%age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Councillor</td>
<td>1108</td>
<td>1976</td>
<td>56.07%</td>
</tr>
<tr>
<td>BARUNGA WEST TOTAL</td>
<td>* 1108</td>
<td>1976</td>
<td>56.07%</td>
</tr>
</tbody>
</table>
The provisional results of the election are as follows:

<table>
<thead>
<tr>
<th>BARUNGA WEST COUNCIL</th>
<th>12 candidates contesting 9 vacancies</th>
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</thead>
<tbody>
<tr>
<td><strong>Councillor at Large</strong></td>
<td><strong>1st Preference Votes</strong></td>
</tr>
<tr>
<td><strong>Ballot Papers</strong></td>
<td><strong>Elected / Excluded</strong></td>
</tr>
<tr>
<td><strong>Formal</strong></td>
<td><strong>Informal</strong></td>
</tr>
<tr>
<td>SCHKABARYN, Tony</td>
<td>1066</td>
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<tr>
<td>McDONALD, Margaret Anne</td>
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<tr>
<td>LOCKE, Rob</td>
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<td>KERLEY, Leonie</td>
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<td>EASON, Dave</td>
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<td>BUTTON, Peter</td>
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<td>ROWLANDS, Grant</td>
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<td>MORRIS, Graham</td>
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<td>FURBER, Ann</td>
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<tr>
<td>LOCKYER, Brian</td>
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<tr>
<td>HEWETT, Rebecca</td>
<td></td>
</tr>
<tr>
<td>SIMMONS, Georgie</td>
<td></td>
</tr>
</tbody>
</table>

*Provisional Declaration made at 15:14 Thursday 15 November 2018*

It is expected that the formal date for the conclusion of the Barunga West Council periodic election will be Monday the 19th of November 2018, when a formal declaration of the results will be made.

On behalf of the Returning Officer, Mick Sherry, I would like to congratulate the successful candidates and wish them all a successful term of office.

To those candidates who presented themselves for election and were not successful may I express, on behalf of the Returning Officer and the community of the Barunga West Council, our thanks for presenting themselves for election and best wishes for the future.

5. **GOVERNANCE CONSIDERATIONS**

In accordance with Section 5 of the Local Government (Elections) Act 1999, the periodic election for Local Government is administered by the Electoral Commission of South Australia.

6. **RISK ASSESSMENT**

None identified.

7. **FINANCIAL IMPLICATIONS**

None identified.

8. **SOCIAL/ENVIRONMENTAL CONSIDERATIONS**

None Identified.
5.1.2 Taking of Oath/Declaration of Office

Author: Andrew Cole, Chief Executive Officer
Attachments: A1 Form 2 Certificate
Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
The purpose of this Report is to detail the taking of oaths of office that has commissioned each elected representative as a holder of public office, as required by law.

2. SUMMARY
Pursuant to Section 60 of the Local Government Act 1999, each member of Council must make an undertaking in the prescribed manner and form to discharge the member’s duties conscientiously and to best of his or her abilities.

In accordance with the prescribed declaration procedures, the declarations must be made in the form defined under Regulation 6 of the Local Government (General) Regulations 1999.

Further to this, the declarations must be undertaken and made before a Justice of the Peace or some other person authorized to take declarations under the Oaths Act 1936.

These undertakings are scheduled to be taken on Monday the 19th of November 2018, prior to the first Ordinary Meeting of Council, which is scheduled for Tuesday the 20th of November 2018.

3. RECOMMENDATION
For Members Information.

4. DISCUSSION
Each elected representative has taken the required declarations before a Justice of the Peace on Monday the 19th of November 2018.

The form of declaration, as defined under Regulation 6 of the Local Government (General) Regulations 1999 is as follows:
Ordinary meeting of Council held 20th November 2018

5. GOVERNANCE CONSIDERATIONS
Taking of oaths in accordance with Regulation 6 of the Local Government (General) Regulations 1999.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
1. PURPOSE

Providing Elected Members with information regarding the requirement to lodge Primary and Ordinary Returns.

2. SUMMARY

Pursuant to Section 65 of the Local Government Act 1999 ("the Act"), each person who is elected as a Member of a Council (other than a person who was a Member of that Council immediately before the conclusion of that election), or is appointed as a Member of a Council must, within six weeks after election or appointment, submit to the Chief Executive Officer a Primary Return in accordance with Schedule 3 of the Act.

Section 66 of the Act requires that each member of a Council must, on or within 60 days after 30 June in each year, submit to the Chief Executive Officer an Ordinary Return in accordance with Schedule 3 of the Act.

3. RECOMMENDATION

For Members Information.

4. DISCUSSION

The register of interest must be completed in accordance with Form 3 "Primary Return" pursuant to Regulation 7 of the Local Government (General) Regulations 1999.

A copy of the Primary Return is attached to this Report.

5. GOVERNANCE CONSIDERATIONS

The register of interest must be completed in accordance with Form 3 "Primary Return" pursuant to Regulation 7 of the Local Government (General) Regulations 1999.

6. RISK ASSESSMENT

Elected members who fails to complete and return this form can be disqualified from holding an elected position on Council.

7. FINANCIAL IMPLICATIONS

None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS

None identified.
1. PURPOSE

2. SUMMARY
Maintaining public confidence is pivotal for Councils to deliver on its roles and responsibilities. Public confidence can be maintained where a Council is viewed as accountable, transparent and effective.

Managing conflicts of interest and perceived conflicts of interest is integral to the accountability, transparency and effectiveness of local government. The Local Government (Accountability and Governance) Amendment Act 2015 amended the Local Government Act 1999 with respect to conflicts and perceived conflicts of interest arising in respect of matters to be discussed at a meeting of a Council, a Council Committee or Subsidiary.

3. RECOMMENDATION
For Members Information.

4. DISCUSSION
Further training and information will be provided to Elected Members at the training day on the 27th of November 2018, at Balaklava, in a combined Mandatory Training Day held with Wakefield Regional Council.

The following is the standard information that is included in Councils monthly agenda.

“At the commencement of each Council meeting, members and officers are given the opportunity to advise of any “Conflict of Interest” that they may have in regards to any item on the Agenda.

It is important to understand these provisions and to realise it is the members or officers responsibility to declare this conflict of interest.

The Conflict of Interest will be recorded in the Minutes, at the location of the subject matter, that the member or officer has the conflict.”

The several types of Conflict of Interest are detailed as follows, namely:

Material – where any of a defined list of persons would gain a benefit, or suffer a loss (whether directly or indirectly, personal or pecuniary) depending on the outcome of the consideration of the matter at the meeting.
Actual – where a Member has a Conflict of Interest (not being a material conflict of interest) between their own interests and the public interest that might lead to a decision that is contrary to the public interest.

Perceived – where from the perspective of an impartial, fair-minded person it could reasonably be perceived that a Member has a Conflict of Interest in a matter.

Where an actual or perceived Conflict of Interest exists the Member must inform the meeting of the interest and how (if they propose to participate in the meeting) they intend to deal with the actual / perceived Conflict of Interest. This information will be documented by the Minute Taker.

5. GOVERNANCE CONSIDERATIONS
Conflict of Interest is defined within Division 3 of the Local Government Act 1999.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
Ordinary meeting of Council held 20th November 2018

5.1.5 Campaign Donations

**Author:** Andrew Cole, Chief Executive Officer

**Attachments:** A1 Campaign Donations Return LG2

**Strategic Plan Ref:** 4.2 Embed the Culture We Want (Legislative Compliance)

1. **PURPOSE**
The purpose of this report is to advise Councillors of the need to complete the campaign donation return.

2. **SUMMARY**
All candidates (successful and unsuccessful) must provide an election campaign donations return (Local Government (Elections) Act Section 80(1)) within 30 days of the formal completion of the periodic Local Government election..

3. **RECOMMENDATION**
For Members Information.

4. **DISCUSSION**
All candidates (successful and unsuccessful) must provide an election campaign donations return (Local Government (Elections) Act Section 80(1)). A return must be lodged even if no details are required to be included (Local Government (Elections) Act Section 81(4)).

Failure to provide a return is an offence with a maximum penalty of $10,000 (Local Government (Elections) Act Section 85(1)) and results in the creation of a casual vacancy (Local Government Act Section 54(1) (h)).

The disclosure period for the campaign donation return continues until 30 days after the conclusion of the election, so candidates will need to be aware of this.

Forms will be distributed to all candidates and these must be returned to Council as soon as possible.

5. **GOVERNANCE CONSIDERATIONS**
All candidates (successful and unsuccessful) must provide an election campaign donations return (Local Government (Elections) Act Section 80(1)) within 30 days of the conclusion of the election.

6. **RISK ASSESSMENT**
None identified.

7. **FINANCIAL IMPLICATIONS**
None identified.

8. **SOCIAL/ENVIRONMENTAL CONSIDERATIONS**
None identified.
5.1.6 Time and Place of Ordinary Meetings

Author: Andrew Cole, Chief Executive Officer
Attachments: Nil
Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
The Council is required, under s.81 of the Local Government Act 1999, to set the frequency and times of the Ordinary Meetings of Council.

2. SUMMARY
Section 81 of the Local Government Act 1999 states that:

- The Council shall set the time and place for its ordinary meetings by resolution of the Council;
- There must be at least one ordinary meeting each month, and;
- Ordinary meetings of a Council may not be held on Sundays, or on public holidays.

3. RECOMMENDATION
“That the ordinary meetings of Council will be held on the second Tuesday of each month, commencing at 7pm, excepting the month of January where the ordinary meeting of Council shall be on the third Tuesday of the Month, and to be held at the Port Broughton Meeting Room of Council.”

4. DISCUSSION
When setting the time and day of the Ordinary Meeting of Council, Members need to take into consideration:

- The other commitments of Elected Members;
- The desire for meetings to be accessible to the community, and;
- In the past, Council has tried to be consistent with the day of the week that all meetings, formal and informal are held. This allows Elected Members to plan in advance and introduces a level of consistency to Council functions.

Previous monthly meetings have been held on the second Tuesday of the month commencing at 7.00 pm. During the last term of Council, six meetings were held in Port Broughton and six meetings were held in Bute.

Additional information will be provided to elected members in relation to informal meetings of Council members at the Training day on the 27th of November 2018.

5. GOVERNANCE CONSIDERATIONS
The Council is required, under s.81 of the Local Government Act 1999, to set the frequency and times of the Ordinary Meetings of Council.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
1. PURPOSE
Seeking Council approval of the structure of the Council meeting agenda, for the new term of Council.

2. SUMMARY
The structural elements of a formal Council meeting are defined within the Local Government (Procedures at Meetings) Regulations 2013. Each Council’s meeting agenda may well be different, based upon Council’s procedural history and experience.

3. RECOMMENDATION
“That Council, having considered report No. 5.1.7 “Structure of Council Meeting Agenda”, adopt the structure of the Council meeting agenda’s as detailed within the report.”

4. DISCUSSION
The management of Council meetings is very structured and governed by the:
   a) Local Government (Procedure at Meeting) Regulations, and;

Elected Members will be provided with training and advice in relation to the aspects of meeting procedures at the elected member training that is being organized for the 27th of November 2018.

Detailed below is the current format of the Council meeting agenda. This format is governed by the above legislation and the various elements will be found across all Councils in South Australia.

Council members will note that there is no agenda item called “General Business”. The reasons for this are as follows:
   • All matters to be considered by the Elected Members at the Council meeting must be listed on the Council agenda so that the Elected Members are informed of the matter under consideration and have the ability to seek additional information in relation to the report contents, it is not good governance to bring matters to council for consideration without prior notice as it can lead to poor decisions being made without having all the supporting documentation does not assist with transparency of decision making.
      and
   • The community must be informed of all the matters that the council will be considering at the upcoming meeting.
If Elected members require information on a certain subject that is not listed on the agenda they can either use motions on notice or questions on notice to seek a report or and an agenda item to be placed on the next month’s agenda.

Staff are always available outside of the Council meeting to respond to Elected Member questions and provide additional information.

5. GOVERNANCE CONSIDERATIONS
The structural elements of a formal Council meeting are defined within the Local Government (Procedures at Meetings) Regulations 2013

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
Agenda Item 5.1.7  Structure of Formal Council Agenda

NOTICE OF MEETING

NOTICE is hereby given pursuant to the provisions of Section 81 of the Local Government Act 1999, that an Ordinary Meeting of the Barunga West Council will be held in the Port Broughton Council Chambers, 11 Bay Street, Port Broughton on [Date and Time].

A copy of the Agenda for the above meeting is supplied as prescribed by the aforesaid Section of the Act. The relevant reports and documents relating thereto have also been supplied for the Council Members’ perusal.

1. Opening – Mayor

2. Apologies & Leave of Absence
   2.1 Leave of Absence:
   2.2 Apologies:

3. Conflict of Interest Provisions
   At the commencement of each Council meeting, members and officers are given the opportunity to advise of any “Conflict of Interest” that they may have in regards to any item on the Agenda.
   It is important to understand these provisions and to realise it is the members or officers responsibility to declare this conflict of interest.
   The Conflict of Interest will be recorded in the Minutes, at the location of the subject matter, that the member or officer has the conflict.

4. Confirmation of the Minutes of the previous Meetings

5. Business Arising from the Minutes
   This is for matters not elsewhere included in reports to Council

6. Deputations

7. Members Reports
   An opportunity arises for all members to report their Council related activities for the previous month.

8. Adoption of Committee Recommendations

9. Adjourned Items

10. Questions with Notice
   Questions on notice require five clear days’ notice in writing to the CEO and appear on the agenda of the relevant meeting. A question on notice and the answer thereto are recorded in the minutes.

11. Questions without Notice
   Questions without notice can be brought to the meeting during the conduct of the meeting. The information sought may or may not be able to be provided at the meeting and if not will be listed in the a subsequent meeting
12. **Motions with Notice**

Notice of motion must be delivered in writing to the Chief Executive five clear days before the agenda closes.

The notice of motion will be listed in the agenda together with information provided by the Administration if this is considered appropriate.

13. **Motion without Notice**

An opportunity exists for Members to make Motions without Notice.

Motions without notice can be brought to the meeting during the conduct of the meeting and usually relate to an elected member requesting information or a report to be presented to a subsequent meeting.

14. **Council Business – Officers Reports**

Officers reports are listed as per report headings – attachments to reports are included in the agenda papers either following the report or if the attachments is a large documents as a separate attachment.

While all officers reports will contain a recommendation, Council are not bound to accept the recommendation.

Council will conduct the consideration of items presented in Officer’s Reports in the following manner:

- The Mayor will open a subject on the agenda.
- The Officer will provide any further detail with respect to the report.
- The Mayor will then ask are there any questions for clarification from the Chief Executive or other Officer.
- The Mayor will ask for a mover of a recommendation, and then ask for a seconder.
- The Mayor will then open the motion for debate.

14.1 **Chief Executive Officer Report**

14.2 **Finance Report**

14.3 **Infrastructure Services Report**

14.4 **Development Services Report**

14.5 **Risk Management Officer Report**

15. **Correspondence**

Correspondence received by council that in the opinion of the administration is of interest to council is listed in correspondence and a copy provided with the agenda papers. Any correspondence items that require a decision of Council are provided within a report presented to council prepared by the relevant officer.

16. **Confidential Items**

17. **Closure**
5.1.8 Appointment of Principal Member of Council

Author: Andrew Cole, Chief Executive Officer

Attachments: Nil

Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
As the Barunga West Council is currently constituted, it is required to choose a Presiding Member/Chairperson of Council from within its membership, as well as determining the Presiding Member’s title and term of office.

2. SUMMARY
As the Barunga West Council is currently constituted, it is required to choose a Presiding Member of Council from within its membership, as well as determining the Presiding Member’s title and term of office.

There are a number of procedural and incidental matters that need to be considered prior to that selection taking place. It is proposed to progress these procedural matters and deal with each by resolution in sequence.

3. RECOMMENDATION

Recommendation:
“That in accordance with the provisions of Section 51(1)(b) of the Local Government Act 1999, the Council resolves that the Principal Member shall be called the Mayor.”

Recommendation:
“That the term of office for the position of Mayor of the Barunga West Council shall be for two years”.

Recommendation:
“That Council accept the method of choosing the Mayor be by an election process, and should there be more than one candidate accepting the nomination, the method of election be:

(i) by secret ballot, and the Chief Executive Officer will have staff members present to assist in the process by distributing voting slips, collecting them and scrutinising the votes, and;

(ii) In the event that more than two candidates accept nominations, that the method of voting be preferential voting (with preference indicated by marking the voting slips 1,2 etc.) and the elimination of the member receiving the lowest vote/s cast with re-distribution of the preferences of these votes until a member achieves a majority of the total votes cast.”

Recommendation:
That the Barunga West Council appoint ________________________ to the position of Mayor for a term of four years pursuant to Section 51(1)(b) of the Local Government Act 1999.
4. DISCUSSION

Listed below are those matters which the meeting is asked to consider, and where listed, decide the matter. While some aspects will only apply infrequently, nevertheless this report seeks to establish the rules to apply if those circumstances prevail, rather than debating such an issue during the process.

Under s. 51(1)(b) of the Local Government Act 1999, where a Council chooses its Principle Member from amongst its own membership, it is able to determine the title of the Principle Member of Council. The normal practice of this Council is to describe the Principle Member of Council as “Mayor”.

Recommendation:
“That in accordance with the provisions of Section 51(1)(b) of the Local Government Act 1999, the Council resolves that the Principal Member shall be called the “Mayor”.”

Term of Office of Chairperson

The Council can make an appointment for up to a 4 year period, or such lesser period as it chooses, for example, 1 or 2 years. A shorter period requires the Council to make a further appointment or re-appointment when the term expires. The normal practice for this Council has been a four year term.

The procedural sequence is to determine the term of office prior to selecting the Presiding Member.

The following motion was passed at the 14th of March 2017 Ordinary Meeting of Council, during the last term of Council, namely:

MOVED: Mayor Axford
SECONDED: Cr Barker
“That the term of office for the positions of Mayor and Deputy Mayor be two years following the Council Elections in 2018. Nominations will then be called for these positions for the remaining two year term.”
CARRIED UNANIMOUSLY

As the above motion was passed during the last term of Council, Council may determine an alternative term of office and if passed, would revoke/amend the above motion carried before the last general election of Council.

Recommendation:
“That the term of office for the position of Mayor of the Barunga West Council shall be for two years”.

Choosing the Presiding Member.

The Local Government Act 1999 does not stipulate a method to use in choosing a Presiding Member of Council.
If Council may well choose the following options, namely:

a) to appoint by resolution, then the appointment can be revoked by subsequent resolution, provided that the procedural rules for revoking a resolution are complied with; or
b) an indicative vote followed by resolution, or;
c) an election process.

**Option 1: Choosing a Chairperson by resolution**

An appointment by resolution can be complicated if there is more than one candidate. It is necessary for each motion nominating a member to be considered individually and voted upon before any further motion is considered. The Chief Executive Officer would have to ascertain those voting for, those against, and declare the result.

If the first candidate is successful, then no further nominations can be considered (except through the process of revoking, in which case the meeting procedure rules relating to revoking a resolution would need to be complied with). This also means that no other candidate could be considered if the first nomination is successful.

**Option 2: Choosing a Chairperson by an indicative vote followed by a resolution**

A variation to the option of resolution only, is that of the Chief Executive Officer taking a vote of Members present at the meeting to determine the preferred person and then the Council - by resolution – appointing that person as the Chairperson.

Council would need to agree on this method by resolution as it is not within the power of the CEO to decide the process.

As above, the term of office must be determined first.

**Option 3: Choosing a Chairperson by election – either by a show of hands or a secret ballot**

This method enables one or more nominations to be considered at the same time.

Nominations will be invited by the CEO from amongst the Members present.

They do not have to be in writing nor do they have to be seconded. Nomination will be achieved simply by indicating “I nominate Councillor ____________”.

The CEO will then enquire as to whether the person nominated is prepared to accept the nomination. While that person may agree to accept the nomination, s/he has the right to withdraw at any time before the matter is put to a vote. If a member is absent from the meeting this would not preclude them from being nominated. They would need to have advised the CEO prior to the meeting as to whether or not they are prepared to accept the nomination.

If only one person is nominated then that person will be declared elected and the meeting will proceed with the Chairperson presiding.
If more than one person is nominated then the matter will proceed to a vote. All Members present are required to vote in the election. It is not a conflict of interest to vote for yourself if you have been nominated.

Council must determine the method of voting, which can be by show of hands or by secret ballot.

Should only two nominations be received then the successful candidate will be the one with the greater number of votes.

With the above options in mind, it is proposed to follow the same method as was chosen after the previous periodic election.
Recommendation:
“That Council accept the method of choosing the Mayor be by an election process, and should there be more than one candidate accepting the nomination, the method of election be:

(iii) by secret ballot, and the Chief Executive Officer will have staff members present to assist in the process by distributing voting slips, collecting them and scrutinising the votes, and;

(iv) In the event that more than two candidates accept nominations, that the method of voting be preferential voting (with preference indicated by marking the voting slips 1, 2 etc.) and the elimination of the member receiving the lowest vote/s cast with re-distribution of the preferences of these votes until a member achieves a majority of the total votes cast.”

Nominations will be called for the position of Mayor and an election take place.

Recommendation:
That the Barunga West Council appoint ________________________ to the position of Mayor for a term of four years pursuant to Section 51(1)(b) of the Local Government Act 1999.

5. GOVERNANCE CONSIDERATIONS
The appointment, title and term are governed by Section 51 of the Local Government Act 1999.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
5.1.9 Appointment of Deputy Mayor

Author: Andrew Cole, Chief Executive Officer

Attachments: Nil

Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
Council needs to consider whether it elects one of its Members to the position of Deputy Mayor.

2. SUMMARY
Under s. 51(3) of the Local Government Act 1999, where a Council has a Mayor, Council may resolve to also have a Deputy Mayor.

If Council chooses to have a Deputy Mayor, Council must choose the length of the term of office, as well as resolving the method of choosing a Deputy Mayor.

3. RECOMMENDATION

Recommendation:
“That the Barunga West Council, pursuant to Section 51(3) of the Local Government Act 1999, appoint one of its members to the position of Deputy Mayor.

Recommendation:
“That the term of office for the position of Deputy Mayor of the Barunga West Council shall be for two years”.

Recommendation:
“That Council accept the method of choosing the Deputy Mayor be by an election process, and should there be more than one candidate accepting the nomination, the method of election be:

(v) by secret ballot, and the Chief Executive Officer will have staff members present to assist in the process by distributing voting slips, collecting them and scrutinising the votes, and;
(vi) In the event that more than two candidates accept nominations, that the method of voting be preferential voting (with preference indicated by marking the voting slips 1, 2 etc.) and the elimination of the member receiving the lowest vote/s cast with re-distribution of the preferences of these votes until a member achieves a majority of the total votes cast.”

Recommendation:
That the Barunga West Council appoint ________________________ to the position of Deputy Mayor for a term of four years pursuant to Section 51(3) of the Local Government Act 1999.
4. DISCUSSION

Under s. 51(3) of the Local Government Act 1999, where a Council has a Mayor, Council may resolve to also have a Deputy Mayor.

Recommendation:
"That the Barunga West Council, pursuant to Section 51(3) of the Local Government Act 1999, appoint one of its members to the position of Deputy Mayor."

If Council chooses to have a Deputy Mayor, Council must choose the length of the term of office, as well as resolving the method of choosing a Deputy Mayor

Recommendation:
"That the term of office for the position of Deputy Mayor of the Barunga West Council shall be for two years".

In line with the previous Agenda Item regarding the appointment of a Principal Member, it is proposed to follow the same method.

Recommendation:
"That Council accept the method of choosing the Deputy Mayor be by an election process, and should there be more than one candidate accepting the nomination, the method of election be:

(i) by secret ballot, and the Chief Executive Officer will have staff members present to assist in the process by distributing voting slips, collecting them and scrutinising the votes, and;

(ii) In the event that more than two candidates accept nominations, that the method of voting be preferential voting (with preference indicated by marking the voting slips 1,2 etc.) and the elimination of the member receiving the lowest vote/s cast with re-distribution of the preferences of these votes until a member achieves a majority of the total votes cast."

In accordance with the procedure agreed to, the Mayor will conduct the election of a Councillor to the position of Deputy Mayor.

Nominations will be called for the position of Deputy Mayor:
- Cr (?) nominated Cr (?) who accepted the nomination;
- Further nominations are called for, and;
- Dependent upon how many nominations are received, an election will be held in accordance with the procedure adopted by Council.

At the conclusion of this process, Council will appoint the successful candidate to the position.

Recommendation:
That the Barunga West Council appoint ________________________ to the position of Deputy Mayor for a term of four years pursuant to Section 51(3) of the Local Government Act 1999.
5. **GOVERNANCE CONSIDERATIONS**
The appointment, title and term are governed by Section 51 of the Local Government Act 1999.

6. **RISK ASSESSMENT**
None identified.

7. **FINANCIAL IMPLICATIONS**
None identified.

8. **SOCIAL/ENVIRONMENTAL CONSIDERATIONS**
None identified.
5.1.10 Statutory Committee Appointments

Author: Andrew Cole, Chief Executive Officer
Attachments: Nil
Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
The purpose of this Report is for Council to consider the composition of its statutory committees in accordance with Section 41 of the *Local Government Act 1999*.

2. SUMMARY
Pursuant to Section 41 of the Local Government Act 1999, the Council may establish Committees of Council for the purpose of enquiring into the and reporting to Council in respect of those matters conferred upon it as set out in the established Committee’s Terms of Reference.

The Chief Executive Officer shall provide sufficient administrative resources to any established Committees, to enable it to adequately carry out its functions.

3. RECOMMENDATION
Recommendation:
That:
1. Council forms an Executive Committee with the Mayor as an ex officio member, along with the Deputy Mayor and two other members of Council, and that the Executive Committee have delegated authority to undertake the performance Appraisal of the Chief Executive Officer, and to consider any urgent matters of importance requiring attention between meetings, and;
2. The Chief Executive Officer prepare Terms of Reference for the Executive Committee for consideration by Council.

Recommendation:
That the following Elected Members are appointed to the Executive Committee, namely:
1. Councillor ________________________ and
2. Councillor ________________________.

Recommendation:
That:
1. Council appoint Ms. Pat Flood as its Independent Chair of the Audit Committee,
2. Council seek a second appointment of a second Independent Member of the Audit Committee, and;
3. The following Elected Members be appointed as members of the Audit Committee, namely:
   1. Councillor ________________________,
   2. Councillor ________________________,
   3. Councillor ________________________,
EXECUTIVE COMMITTEE

In order to conduct the performance appraisal of the Chief Executive Officer, and to consider other urgent matters of importance requiring attention between meetings, it is recommended to continue the Executive Committee.

Recommendation:

1. Council forms an Executive Committee with the Mayor as an ex officio member, along with the Deputy Mayor and two other members of Council, and that the Executive Committee have delegated authority to undertake the performance Appraisal of the Chief Executive Officer, and to consider any urgent matters of importance requiring attention between meetings, and;

2. The Chief Executive Officer prepare Terms of Reference for the Executive Committee for consideration by Council.

Nominations will be called for the two Elected Member positions on the Executive Committee, with members chosen in accordance with the method of choosing the Principle Member of Council.

Recommendation:

That the following Elected Members are appointed to the Executive Committee, namely:

1. Councillor ________________________ and
2. Councillor ________________________.

AUDIT COMMITTEE

Council is required, under s.126 of the Local Government Act 1999, to establish and maintain an Audit Committee, as oversight for financial and risk management matters. Council has adopted a Terms of Reference for this Committee as of March 2017.

The functions of the Audit Committee are to include —

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council’s strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130A of the Local Government Act; and liaising with the council’s External Auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

Members of the Audit Committee are appointed by the Council.

There is currently one Independent Chairperson, Ms Pat Flood, who has been in role for approximately four and a half years and is willing to continue in this role.

The updated Terms of Reference now include the provision of appointing a second Independent Member of the Audit Committee.

The Council will, therefore, need to appoint three Elected Members to this Committee.
The Elected Members appointed to the Audit Committee during the previous term of Council were the Mayor, the Deputy Mayor, Councillor Margaret McDonald and Councillor Greg Winen.

Nominations will be called for the three Elected Member positions on the Audit Committee, with members chosen in accordance with the method of choosing the Principle Member of Council.

Recommendation:
That:
1. Council appoint Ms. Pat Flood as its Independent Chair of the Audit Committee,
2. Council seek a second appointment of a second Independent Member of the Audit Committee, and;
3. The following Elected Members be appointed as members of the Audit Committee, namely:
   1. Councillor ______________________________,
   2. Councillor ______________________________,
   3. Councillor ______________________________,

5. GOVERNANCE CONSIDERATIONS
The establishment of Council Committees are governed by Section 41 of the Local Government Act 1999.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
1. PURPOSE
The purpose of this report is to formally appoint an Elected Member representative to the Council Assessment Panel, as a result of the periodic Local Government Elections.

2. SUMMARY
Pursuant to the Planning, Development and Infrastructure Act 2016 (the “PDI ACT”), Council has to have established a Council Assessment Panel, in order to make certain Planning decisions under the and may further result in the Minister appointing an Assessment Panel.

3. RECOMMENDATION
That Council, pursuant to subsection 83(1)(b)(i) of the Planning, Development and Infrastructure Act 2016, appoints Councillor __________________________ as the Elected Member to the Council Assessment Panel for the period ending the 30th June 2019.

4. DISCUSSION
Under Section 83 of the PDI Act:
1. The Council Assessment Panel (CAP) may have no more than 5 members;
2. Only one of the 5 members may be a member of Council;
3. Council must determine the procedures to be followed with respect to the appointment of members;
4. Council must determine the terms of office and conditions of appointment of members, and;
5. Council must appoint the presiding member and the deputy members.

The current Independent Members of the present CAP, appointed on 13 June 2017 to 30th June 2019, are as follows:
- Mr John Peter Brak (CAP Presiding Member)
- Mr Stephen Horsell (CAP deputy Presiding Member)
- Mr Dean Rodda
- Mr Mark Weedon

Council is required to appoint one Elected Member to the CAP.
Gazetral Notice from the 5th of September 2017.

DISTRICT COUNCIL OF BARUNGA WEST
Appointment of Members to Council’s Assessment Panel

Pursuant to subsection 83(1)b of the Planning, Development and Infrastructure Act 2016, Council at its meeting held 13 June 2017, resolved to appoint the following members to Council’s Assessment Panel to take effect from 1 October 2017:

- Presiding Member: Mr John Brak
- Elected Member: Mr James Bettess
- Independent Member: Mr Stephen Horsell
- Independent Member: Mr Dean Rodda
- Independent Member: Mr Mark Weedon

These appointments shall expire on the 30 June 2019.

A. Cole, Chief Executive Officer

5. GOVERNANCE CONSIDERATIONS
The Council Assessment Panel is established in accordance with section 83 of the Planning, Development and Infrastructure Act 2016, and the Development Act 1993.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
**5.1.12 Council Representation on External Bodies**

**Author:** Andrew Cole, Chief Executive Officer  
**Attachments:** Nil  
**Strategic Plan Ref:** 4.2 Embed the Culture We Want (Legislative Compliance)

<table>
<thead>
<tr>
<th>1. PURPOSE</th>
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<tbody>
<tr>
<td>The purpose of this report is for Council to consider its membership of various external bodies and organisations.</td>
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</table>

<table>
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<tr>
<th>2. SUMMARY</th>
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<tbody>
<tr>
<td>The Council has an involvement with a number of external Committees by way of representation by Elected Members. Some of these Committees have a legislative requirement for Council involvement, or simply a Council representational contribution to the organisation.</td>
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<th>3. RECOMMENDATION</th>
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<tr>
<td>Recommendation:</td>
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<tr>
<td>That</td>
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<tr>
<td>1. That the following Community Groups and representation be agreed, namely:</td>
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<tr>
<td>Yorke Peninsula Community Transport &amp; Services,</td>
</tr>
<tr>
<td>Cr. ________________;</td>
</tr>
<tr>
<td>Central Region of Local Government (Legatus Group),</td>
</tr>
<tr>
<td>Mayor ________________;</td>
</tr>
<tr>
<td>Local Government Association of SA,</td>
</tr>
<tr>
<td>Mayor ________________;</td>
</tr>
<tr>
<td>Deputy Mayor ________________ (proxy);</td>
</tr>
<tr>
<td>Local Government Finance Authority,</td>
</tr>
<tr>
<td>Mayor ________________;</td>
</tr>
<tr>
<td>Deputy Mayor ________________ (proxy);</td>
</tr>
<tr>
<td>Barunga Village Inc.</td>
</tr>
<tr>
<td>Cr. ________________;</td>
</tr>
<tr>
<td>Port Broughton Area School Governing Council</td>
</tr>
<tr>
<td>Cr. ________________;</td>
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<tr>
<td>Port Broughton District Hospital and Health Services Health Advisory Council (HAC)</td>
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<tr>
<td>Cr. ________________;</td>
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<tr>
<td>Barunga West Building Fire Safety Committee</td>
</tr>
<tr>
<td>Cr. ________________;</td>
</tr>
<tr>
<td>Barunga West Road Safety Committee</td>
</tr>
<tr>
<td>Cr. ________________;</td>
</tr>
<tr>
<td>2. That Council only pay travelling allowances for membership of committees that Council is legally obliged to nominate an elected member.</td>
</tr>
</tbody>
</table>
4. DISCUSSION

The Council has an involvement with a number of Committees by way of representation by Elected Members. Some of these Committees have a legislative requirement for Council involvement, or simply a Council representational contribution to the organisation.

Legal requirement and financial contribution:
Yorke Peninsula Community Transport & Services
   Previous representative Cr Georgie Simmons

Central Region of Local Government (Legatus Group)
   Previous representative Mayor Cynthia Axford

Local Government Association of SA (including Local Government Finance Authority)
   Previous representative Mayor Cynthia Axford

No legal requirement but financial contribution:
Council contributes financially in varying capacity to the Progress Associations of Port Broughton, Bute, Fisherman Bay, Mundoora, Tickera, Alford & Kulpara.

No financial contribution:
Barunga Village Inc.
   Previous representative Cr Georgie Simmons

Port Broughton Area School Governing Council
   Previous representative Cr Margaret McDonald

Port Broughton District Hospital and Health Services Health Advisory Council (HAC)
   Previous representative Cr. Margaret McDonald

Barunga West Building Fire Safety Committee
   Previous representative Deputy Mayor Dean Dolling

Barunga West Road Safety Committee
   Previous Representative Cr Barker

It is recommended that where positions on external Committees are taken up by Elected Members, other than legislated positions, the role should be that of a Council ‘liaison’, as opposed to being a member of the voting Board of that Committee.

The purpose of this ‘note of caution’ is to minimise the potential conflict in role between that as a Member of Council and that as a voting member of a Community association, and any issues of indemnity (and insurance cover) that goes with Committee Board membership.

It is suggested to maintain the current representation of external bodies and organisations, chose a representative, then move one resolution to cover all appointments.
Recommendation:
That
1. That the following Community Groups and representation be agreed, namely:
   Yorke Peninsula Community Transport & Services,
   Cr. ________________;
   Central Region of Local Government (Legatus Group),
   Mayor ________________;
   Local Government Association of SA,
   Mayor ________________;
   Deputy Mayor ________________ (proxy);
   Local Government Finance Authority,
   Mayor ________________;
   Deputy Mayor ________________ (proxy);
   Barunga Village Inc.
   Cr. ________________;
   Port Broughton Area School Governing Council
   Cr. ________________;
   Port Broughton District Hospital and Health Services Health Advisory Council (HAC)
   Cr. ________________;
   Barunga West Building Fire Safety Committee
   Cr. ________________;
   Barunga West Road Safety Committee
   Cr. ________________;

2. That Council only pay travelling allowances for membership of committees that
   Council is legally obliged to nominate an elected member.

5. GOVERNANCE CONSIDERATIONS
   It is recommended that where positions on external Committees are taken up by Elected
   Members, other than legislated or chartered positions, the role should be that of a Council
   'liaison’, as opposed to being a member of the voting Board of that Committee.

6. RISK ASSESSMENT
   None identified.

7. FINANCIAL IMPLICATIONS
   None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
   None identified.
1. PURPOSE
The purpose of this report is to provide advice to Councillors regarding their allowances and benefits.

2. SUMMARY
The Remuneration Tribunal has jurisdiction under section 76 of the Local Government Act 1999, to determine the allowance payable to elected members of Local Government Councils constituted under that Act.

3. RECOMMENDATION
Recommendation:
That:
1. Council adopts Determination 6 of 2018 of the Remuneration Tribunal, for the level of Council allowances, in accordance with the provisions of Section 76 of the Local Government Act 1999, and;
2. The allowances will be paid three months in advance.

Recommendation:
That the Council pay a travelling allowance to Councillors who submit a travelling expense claim form, in accordance with the travelling allowance set by the Australian Taxation Office, and this expense be paid every six months, in arrears.

Recommendation:
That Council adopt the EM Allowances and Benefits Policy 2018.

4. DISCUSSION
Council member allowances are set by the Remuneration Tribunal and take effect from the first ordinary meeting of the Council after the conclusion of the periodic elections.

The Elected Member’s allowances for the District Council of Robe are detailed with Council’s Elected Member Allowances and Benefits Policy which is attached with this report.

A precis of the allowance and benefits applicable to the District Council of Robe are as follows
Per annum allowance
- Councillor’s $6,500 p.a.
- Deputy Mayor $8,125 p.a.
- Mayor $26,000 p.a.
Travel Time Allowance

This allowance recognizes travel time from an elected member’s place of residence to the Council office and is calculated on the kilometres travelled.

- 30 kms but less than 50kms $410 p.a.
- 50 kms but less than 75 kms $700 p.a.
- 75 kms but less than 100 kms $1,050 p.a.
- 100 kms or more $1,490 p.a.

Use of private vehicle

An allowance can also be claimed by elected members who use their own private vehicle to attend a prescribed Council meeting calculated at the rate appropriate to the engine capacity of the vehicle as per the Tax Assessment Act 1997.

A copy of the Elected Member Allowances Benefits Policy is included with the agenda which details the additional benefits and allowances that are provided to Elected Members to assist them in undertaking their duties.

If elected members have any questions with respect to this policy please contact either myself or Deputy Chief Executive Officer.

Could all elected members please provide their financial details as per the attached form to enable their allowances to be paid electronically.

5. GOVERNANCE CONSIDERATIONS
The Remuneration Tribunal has jurisdiction under section 76 of the Local Government Act 1999, to determine the allowance payable to elected members of Local Government Councils constituted under that Act.

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
5.1.14 Matters Lying on the Table

Author: Andrew Cole, Chief Executive Officer

Attachments: Nil

Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE

Provision of information relating to decisions of the previous Council to lay matters on the table.

2. SUMMARY

There are no current matters that are ‘lying on the table’, according to Regulation 12 of the Local Government (Procedures at Meetings) Regulations 2013.

3. RECOMMENDATION

Recommendation:
For Members Information.

4. DISCUSSION

Matters that are laid on the table is the term applied to resolutions of Council to defer a decision in relation to a matter which in most circumstances is waiting for additional information to be provided.

There are no current matters that are ‘lying on the table’, according to Regulation 12 of the Local Government (Procedures at Meetings) Regulations 2013.

5. GOVERNANCE CONSIDERATIONS

Local Government (Procedure at Meetings) regulations

6. RISK ASSESSMENT

None identified.

7. FINANCIAL IMPLICATIONS

None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS

None identified.
5.1.15 Training and Induction of Elected Members

Author: Andrew Cole, Chief Executive Officer

Attachments: Nil

Strategic Plan Ref: 4.2 Embed the Culture We Want (Legislative Compliance)

1. PURPOSE
Advising Councillors of the upcoming training days and seeking Council set a date for an additional training day in December

2. SUMMARY

3. RECOMMENDATION
Recommendation:
For Members Information.

4. DISCUSSION
A full day training workshop is planned for the 27th of November 2018 to be held at the Offices of the Wakefield Regional Council, at Balaklava, commencing at 10:00am.

Further informal gatherings and workshops will need to be determined in order to bring Elected Members up to date with the current operations of Council.

Some of the subjects that would be listed for consideration are:
  1. Informal meetings of elected members;
  2. Establishing a calendar to consider the following:
     a. Preparation of Council’s Annual Business Plan and Budget 2019-2020
     b. The review of strategic planning documents, such as:
        II. Strategic Plan;
        III. Long Term Asset Management Plans.

5. GOVERNANCE CONSIDERATIONS
Section 81 of the Local Government Act

6. RISK ASSESSMENT
None identified.

7. FINANCIAL IMPLICATIONS
None identified.

8. SOCIAL/ENVIRONMENTAL CONSIDERATIONS
None identified.
Form 2

Regulation 6, Local Government (General) Regulations 2013

Undertaking to be made by a Member of a Council before assuming Office

I, [insert name], having been elected or appointed to the Office of a Member of the Barunga West Council, undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of my judgment and abilities and in accordance with the Local Government Act 1999.

Signature: [insert signature of member]

This undertaking was made before me on: [insert date]

Signature: [insert signature of person before whom undertaking is made]

Note-
This undertaking must be made before a Justice of the Peace or other person authorised to take declarations under the Oaths Act 1936 (being a Commissioner for Taking Affidavits, or a proclaimed manager of an office of a bank, building society or credit union, or a proclaimed member of the police force).
Form 3—Register of members' interests

Primary return

Please read instructions and notes below before completing this return.

<table>
<thead>
<tr>
<th>SURNAME OTHER NAMES</th>
<th>OFFICE HELD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registrable interests</td>
<td>Details</td>
</tr>
<tr>
<td>1 Provide a statement of any income source that you have or a person related to you has or expects to have in the period of 12 months after the date of the primary return.</td>
<td></td>
</tr>
<tr>
<td>2 State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family holds, any office whether as director or otherwise.</td>
<td></td>
</tr>
<tr>
<td>3 State the name or description of any company, partnership, association or other body in which you or a person related to you is an investor.</td>
<td></td>
</tr>
<tr>
<td>4 State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.</td>
<td></td>
</tr>
<tr>
<td>5 State the name of any political party, any body or association formed for political purposes or any trade or professional organisation of which you are a member.</td>
<td></td>
</tr>
<tr>
<td>6 Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you is a beneficiary or trustee, and the name and address of each trustee.</td>
<td></td>
</tr>
<tr>
<td>7 Provide the address or description of any land in which you have or a person related to you has any beneficial interest other than by way of security for any debt.</td>
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<tr>
<td>8 Provide details of any fund in which you or a person related to you has an actual or prospective interest to which contributions are made by a person other than you or a person related to you.</td>
<td></td>
</tr>
<tr>
<td>9 If you are or a person related to you is indebted to another person (not being related by blood or marriage) in an amount of or exceeding $7,500—state the name and address of that other person.</td>
<td></td>
</tr>
<tr>
<td>10 If you are or a person related to you is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding $10,000—state that person. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council. Provide any other additional information which you think fit.</td>
<td></td>
</tr>
</tbody>
</table>

Signature: [insert signature of member]

Date:
Instructions/notes

1. This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

2. Under the Act, *income source*, in relation to a person, means—
   (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
   (b) any trade, vocation, business or profession engaged in by the person.

3.1 Under the Act, *a person related to a member* means—
   (a) a member of the member's family; or
   (b) a family company of the member; or
   (c) a trustee of a family trust of the member.

3.2 A *family company* of a member means a proprietary company—
   (a) in which the member or a member of the member's family is a shareholder; and
   (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A *family trust* of a member means a trust (other than a testamentary trust)—
   (a) of which the member or a member of the member's family is a beneficiary; and
   (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4. Under the Act, *family*, in relation to a member, means—
   (a) a spouse or domestic partner of the member; and
   (b) a child of the member who is under the age of 18 years and normally resides with the member.

5. For the purpose of this return, a person is an investor in a body if—
   (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10,000; or
   (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6. Under the Act, *trade or professional organisation* means a body, corporate or unincorporate, of—
   (a) employers or employees; or
   (b) persons engaged in a profession, trade or other occupation,
   being a body of which the object, or 1 of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
7 Under the Act, *beneficial interest* in property includes a right to re-acquire the property.

Notes—

- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.
Any person who is a candidate for election to an office of a council, whether successfully elected or not, must complete this return. The return must be forwarded to the Chief Executive Officer of the council within 30 days after the conclusion of the election.

Please read the instructions and notes over the page before filling in this form.

Please PRINT details on this form

To the Council Chief Executive Officer:

Name of Council

| Period to which return relates (refer Note 2) |
| from | to |

I declare that during this period (tick appropriate box)

- No gifts of a kind required to be disclosed were received by me (refer Notes 4 & 5)
- Gifts of a kind required to be disclosed were received by me (refer Notes 4 & 5)

Total value of those gifts $__________ Number of persons who gave those gifts__________

Specific details concerning such gifts are provided below

| Signature of Candidate or Member | Date |

Specific Details of Gifts

<table>
<thead>
<tr>
<th>Amount or value of each gift (refer Note 4)</th>
<th>Name and address of each donor (refer Note 6)</th>
<th>Date on which gift was made</th>
</tr>
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<tr>
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If space is insufficient, please attach a list
1. Any person who is a candidate for election to an office of a council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council within 30 days after the conclusion of the election.

2. The period to which the return must relate is called the **disclosure period**. For the purposes of this return -
   (a) subject to paragraph (b), the disclosure period is the period that commenced -
      (i) in relation to a candidate in an election who was a new candidate [other than a candidate referred to in subparagraph (ii)] – on the day on which he or she announced that he or she could be a candidate in the election or the day on which his or her nomination was lodged with the returning officer, whichever is the earlier;
      (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under the **Local Government Act 1999** – on the day on which the person was so appointed as a member of the council;
      (iii) in relation to a candidate in an election who was not a new candidate – at the end of 21 days after polling day for the last preceding election in which the person was a candidate, and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
   (b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council.

3. A **gift** is a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

4. A return need not set out any details in respect of -
   (a) a private gift made to the candidate; or
   (b) a gift if the amount or value of the gift is less than $500.
   A gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

5. Two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift.

6. The following information must be included:
   (a) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation -
      (i) the name of the association; and
      (ii) the names and addresses of the members of the executive committee (however described) of the association; and
   (b) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation -
      (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
      (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
   (c) in the case of each other gift – the name and address of the person who made the gift.

A registered industrial organisation is an industrial association or organisation registered under a law of the State or of the Commonwealth.

**NOTE**
If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may -
(a) prepare the return to the extent that it is possible to do so without those particulars; and
(b) furnish the return so prepared; and
(c) give to the chief executive officer notice in writing -
   (i) identifying the return; and
   (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
   (iii) identifying those particulars; and
   (iv) setting out the reasons why he or she is unable to obtain those particulars; and
   (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars – stating that belief and the reasons for it and the name and address of that other person.
1. Establishment of Committee
   Pursuant to Section 41 of the Local Government Act 1999, the Council establishes a Committee for the purpose of enquiring into the and reporting to Council in respect of those matters conferred upon it as set out in these Terms of Reference.

2. Title
   The Committee shall be known as the District Council of Barunga West Audit Committee.

3. Membership
   3.1 Members of the committee are appointed by the Council. The committee shall consist of at least two independent members, with the balance of membership being up to three additional members from the Elected Members of Council. The size of the committee shall be five members.

   3.2 Independent member of the committee shall have recent and relevant financial, risk management, internal audit experience. The Principal Member of the Council shall be a member of the committee.

   3.3 Only members of the committee are entitled to vote in committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the committee for decision. However other individuals such as the CEO, Deputy CEO & Manager Infrastructure Services may attend any meeting as observers or be responsible for preparing reports for the committee. In accordance with the principles of open, transparent and informed decision making, committee meetings must be conducted in a place open to the public. The agenda and minutes of the committee meetings, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.
3.4 Council’s external auditors may be invited to attend meetings of the committee.

3.5 Appointments to the committee shall be for a period until the end of the term of the Council. Appointees may be reappointed by Council.

3.6 The Council shall appoint the Presiding Member of the committee.

4. Secretarial resources

4.1 The Chief Executive Officer shall provide sufficient administrative resources to the committee to enable it to adequately carry out its functions.

5. Quorum

5.1 The quorum necessary for the transaction of business shall be 50% of the number of members of the committee plus one. A duly convened meeting of the committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the committee.

6. Frequency of meetings

6.1 The committee shall meet at least four times a year at appropriate times in the reporting and audit cycle and otherwise as required.

7. Notice of meetings

7.1 Ordinary meetings of the committee will be held at times and places determined by Council or, subject to a decision of Council, the committee. A special meeting of the committee may be called in accordance with the Act.
7.2 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the committee and observers, no later than 3 clear days before the date of the meeting. Supporting papers shall be sent to committee members (and to other attendees as appropriate) at the same time.

8. Minutes of meetings

8.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2013.

8.2 Minutes of committee meetings shall be circulated within five days after a meeting to all members of the committee and to all members of the Council and will (as appropriate) be available to the public.

9. Role of the Committee

9.1 Financial Reporting

9.1.1 The committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.

9.1.2 The committee shall review and challenge where necessary:

9.1.2.1 The consistency of, and/or any changes to, accounting policies;

9.1.2.2 The methods used to account for significant or unusual transactions where different approaches are possible;
9.1.2.3 Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

9.1.2.4 The clarity of disclosure in the Council’s financial reports and the context in which statements are made; and

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

9.2 **Internal controls and risk management systems**

The committee shall:

9.2.1 keep under review the effectiveness of the Council’s internal controls and risk management systems; and

9.2.2 review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management.

9.3 **Whistle blowing**

The committee shall review the Council’s arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. The committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.
9.4 Internal audit (if applicable, where a Council does not have a separate internal audit function)
The committee shall:

9.4.1 monitor and review the effectiveness of the Council’s internal audit function in the context of the Council’s overall risk management system;

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

9.4.3 review all reports on the Council’s operations from the internal auditors;

9.4.4 review and monitor management’s responsiveness to the findings and recommendations of the internal auditor; and

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

9.5 External audit

The committee shall:

7.5.1 develop and implement a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter;
9.5.2 consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council’s external auditor. The committee shall oversee the selection process for new auditors and if an auditor resigns the committee shall investigate the issues leading to this and decide whether any action is required;

9.5.3 oversee Council’s relationship with the external auditor including, but not limited to:

9.5.3.1 recommending the approval of the external auditor’s remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;

9.5.3.2 recommending the approval of the external auditor’s terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;

9.5.3.3 assessing the external auditor’s independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council’s relationship with the auditor, including the provision of any non-audit services;

9.5.3.4 satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);

9.5.3.5 monitoring the external auditor’s compliance with legislative requirements on the rotation of audit partners; and
9.5.3.6 assessing the external auditor’s qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee’s own internal quality procedures);

9.5.4 meet as needed with the external auditor. The committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor’s report and any issues arising from the audit;

9.5.5 review and make recommendations on the annual audit plan, and in particular it’s consistency with the scope of the external audit engagement;

9.5.6 review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:

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

9.5.6.2 any accounting and audit judgements; and

9.5.6.3 levels of errors identified during the external audit.

The committee shall also review the effectiveness of the external audit.

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

9.5.8 review the management letter and management’s response to the external auditor’s findings and recommendations.
9.6 Major Project Reporting

9.6.1 Review the financial status of Major Projects on a regular basis and recommend corrective action, if any, to Council for consideration.

10 Reporting responsibilities

10.1 The committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed.

11 Other matters

The committee shall:

11.1 have access to reasonable resources in order to carry out its duties;

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

11.3 give due consideration to laws and regulations of the Local Government Act, 1999;

11.4 make recommendations on co-ordination of the internal and external auditors;

11.5 oversee any investigation of activities which are within its terms of reference; and
11.6 oversee action to follow up on matters raised by the external auditors;

11.7 at least once a year, review its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

12. REVIEW

<table>
<thead>
<tr>
<th>Version No</th>
<th>Issue Date</th>
<th>Description of Change</th>
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<tbody>
<tr>
<td>1</td>
<td>13 May 2014</td>
<td>Initial Adoption by Council</td>
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<tr>
<td>2</td>
<td>April 2017</td>
<td>Amend Number of Independent Members</td>
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TERMS OF REFERENCE AND PROCEDURES

1. COMMENCEMENT
These Terms of Reference and Procedures will come into operation on the day on which Council establishes its Development Assessment Panel (DAP) pursuant to the provisions of the Development Act, 1993 (“the Act”) and should be applied with respect to the procedures to be observed at a meeting of the Panel.

Council’s DAP was first established on 10th March 2009. First meeting held on 15th April 2009.

2. INTERPRETATION

In these Terms of Reference and Procedures:

2.2 “Chief Executive Officer” means the District Manager of the Council.
2.3 “Council” means the District Council of Barunga West
2.4 “Member” means a member of the Panel.
2.5 “Panel” means the Council’s Development Assessment Panel (DAP) established by the Council pursuant to the provisions of the Act.
2.6 “Presiding Member” means the Member of the Panel who is appointed by the Council as its Presiding Member.

3. TERMS OF REFERENCE

The Council Development Assessment Panel (the Panel) has been established by the District Council of Barunga West to meet the requirements of Section 56A of the Development Act 1993, to make development plan decisions on behalf of council.

MISSION

To assist in the efficient and effective discharge of the development assessment functions of the District Council of Barunga West in accordance with the Development Act 1993 and Regulations thereunder, to ensure the achievement of the Objectives and Principles of Development Control contained in the relevant Development Plan.
OBJECTIVES

3.1 At all times exercise and perform its powers and functions in accordance with the Development Act of 1993 (as amended) and the Regulations thereunder.

3.2 To keep Council informed of its decisions and activities.

3.3 Determine development applications in accordance with the powers outlined herein.

3.4 Carry out the proceedings of the Panel in accordance with the meeting procedures outlined herein.

3.5 Maintain confidentiality where necessary whilst ensuring transparent and accountable decision-making and a reasonable level of public accessibility.

3.6 Ensure accountability of individual Panel Members in relation to declarations of potential conflicts of interest.

4. CONDITIONS OF MEMBERSHIP

The following conditions of Membership apply:

4.1 Membership of the Panel is at the pleasure of the Council.

4.2 Each Member of the Panel will be appointed at the discretion of the Council in accordance with the provisions of the Development Act.

4.3 The panel will consist of 6 members and a Presiding Member.

4.4 Three (3) of the Members will be Elected Members.

4.5 The remaining three (3) members will be independent of the operations of Council.

4.6 The Presiding Member will be an independent member also.

4.7 The members of the DAP will appoint the Deputy Presiding Member of the panel.

4.8 The Chief Executive Officer will be the designated Public Officer for the purposes of the DAP.

4.9 The Council representatives will be appointed by the Council, at the expiration of the terms of the DAP.
4.10 The Term of Office for a DAP Member will be for a maximum period of 2 years – (Members are eligible for reappointment).

4.11 Individual members must take reasonable steps to ensure regular attendance at meetings of the Panel.

4.12 A Member shall be considered present at a meeting where the Panel have made telephone contact or video conferencing arrangements for the Member to participate in the deliberations of the Panel.

4.13 No liability attaches to a member of the Panel for an honest act or omission by that member or the Panel in the performance or discharge, or purported performance or discharge, of the member’s or the Panel’s functions or duties.

4.14 Accountability of individual Panel Members shall be in accordance with Section 56A (7) (a) & (b) and (8) of the Development Act 1993 (as amended).

**Removal of a Member**

4.15 Council may remove any Member from membership of the Panel if that Member has been absent, without leave of the Council, from three or more consecutive meetings of the Panel.

4.16 Subject to giving a member of the Panel an opportunity to be heard or to make a written submission, the Council may resolve to remove a member upon a charge of misconduct detrimental to the interests of the Panel.

4.17 Grounds for removal include failure to declare an interest in a matter before the Panel in accordance with Section 56A(7) of the Development Act 1993.

4.18 Particulars of the charge shall be communicated to the member at least 14 days before the meeting of the Council at which the matter will be determined.

4.19 The determination of the Council shall be communicated to the member, and in the event of an adverse determination the member shall cease to be a member 14 days after the Council has communicated its determination to him/her.

**5. DELEGATIONS AND DUTIES OF THE PANEL**

The Panel will exercise any authority delegated to it, by Council, from time to time.

The Panel shall review the powers and functions under Part 4 of the Act which are delegated to the Panel at least once in every four years.
In exercise of the powers contained in Section 20 of the Development Act 1993 (“the Act”) the powers, and functions under the Act and the Development Regulations 1993 (“the Regulations”) which were delegated by the Council on the 14th day of April 2009, and amendments resulting from annual reviews thereafter, are hereby revoked and the following powers and functions under the Act and the Regulations, are hereby delegated on the 14th day of April 2009 to the Council Development Assessment Panel and such powers and functions may be further delegated by the Council Development Assessment Panel to an officer or officers of the Council.

The Panel has the power, as the relevant authority of the Development Act 1993, as follows:

**Section 33 - Assessment of Development Proposal**

1. The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters:
   1.1 the provisions of the appropriate Development Plan – Provisional Development Plan Consent;
   1.2 in relation to a proposed division of land (otherwise than by strata plan) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;
   1.3 in relation to a division of land by strata plan satisfaction of the conditions specified in Section 33(1)(d) of the Act;
   1.4 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner.

2. The power pursuant to Section 33(3) of the Act when granting a provisional development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.

**Section 35 - Special Provisions Relating to Development Plan Assessment**

3. The duty pursuant to Section 35(1) of the Act to grant provisional development plan consent if the Development Regulations or the relevant Development Plan describes any proposed development as a complying development.

4. The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.

5. The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as non-complying development.

**Section 37 - Consultation with other Authorities or Agencies**

6. The duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:
   6.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the regulations and including the Development Assessment Commission, and
6.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).

7. The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.

**Section 38 - Public Notice and Consultation**

8. The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.

9. The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.

10. The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.

11. The power pursuant to Section 38(10)(a) of the Act in respect of a Category 2 development, to allow a person who made a representation to appear personally or by representative before the Delegate.

12. The duty pursuant to Section 38(10)(b) of the Act in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate or the Council, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.

13. The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.

14. The duty pursuant to Section 38(12) of the Act where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person’s appeal rights under the Act, and give notice to the Environment, Resources and Development Court.

**Section 39 - Provision of Additional Information**

15. The power pursuant to Section 39(2) of the Act to request an applicant to:

15.1 provide such additional documents or information to enable assessment of the application;

15.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;
15.3 consult with an authority or body prescribed by the Regulations;

15.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and

15.5 comply with any other requirement prescribed by the Regulations.

16. Pursuant to Section 39(3)(b) of the Act where an applicant has been required to comply with one or more of the requirements specified in Section 39(2) of the Act and the requirement has not been complied with in the time specified by the Regulations, the power to refuse the application.

Section 39 - Variation of an Application

17. The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.

18. The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Development Regulations.

19. The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).

20. The power pursuant to Section 39(7) of the Act to approve of an application for variation of the conditions of the development authorisation previously given under the Development Act 1993, or to extend the period for which such authorisation remains operative.

21. The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.

22. The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.

Section 39 - Refuse Non-Complying Development

23. The power pursuant to Section 39(4)(a) and Section 39(5) of the Act 1993 and Regulation 17(3)(a) of the Regulations to refuse an application that relates to a development of the kind that is described as non-complying development under the Development Plan without proceeding to make an assessment of the application.
Section 40 - Notice of the Decision
24. The duty pursuant to Section 40(1) of the Act to give notice of a decision

Section 40 - Extension of Time of Development Authorisation
25. The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.

Section 42 - Attaching of Conditions
26. The power pursuant to Section 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.

Section 43 - Cancellation of Development Authorisation
27. The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.

Section 45 - Investigation of Development Assessment Performance
28. The power to prepare submissions to the Minister pursuant to Section 45A(2) and Section 45A(12) of the Act.
29. The duty to comply with a direction under Section 45A(11) or (13) in accordance with Section 45A(14) of the Act.

Section 49 - Crown Development
30. The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(9a) of the Act.
31. The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.

Section 50 - Open Space Contribution System
32. The power pursuant to Section 50(1) of the Act, with respect to applications for the division of land into more than 20 allotments (except by a strata plan) where one or more allotments is less than one hectare in area, to require:
32.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
32.2 that the applicant make a contribution as prescribed by Section 50(7) of the Act; or
32.3 that the land be vested in a Council and that the applicant make a prescribed contribution.
33. The power pursuant to Section 50(3) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.
34. The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and to pay that money into a trust fund and to apply that money for the purpose of acquiring or developing land as open space.

35. The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.

Section 51 - Certificate in Respect of the Division of Land

36. The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.

Section 52 - Saving Provisions

37. The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.

Section 101 - Seeking of Professional Advice

38. The power pursuant to Section 101(1) of the Act in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.

39. The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or approved by the Minister in relation to a matter prescribed by the Regulations.

General Delegations related to the Development Regulations 1993

Regulation 16 - Nature of Development

40. The duty pursuant to Regulation 16(1) of the Regulations where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.

41. The duty pursuant to Regulation 16(2) of the Regulations if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, to by notice in writing, inform the applicant of that fact.
Regulation 17 - Non-Complying Development

42. The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:
   43.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or
   43.2 resolve to proceed with an assessment of the application.

43. The duty pursuant to Regulation 17(4) of the Regulations in situations where the Council or Delegate has resolved to proceed with the assessment of an application for non-complying development, the duty to require the applicant to provide a statement of effect.

44. The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.

Regulation 18 - Notification of Tree-Damaging Activity to Owner

45. The duty pursuant to Regulation 18 of the Regulations:
   45.1 to give an owner of land notice of an application, which relates to a tree-damaging activity in relation to a significant tree, within five business days after the application is made; and
   45.2 to give due consideration, in the Delegate’s assessment of the application referred to above, to any submission made by the owner within a reasonable time after the giving of notice of the application under item 45.1 above.

Regulation 20 - Amended Applications

46. The power pursuant to Regulation 20(3) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.

47. The power to pursuant to Regulation 20(4) of the Regulations, where a variation to an application changes the essential nature of a proposed development to, (by agreement with the applicant), proceed with the variation on the basis that the application will be treated as a new application.

Regulation 22 - Withdrawal of an Application

48. The duty pursuant to Regulation 22 of the Regulations where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.

Regulation 23 Contravening Development

49. The power pursuant to Regulation 23(2) of the Regulations to, by notice in writing to the applicant, decline to proceed with an application until proceedings under the Act have been concluded.
Regulation 24, 25, 27 - Referrals and Concurrence

50. The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 to the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.

51. The duty pursuant to Regulation 25 of the Regulations where concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.

52. The duty pursuant to Regulation 27(1) of the Regulations where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.

Regulation 29 - Land Division Applications

53. The duty pursuant to Regulation 29(1) of the Regulations subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.

54. The power pursuant to Regulation 29(2) of the Regulations when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.

Regulation 30 - Underground Mains Area

55. The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.

56. The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.

57. The power pursuant to Regulation 30(4) of the Regulations where a development includes the division of land within or partly within an underground mains area to require, as a condition of the decision, that any electricity mains be placed underground.

Regulation 36 - Response by Applicant

58. The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation.
Regulation 38 - Report to the Development Assessment Commission

59. Where the Development Assessment Commission is the relevant authority, the power to provide a report to the Development Assessment Commission on the matters under the Development Act and Regulations under Section 33(1) of the Development Act 1993 pursuant to Regulation 38(1)(2)(b).

Regulation 39 - Commission as Relevant Authority

60. The duty pursuant to Regulation 39 of the Regulations where the Development Assessment Commission is required to make a decision in respect of the assessment of a development against the provisions of the relevant Development Plan, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission has made its decision.

Regulation 42 - Notification of Decision

61. The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act.

62. The duty pursuant to Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.

63. The duty pursuant to Regulation 44 of the Regulations to send a copy of a development authorisation issued in relation to a proposed division of land to the Development Assessment Commission.

64. The duty pursuant to Regulation 45 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.

65. The duty pursuant to Regulation 46(1) of the Regulations to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.

66. The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the provisional building rules consent.

Regulation 48 - Lapse of Consent or Approval

67. The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part IV of the Development Act will lapse.
Regulation 51 - Width of Roads and Thoroughfares

68. The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.

69. The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.

Regulation 52 - Road Widening

70. The power pursuant to Regulation 52(1) of the Regulations to require a road widening where land to be divided abuts an existing road.

Regulation 53 - Requirement as to Forming of Roads

71. The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.

72. The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the delegate is of the opinion that the cul-de-sac is likely to become a through road.

73. The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water tables, kerbing, culverts and drains on proposed roads.

Regulation 54 - Construction of Roads, Bridges, Drains and Services

74. The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.

Regulation 55 - Supplementary Land Division Provisions

75. The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, watertable, kerbing, culvert and drain.

76. The duty pursuant to Regulation 55(2) of the Regulations to consider and if appropriate approve detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.
77. The duty pursuant to Regulation 55(4) of the Regulations to consider and if appropriate accept that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.

**Regulation 59 - Division of Land by Strata Title**

78. The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.

**Regulation 64 - Major Project Decisions**

79. The duty pursuant to Regulation 64(2) of the Regulations where a Development Application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty to ensure that the assessment is consistent with any provisional development plan consent previously given under Section 48 of the Act.

**Paragraph 3 of Schedule 8**

**Schedule 8 - Development Adjacent to Main Roads**

80. The power for the purposes of the provisions of Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to alter an existing access or change the nature of movement through an existing access or create a new access or encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972 in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).

**Paragraph 5 of Schedule 8**

**Schedule 8 - State Heritage Places**

81. The power pursuant to Paragraph 5(1) of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated.

**Paragraph 10 of Schedule 8**

**Schedule 8 - Activity of Environmental Significance**

82. The power, pursuant to Paragraph 10(b) of Clause 2 of Schedule 8 of the Regulations where development involves, or is for the purposes of, an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or
addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.

Schedule 9

Schedule 9 - Part One, Category One Development

83. The power pursuant to Paragraph 1 of Part 1 of Schedule 9 to the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.

84. The power pursuant to Paragraph 2(1)(f) of Part 1 of Schedule 9 to the Regulations to form the opinion that a development is of a kind which is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality of the site of the development.

85. The power pursuant to the following designated sub-paragraphs of Paragraph 3 of Part 1 of Schedule 9 to the Regulations where a development is classified as non complying under the relevant Development Plan, to form the opinion that:

85.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub paragraph (a);

85.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to subparagraph (b).

86. The power pursuant to Paragraph 5 of Part 1 of Schedule 9 to the Regulations to form the opinion:

86.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and

86.2 whether the division will change the nature or function of an existing road.

87. The power pursuant to Paragraph 11 of Part 1 of Schedule 9 to the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.

88. The power pursuant to Paragraph 17 of Part 2 of Schedule 9 to the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:

88.1 that in respect of a proposed division of land that the applicant’s proposed use of the land, is for a proposed use which is consistent with the zone or area under the Development Plan; and
88.2 whether the proposed division will change the nature or function of an existing road.

Schedule 10
Schedule 10 - Decisions By Development Assessment Commission

89. In circumstances where the Council is undertaking development within the meaning of that term under Section 4 of the Development Act 1993; and :-

89.1 the development involves the construction (but not alteration of or change in use to a hotel or tavern, or tourist accommodation, or an entertainment complex, or a cinema, or a hospital) but where the Council’s interest is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2A(a) of Schedule 10 to the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected;

89.2 in a situation where the development involves the construction of, or a change in use to, a shop or office or the construction of a building for the purposes of, or a change in use to, a form of industry and the interest of the Council is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2A(b) of Schedule 10 to the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected.

6. OPERATING PROCEDURES

Objects of Procedures

1. procedures should be fair and contribute to open, transparent and informed decision-making;
2. procedures should encourage appropriate community participation in the affairs of the council;
3. procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
4. procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

The following shall apply to the setting of meetings, matters to be considered, the procedures to be followed, and reporting of the Panel:

6.1 Meetings

1. The Panel will meet monthly unless otherwise determined by Council from time to time.

2. The Panel shall hold its meetings at a time and location as directed.

3. A special meeting of the Barunga West Council Development Assessment Panel may be called by the Presiding Member or any three members of the Panel. The Chief Executive Officer must be provided with an agenda for the meeting at the time of the request or the request will be of no effect. The Chief Executive Officer must deal with a request for a special meeting of the Panel in the same manner as a request for a special meeting of the Council.

4. Written notice of a meeting of the Council Development Assessment Panel must be given to
each member of the Panel at least five (5) clear days before the date of the meeting. The notice must set out the date, time and place of the meeting, be signed by the Chief Executive Officer of the Council and contain or be accompanied by the agenda for the meeting. The notice may be given to a member of the Council Development Assessment Panel -

(a) personally; or
(b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or
(c) by leaving the notice for the member at an appropriate place at the principle office of the Council, if authorised in writing by the member to do so; or
(d) by a means authorised in writing by the member as being an available means of giving notice (e.g. facsimile transmission)

5. A notice that is not given in accordance with sub-section (3) is taken to have been validly given if the Chief Executive Officer considers it impracticable to give the notice in accordance with that sub-section and takes action the Chief Executive Officer considers reasonably practicable in the circumstances to bring the notice to the attention of the member.

6. The Chief Executive Officer must maintain a record of all notices of meetings given to members of the Panel.

7. The Panel will meet at 6.00 p.m. on the third Wednesday of every month subject to there being business to consider.

8. The Panel will meet in the Council Chambers of the Town Hall, 51 Taylor Street, Kadina, Council Chambers of the Town Hall, Irwin Street, Wallaroo or the Council Chambers of the Town Hall, 71 George Street, Moonta, or at such other places as the Panel may determine.

9. All meetings of the Panel shall be conducted in a place open to the public except in circumstances in which the Panel may lawfully exclude the public from attendance pursuant to the relevant provisions of the Act.

6.2 Agendas

1. At each meeting, the order of business shall be as follows:
   1 Opening of Meeting
   2 Apologies
   3 Minutes of previous meeting to be confirmed
   4 Declaration of Conflict of Interest
   5 Officer’s Report
      5.1 Governance Reports
      5.2 Development Applications (with sequential numbering of active reports)
         5.2.1 Public Notification Applications – Category 3
         5.2.2 Public Notification Applications – Category 2
         5.2.3 Merit Development Applications – Category 1
   6 Matters for the Panels Attention
   7 Closure.
2. The agendas for every meeting of the Panel shall be placed on public display in the principal office of the Council at least three business days before the relevant meeting.

6.3 Commencement of meetings and quorums

1. A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

2. The Presiding Member shall if present preside at all meetings of the Panel.

3. When the Presiding Member is absent from a meeting the Deputy Presiding Member will act as Presiding Member for the duration of the meeting.

6.4 Quorum for the Panel Meeting

1. The Prescribed number of Members of the Panel constituting a quorum of the Panel is a number ascertained by dividing the total number of Members of the Panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding one and no business can be transacted at a meeting unless a quorum is present.

2. If the number of apologies received by the Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.

3. If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member will adjourn the meeting to a specified day and time.

4. If a meeting is adjourned for want of a quorum, the Presiding Member will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.

5. If a meeting is adjourned to another day, the Chief Executive Officer must-

   5.1 give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and

   5.2 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

4.5 Minutes

1. The Chief Executive Officer shall ensure that accurate minutes are kept of the proceedings at every meeting of the Panel.

   1.1 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
1.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

1.3 On the confirmation of the minutes, the Presiding Member will-
   a. initial each page of the minutes, which pages are to be consecutively numbered; and
   b. place his or her signature and the date of confirmation at the foot of the last page of the minutes.

1.4 The minutes of the proceedings of a meeting must include-
   a. the names of the members present at the meeting; and
   b. in relation to each member present-
      i. the time at which the person entered or left the meeting; and
      ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
   c. each motion or amendment, and the names of the mover and seconder; and
   d. any amendment or withdrawal of a motion or amendment; and
   e. whether a motion or amendment is carried or lost; and
   f. any disclosure of interest made by a member; and
   g. details of any adjournment of business; and
   h. any other matter required to be included in the minutes by or under the Act or any regulation.

2. Minutes of every meeting of the Panel shall be placed on public display in the principal office of the Council within five days after the meeting.

3. The Panel may, before it releases a copy of any minutes to the public, exclude from the minutes information about any matter dealt with on a confidential basis by Members of the Panel.

4.6 Procedure for Voting

1. The Presiding Member will, in taking a vote, ask for the votes of those Members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
2. A Member who is not in his or her seat is not permitted to vote.

3. Every decision of the Panel shall be decided by consensus or in the absence of consensus via a majority of votes of all members present and in the event of a tied vote the conferral upon the Presiding Member of a casting vote.

4. All members present must cast a vote. Subject to a member of the Council Development Assessment Panel having a direct or indirect personal or pecuniary interest in accordance with Section 56A(7) and (8) of the Development Act 1993, each member present at a meeting of the Council Development Assessment Panel must vote on a question arising for decision.

5. The minutes must include any disclosure of an interest pursuant to Section 56A(7) of the Development Act 1993.

4.7 Divisions

1. A division will be taken at the request of a member.

2. If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.

3. The division will be taken as follows-
   3.1 the Members voting in the affirmative will, until the vote is recorded, stand in their places; and
   3.2 the Members voting in the negative will, until the vote is recorded, sit in their seats; and
   3.3 the Presiding Member will count the number of votes and then declare the outcome.

4. The Presiding Member will record in the minutes the names of Members who voted in the affirmative and the names of the Members who voted in the negative (in addition to the result of the vote).

4.8 Questions

1. A member may ask a question without notice at a meeting.

2. The Presiding Member may allow the reply to a question without notice to be given at the next meeting.

3. A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

4. The Presiding Member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

4.9 Motions
1. The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Panel.

2. A motion will lapse if it is not seconded at the appropriate time.

3. A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

4. A member may only speak once to a motion except:
   
   4.1 to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

   4.2 as the mover in reply.

5. A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

6. A member who has not spoken in the debate on a question may move a formal motion.

7. Formal motion are as follows:

   7.1 that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

   7.2 that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate; or

   7.3 that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

   7.4 that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

   7.5 that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

8. If seconded, a formal motion takes precedence and will be put by the Presiding Member without discussion.
9. A formal motion does not constitute an amendment to a substantive motion.

10. If a formal motion is lost -

10.1 The meeting will be resumed at the point at which it was interrupted; and

10.2 If the formal motion was put during the debate (and not at the end of debate) on a question, then a similar formal motion (ie, a motion to the same effect) cannot be put until at least one member has spoken on the question.

11. A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

4.10 Amendments to motions

1. A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

2. An amendment will lapse if it is not seconded at the appropriate time.

3. A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

4. If an amendment is lost, only one further amendment may be moved to the original motion.

5. If an amendment is carried, only one further amendment may be moved to the original motion.

4.11 Variations

1. The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

2. The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

4.12 Addresses by members

1. A member must not speak for longer than five minutes at any one time unless leave of the meeting is granted for a further five minutes.

2. The contribution of a member must be relevant to the subject matter of the debate.
4.13 Adjourned business

1. If a formal motion for a substantive motion to be adjourned is carried-
   1.1 the adjournment may either be to a later hour of the same day, to another day, or to
   another place; and
   1.2 the debate will, on resumption, continue from the point at which it was adjourned.

2. If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate
   will, on resumption, continue from the point at which it was interrupted.

3. Business adjourned from a previous meeting must be dealt with before any new business at a
   subsequent meeting.

4.14 Short-term suspension of proceedings

1. If the Presiding Member considers that the conduct of a meeting would benefit from suspending
   the operation of all or some of the provisions of these Procedures for a period of time in order to
   allow or facilitate informal discussions, the Presiding Member may, with the approval of at least
   two-thirds of the Members present at the meeting, suspend the operation of these Procedures for
   a period determined by the Presiding Member.

2. If a suspension occurs-

   2.1 a note of the suspension, including the reasons for and period of suspension, must be
       entered in the minutes; and

   2.2 the meeting may proceed provided that a quorum is maintained but, during the period of
       suspension no motion may be moved, seconded, amended or voted on, other than a motion
       that the period of suspension should be brought to an end; and

   2.3 The period of suspension should be limited to achieving the purpose for which it was
       declared; and

   2.4 The period of suspension will come to an end if -

       (i) the Presiding Member determines that the period should be brought to an end; or

       (ii) at least two-thirds of the Members present at the meeting resolve that the period
            should be brought to an end.

4.15 Reporting Requirements

1. For the purpose of Section 56A(2)(b) of the Development Act 1993 the Panel will provide advice
   and reports to the Council on trends, issues and matters relating to planning or development that
   have become apparent or arisen through its assessment of applications under the Development
   Act.
4.16 Representations and Site Inspections

1. No provision is made in these procedures for applicants or pending applicants to meet with Panel members outside of formal DAP meetings, similarly no provision is made for informal inspections of requisite properties.

2. In the event that applicants or pending applicants seek to make representations to DAP members, that person or persons shall be invited to appear as a representor before the DAP and should make such a request to do so through the Chief Executive Officer.

3. Inspections of properties the subject of applications will be co-ordinated through the Chief Executive Officer.

4. In the event of a site inspection DAP members will be accompanied by the appropriate Council Officer/s following the making of necessary arrangements. Such arrangements will include advice of the site inspection being provided to all DAP members and subsequent advice of the inspection being provided to the applicant/s.

5. The Chief Executive Officer will consult with the Presiding Member in respect to representations and site inspections.

4.17 Review and Adoption

1. The Panel shall be authorized to amend, substitute or revoke these Procedures at any time by resolution supported by at least two thirds of the members of the Panel.

2. The operation and content of the Terms of Reference shall be reviewed by the Panel at least once every four years.

The guiding principles of this Terms of Reference was last reviewed by the DC Copper Coast Council Development Assessment Panel at a meeting held on 18th February 2009.

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<thead>
<tr>
<th>Date</th>
<th>Revision Number</th>
<th>Description of Change</th>
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<tr>
<td>Nov 2016</td>
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<td>Adoption by DAP</td>
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DETERMINATION OF THE REMUNERATION TRIBUNAL
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS

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

INTERPRETATION
3. In this Determination, unless the contrary appears:
   “Committee” means a committee established by a council in terms of section 41 of the Act.
   “Councillor” means a person appointed or elected as a member of a local government council under the Act.
   “Principal Member” means a principal member under the Act.
   “Prescribed Committee” means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:
   • Audit
   • Chief Executive Officer performance review
   • Corporate services
   • Finance
   • Governance
   • Infrastructure and works
   • Risk management
   • Strategic planning and development

ALLOWANCES
4. Councillors
   The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee shall be as follows:
Council Groups are provided in Appendix 1.

5. **Principal Members**

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

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

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

7. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, at the following rates:
   
a. Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of $230 per meeting limited to an aggregate amount of allowance of $1,380 per annum;
   
b. Where the councillor is a member of a council in Group 2 or Group 3; an allowance of $170 per meeting limited to an aggregate amount of allowance of $1,020 per annum;
   
c. Where the councillor is a member of a council in Group 4 or Group 5; an allowance of $110 per meeting limited to an aggregate amount of allowance of $660 per annum.

**TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS**

8. An allowance of $410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 30 kms but less than 50 kms from that council’s principal office, via the most direct road route.

9. An allowance of $700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 50 kms but less than 75 kms from that council’s principal office, via the most direct road route.

10. An allowance of $1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 75 kms but less than 100 kms from that council’s principal office, via the most direct road route.

11. An allowance of $1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located 100 kms or more from that council’s principal office, via the most direct road route.

12. The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.
13. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

DATE OF OPERATION

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

John Lewin
PRESIDENT

Peter Alexander
MEMBER

Pamela Martin
MEMBER

Dated this 30th day of August 2018
## Appendix 1 – Council Groups

### GROUP 1A
- City of Charles Sturt
- City of Onkaparinga
- City of Port Adelaide Enfield
- City of Salisbury

### GROUP 1B
- City of Holdfast Bay
- City of Marion
- City of Mitcham
- City of Playford
- City of Tea Tree Gully
- City of West Torrens

### GROUP 2
- Adelaide Hills Council
- Alexandrina Council
- Barossa Council
- Campbelltown City Council
- City of Burnside
- City of Mount Gambier
- City of Prospect
- City of Norwood Payneham and St Peters
- City of Unley
- City of Whyalla
- District Council of Mount Barker
- Port Augusta City Council
- Rural City of Murray Bridge
- Town of Gawler

### GROUP 3
- Berri Barmera Council
- City of Port Lincoln
- City of Victor Harbor
- Clare and Gilbert Valleys Council
- District Council of Loxton Waikerie
- District Council of The Copper Coast
- District Council of Yorke Peninsula
- Light Regional Council
- Mid Murray Council
- Naracoorte Lucindale Council
- Port Pirie Regional Council
- Tatiara District Council
- Wattle Range Council

### GROUP 4
- Adelaide Plains Council (formerly Mallala)
- Corporation of the Town of Walkerville
- District Council of Coorong
- District Council of Grant
- District Council of Lower Eyre Peninsula
- District Council of Yankalilla
- District Council of Renmark Paringa
- Kangaroo Island Council
- Northern Areas Council
- Regional Council of Goyder
- Wakefield Regional Council

### GROUP 5
- District Council of Barunga West
- District Council of Ceduna
- District Council of Cleve
- District Council of Coorong
- District Council of Ellistown
- District Council of Franklin Harbour
- District Council of Karoonda East Murray
- District Council of Kimba
- District Council of Mount Remarkable
- District Council of Orroroo Carrieton
- District Council of Peterborough
- District Council of Robe
- District Council of Streaky Bay
- District Council of Tumby Bay
- Flinders Ranges Council
- Kingston District Council
- Southern Mallee District Council
- Wudinna District Council
Appendix 2 – Non – Metropolitan Councils

Adelaide Hills Council
Adelaide Plains Council (formerly Mallala)
Alexandrina Council
Berri Barmera Council
Barossa Council
City of Whyalla
Clare and Gilbert Valleys Council
District Council of Barunga West
District Council of Ceduna
District Council of Cleve
District Council of Coober Pedy
District Council of Coorong
District Council of Elliston
District Council of Franklin Harbour
District Council of Grant
District Council of Karoonda East Murray
District Council of Kimba
District Council of Lower Eyre Peninsula
District Council of Loxton Waikerie
District Council of Mount Barker
District Council of Mount Remarkable
District Council of Orroroo Carrieton
District Council of Peterborough

District Council of Renmark Paringa
District Council of Robe
District Council of Streaky Bay
District Council of The Copper Coast
District Council of Tumby Bay
District Council of Yankalilla
District Council of Yorke Peninsula
Flinders Ranges Council
Kangaroo Island Council
Kingston District Council
Light Regional Council
Mid Murray Council
Naracoorte Lucindale Council
Northern Areas Council
Port Augusta City Council
Port Pirie Regional Council
Regional Council of Goyder
Rural City of Murray Bridge
Southern Mallee District Council
Tatiara District Council
Wakefield Regional Council
Wattle Range Council
Wudinna District Council
1. Preamble

The Barunga West Council ("the Council") will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the Act and the Regulations. This policy summarises the provisions of the Act and Regulations in respect to Elected Members allowances, expenses and support, and sets out the types of expenses and the circumstances in which those expenses will be reimbursed.

In setting this Policy, Council has taken into consideration the overall support provided to Elected Members, ie annual allowances paid, expenses reimbursed and facilities/services provided pursuant to the Act (Section 76 ‘Allowances’; Section 77 ‘Reimbursement of Expenses; and Section 78 ‘Provision of Facilities and Support’.

The Elected Members allowances contained within this Policy Document will be reviewed annually and the entire Policy Document will lapse at the conclusion of the next general election of the Council.

2. The Principles

This Policy Document is underpinned by the following principles:-

☐ Elected Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
☐ Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their Council functions and duties
☐ Elected Members are entitled to receive:
- an annual allowance as provided in Section 76 of the Act and Regulation 4;
- reimbursement of prescribed travelling and child/dependant care expenses associated with attendance at Council/Committee Meetings, pursuant to Section 77(1)(a) of the Act and Regulation 5.

Regulation 5;
☐ Council has also agreed to:
- reimburse certain prescribed expenses pursuant to Section 77(1)(b) of the Act and Regulation 6;
☐ - provide Elected Members with facilities and support to assist them in performing and discharging their functions and duties pursuant to Section 78 of the Act.
3. Roles and Responsibilities

This policy will apply to all Elected Members of the Council. The Chief Executive Officer is responsible for:

- implementing expense reimbursement procedures in accordance with this policy;
- maintaining a Register of Allowances and Benefits as prescribed in Section 79 of the Act and Regulation 7;
- implementing a review of allowances paid to Elected Members annually, pursuant to Section 76 (5) of the Act;

4. Entitled Allowances and Reimbursements

4.1 Allowances

Elected Members are entitled to receive the following annual allowances pursuant to Section 76 of the Act, as established by the Remuneration Tribunal, to help cover the cost of performing and discharging their official functions and duties:

- Mayor $26,000
- Deputy Mayor $8,125
- Elected Member $6,500

The legislation requires that these allowances will be increased by the Consumer Price Index annually on the first, second and third anniversaries of the relevant periodic elections.

These allowances will be paid three monthly in advance.

4.2 Travel and Dependant Care

In addition to any allowance paid under Section 76 of the Act, Elected Members are entitled to receive reimbursement for travelling within the area of the Council and dependent care expenses associated with attendance at Council and Committee Meetings pursuant to Section 77(1)(a) of the Act as detailed below:

- reimbursement is restricted to “eligible journeys” (as defined in Regulation 3) by the shortest or most practicable route and to the part of the journey within the Council area i.e. any travelling outside the Council area in order to attend Council or Committee meetings.
where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed in Section 82KX(1)(a) of the Income Tax Assessment Act 1936. Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.

- child / dependant care expenses are not reimbursed if the ‘care is provided by a relative of the Member who ordinarily resides with the Member’. A definition of “relative” is contained in Section 4 of the Act.

5. Additional Reimbursement and Support

Pursuant to the provisions of Section 77(1)(b) of the Act, the Council approves the reimbursement of expenses and support to Elected Members as follows:-

5.1 Travelling Expenses

In addition to eligible journeys (as defined in Regulation 3), Elected Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to and from a function or activity on the business of Council. The following conditions apply to these expenses:-

- Travel both within and outside the Council area must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of Council. A ‘function or activity of Council’ means official Council functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc; attendance at Meetings of community groups and organisations as a Council appointed delegate, but not to attend Meetings of community groups or organisations when fulfilling the role of local representative, as the Elected Members allowances provides for this.
- Reimbursement is restricted to the shortest or most practicable route.
- Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to the shortest or most practicable route and must be first approved by Council.
- Travel within the Council area if incurred as a result of a request from Council or Council Senior Staff.
- Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed in Section 82KX(1)(a) of the Income Tax Assessment Act 1936.
5.2 Other Expenses

Pursuant to Section 77(1)(b) of the Act, Council approves reimbursement of:-

☐ Expenses incurred by the Elected Member as a consequence of the Elected Member’s attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance and/or discharge of the roles or duties of the Elected Member. Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved by Council or under delegation and/or Policy.

☐ Expenses incurred by the Mayor, Deputy Mayor and their partners for registration, meals, airfares and accommodation associated with conferences, meetings and seminars relating to Local Government including Local Government Association of South Australia, Central Local Government Association and Australian Local Government Association as detailed in Council’s Annual Business Plan.

5.3 Facilities and Support

Pursuant to Section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected members to assist them in performing or discharging their official functions and duties:

- Tablet Computer

These facilities and services are made available on the following basis:

- They are necessary or expedient for the Member to perform or discharge his/her official functions or duties,

- The facilities remain the property of Council and will not be used for a purpose unrelated to official functions and duties unless the use has been approved by Council and the Member has agreed to reimburse Council for any costs associated with that use.

In addition, the Council has determined that the provision of the above facilities and support are made available to all Elected Members (including the Principal member) on the following terms:

- Each Elected member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;

- All facilities and any remaining unused consumables must be returned to the Council at the end of each term in office, upon the office of a member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
• If the facilities provided to the Elected member are damaged or lost the Elected member must lodge a written report with the Council officer responsible for this Policy.

6. Expenses and Support Requiring Council Approval

All other expenses, reimbursement and support not detailed within this Policy Document will require approval by Council on a case by case basis.

7. Claims for Reimbursement

Elected Members are required to provide details of kilometres travelled and / or evidence of expenses incurred to support all reimbursements claimed. Procedures have been established which will require evidence of expenses incurred to support reimbursements claimed. Details are not required of expenses paid out of the Elected Member’s allowance.

All claims for reimbursement must be submitted to the Chief Executive Officer (or other delegated Officer) on the forms provided for this purpose. Payment of reimbursements will be processed as soon as possible after the Chief Executive Officer has authorised the claims, or in the case of travelling expenses, every six months.

8. Register of Allowances and Benefits

Pursuant to Section 79 of the Act, the Chief Executive Officer will maintain a record of the annual allowances paid to Elected Members under Section 76 of the Act, any expenses reimbursed to an Elected Member under Section 77(1)(b) of the Act and any other benefits paid or provided to an Elected Member, with the exception of reimbursements paid under Section 77(1)(a) of the Act.

9. Miscellaneous Matters

9.1 Travelling Expenses Not Previously Authorised by Council

In the event that this Policy Document does not provide clear guidance on whether a claim for travelling to a particular Meeting or function is covered, the Elected Member may contact the Chief Executive Officer to seek a determination on whether or not payment is likely to comply with this Policy Document.

9.2 Use of Council Vehicles

The Principal Member and any other Elected Member of Council shall be permitted to use a Council vehicle to attend a Local Government related function, meeting or activity at Council’s expense when a Council vehicle is available.
9.3 Facsimile Purchase for the Principal Member

The Council may provide a facsimile machine for installation at the Mayor’s private residence, whoever the Mayor may be, and that the facsimile machine will remain the property of the Council.

9.4 Facsimile Purchase for the Deputy Chairperson

The Council may provide a facsimile machine for installation at the Deputy Mayor’s private residence, whoever the Deputy Mayor may be, and that the facsimile machine will remain the property of the Council.

9.5 Installation of Second Telephone Lines for Facsimile Machines

The Council may cover the cost of installation of a second telephone line for Elected Members facsimile machines with the Elected Members being responsible for the payment of the ongoing rental fees.

10. Document Control

The electronic version of this Policy Document stored on the Council intranet is the controlled version. Printed or hard copies of this Policy Document are uncontrolled. Before using or relying on a printed or hard copy of this Policy Document, the user must verify that it is the current version.

11. Interpretation

Any ambiguity or difficulty in the interpretation of this Policy Document shall be referred to the Chief Executive Officer and if needed, the Council for direction. Non-English translations of the Policy Document can be arranged if required. Persons having a special need that prevents them from understanding the contents of this Policy Document shall be provided with the Policy Document in a format that suits their needs.

12. Public Availability of Policy Document

The public may inspect a copy of this Policy Document, without charge, at the offices of the Council during normal office hours, and may obtain a copy for a fee fixed by the Council, if any. Further enquiries in relation to the Policy Document should be directed to the Chief Executive Officer, by telephoning 8635 2107 or emailing barunga@barungawest.sa.gov.au.
13. Review of Policy Document

The Council may review this Policy Document from time to time, however it is anticipated that an annual review of the Policy Document will be undertaken.

14. Adoption of Policy Document

This Council Policy Document “Elected Members Allowances and Support” was reviewed and adopted by the Barunga West Council as detailed in the following table.

<table>
<thead>
<tr>
<th>DATE</th>
<th>REVISION NO</th>
<th>REASON FOR AMENDMENT</th>
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<tbody>
<tr>
<td>11 February 2010</td>
<td>Rev 01</td>
<td>Adopted by Council.</td>
</tr>
<tr>
<td>23 November 2010</td>
<td>Rev 02</td>
<td>Updated Benefits due to Remuneration Tribunal determination.</td>
</tr>
<tr>
<td>11 February 2014</td>
<td>Rev 03</td>
<td>Inclusion of Facilities and Support.</td>
</tr>
<tr>
<td>10 November 2015</td>
<td>Rev 04</td>
<td>Updated Benefits due to Remuneration Tribunal determination.</td>
</tr>
<tr>
<td>20 November 2018</td>
<td>Rev 05</td>
<td>Updated Benefits due to Remuneration Tribunal determination.</td>
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</tbody>
</table>

Appendices / Attachments

The following Appendices / Attachment(s) form part of this Policy Document.
- Appendix 1 Local Government Act 1999, Chapter 5, Part 5
- Appendix 2 Local Government (Members Allowances and Benefits) Regulations 1999
Appendix 1 Local Government Act 1999, Chapter 5, Part 5

Part 5—Allowances and benefits

76—Allowances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).

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

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

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

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

(13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.
(14) Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.

(15) In this section—

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

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

77—Reimbursement of expenses

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

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

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

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

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

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

78—Provision of facilities and support

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

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

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

   (b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);
(c) any property provided to a member remains the council's.

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

78A—Obtaining of legal advice

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

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

(3) The scheme or a policy adopted under the scheme may—
   (a) impose limitations on the obtaining of legal advice; and
   (b) provide for a process for approval of requests to obtain legal advice; and
   (c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and
   (d) provide for a council to set an overall budget for the purpose; and
   (e) include other relevant provisions.

79—Register of allowances and benefits

(1) The chief executive officer of a council must ensure that a record (the Register of Allowances and Benefits) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—
   (a) the annual allowance payable to the member; and
   (b) details of any expenses reimbursed by the council under section 77(1)(b); and
   (c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.

(2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—
   (a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or
(b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.

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

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

80—Insurance of members

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

Part 6—Training and development

80A—Training and development

(1) A council must prepare and adopt a training and development policy for its members.

(2) The policy must—

   (a) be aimed at assisting members in the performance and discharge of their functions and duties; and
   
   (b) comply with any requirements prescribed by the regulations.

(3) A council may from time to time alter its policy, or substitute a new policy.

(4) A person is entitled to inspect (without charge) a policy under this section at the principal office of the council during ordinary office hours.

(5) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under this section.
Appendix 2 Local Government (Members Allowances and Benefits) Regulations 2010

Contents
1 Short title
2 Commencement
3 Interpretation
4 Allowances—section 76
5 Reimbursement of expenses—section 77(1)(a)
6 Expenses requiring council approval—section 77(1)(b)
7 Register of allowances and benefits

Schedule 1—Revocation of Local Government (Members Allowances and Benefits) Regulations 1999

Legislative history

1—Short title

These regulations may be cited as the Local Government (Members Allowances and Benefits) Regulations 2010.

2—Commencement

These regulations will come into operation on 15 November 2010.

3—Interpretation

In these regulations—

Act means the Local Government Act 1999;

eligible journey means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting;

prescribed meeting, in relation to a member of a council, means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

4—Allowances—section 76

(1) For the purposes of section 76 of the Act, an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.
(2) For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar).

5—Reimbursement of expenses—section 77(1)(a)

(1) Subject to this regulation, for the purposes of section 77(1)(a) of the Act, the kinds of expenses for which a member of a council will be reimbursed are as follows:

(a) travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if—
   (i) the journey is an eligible journey; and
   (ii) the journey is by the shortest or most practicable route;

(b) expenses for the care of—
   (i) a child of the member; or
   (ii) a dependant of the member requiring full-time care, actually and necessarily incurred by the member as a consequence of the member’s attendance at a prescribed meeting.

(2) However—

(a) in relation to the operation of subregulation (1)(a)—
   (i) if an eligible journey relates to travel between a place within the area of a council and a place outside the area of a council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council; and
   (ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth; and

(b) in relation to the operation of subregulation (1)(b)—a member of a council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.

(3) A council may aggregate claims for reimbursement of expenses under subregulation (1)(a) that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.
6—Expenses requiring council approval—section 77(1)(b)

For the purposes of section 77(1)(b) of the Act, the following kinds of expenses for which a member of a council may be reimbursed are prescribed:

(a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;

(b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);

(c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;

(d) expenses for the care of—
   (i) a child of the member; or
   (ii) a dependant of the member requiring full-time care,

incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);

(e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).

7—Register of allowances and benefits

Pursuant to subsections (1) and (2) of section 79 of the Act, it will be a principle under those subsections that the chief executive officer will only be required—

(a) to enter details of any expenses reimbursed under section 77(1)(b) of the Act (in the case of section 79(1)(b)), or of other benefits paid or provided (in the case of section 79(1)(c)); or

(b) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis.¹

Note—

¹ Reimbursements under section 77(1)(a) of the Act are not required to be recorded in the Register of Allowances and Benefits.
ELECTED MEMBERS’
POST ELECTION MANDATORY TRAINING PROGRAM

Wakefield Regional Council and Barunga West Council

Tuesday, 27 November 2018

<table>
<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>10:00am – 11:30am</td>
<td>Module 1 – Introduction to Local Government</td>
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<tr>
<td>11:30am – 12:30pm</td>
<td>Module 2 – Legal Responsibilities</td>
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<tr>
<td>12:30pm – 1:00pm</td>
<td>Lunch break</td>
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<tr>
<td>1:00pm – 2:00pm</td>
<td>Module 2 – Legal Responsibilities (continued)</td>
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<tr>
<td>2:00pm – 3:30pm</td>
<td>Module 3 - Council &amp; Committee Meetings</td>
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