



# Council Agenda

# AGENDA

## NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall  
Moseley Square, Glenelg**

**Tuesday 12 March 2013 at 7.00pm**

Justin Lynch  
CHIEF EXECUTIVE OFFICER



## Ordinary Council Meeting Agenda

### 1. OPENING

*His Worship the Mayor will declare the meeting open at 7:00pm.*

### 2. KAURNA ACKNOWLEDGEMENT

*We acknowledge Kurna people as the traditional owners and custodians of this land.*

*We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.*

### 3. PRAYER

*Heavenly Father, we pray for your presence and guidance at our Council Meeting.*

*Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.*

### 4. APOLOGIES

4.1 Apologies Received - Nil

4.2 Absent

### 5. ITEMS PRESENTED TO COUNCIL

### 6. DECLARATION OF INTEREST

*If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.*

### 7. CONFIRMATION OF MINUTES

#### Motion

**That the minutes of the Ordinary Meeting of Council held on 26 February 2013 be taken as read and confirmed.**

Moved Councillor \_\_\_\_\_, Seconded Councillor \_\_\_\_\_

**Carried**

**8. QUESTIONS BY MEMBERS**8.1 **Without Notice**8.2 **With Notice - Nil****9. MEMBER'S ACTIVITY REPORTS - Nil****10. PUBLIC PRESENTATIONS**10.1 **Petitions - Nil**10.2 **Presentations - Nil**10.3 **Deputations**

10.3.1 Meg Schroder – Glenelg Foreshore Building

*Mayor Rollond has approved a deputation from Meg Schroder***Motion**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
  - b. Information the disclosure of which –
    - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
    - (ii) would, on balance, be contrary to the public interest, as the benefit or detriment to Council in not disclosing information relating to Deputation – Meg Schroder – Glenelg Foreshore Building outweighs the public interest at this time.

Moved Councillor \_\_\_\_\_, Seconded Councillor \_\_\_\_\_ **Carried/Lost**

**Deputation – Meg Schroder – Glenelg Foreshore Building*****Order to Retain Documents in Confidence*****Motion****That this matter not be retained in confidence.**Moved Councillor \_\_\_\_\_, Seconded Councillor \_\_\_\_\_ **Carried/Lost****11. MOTIONS ON NOTICE**

- 11.1 Motion on Notice – Red Bin Waste Service– Councillor Huckstepp (Report No: 85/13)
- 11.2 Motion on Notice – Sutherland Park – Councillor Looker (Report No: 87/13)
- 11.3 Motion on Notice – Football Tickets – Councillor Looker (Report No: 88/13)
- 11.4 Motion on Notice – Fauna Usage of Native Trees – Councillor Yates (Report No: 89/13)
- 11.5 Motion on Notice – Traffic Accidents and Damage to Trees – Councillor Yates (Report No: 90/13)
- 11.6 Motion on Notice – Oaklands Road Overpass – Councillor Looker (Report No: 91/13)

**12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

- 13.1 Minutes - Jetty Road Main Street Management Committee – 6 February 2013 (Report No: 52/13)
- 13.2 Minutes – Jetty Road Main Street Management Committee – 25 February 2013 (Report No: 78/13)

**14. REPORTS BY OFFICERS**

- 14.1 Items in Brief (Report No: 81/13)
- 14.2 Gas Pipeline Installation – Pine Avenue Seacliff (Report No: 77/13)
- 14.3 Election of Metropolitan Adelaide Representatives to the LG State Executive Committee (Report No: 82/13)
- 14.4 Audit Committee Sitting Fees (Report No: 84/13)
- 14.5 Elected Member Training Request – 2013 National General Assembly of Local Government (Report No: 86/13)
- 14.6 Appointment to Audit Committee (Report No: 96/13)
- 14.7 Appointment of Two Elected Members to the Assessment Panel for the Brighton Caravan Park Management Expression of Interest (Report No: 97/13)

**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS**

**16. URGENT BUSINESS – Subject to the Leave of the Meeting**

**17. CLOSURE**

**JUSTIN LYNCH  
CHIEF EXECUTIVE OFFICER**

Item No: **11.1**

Subject: **MOTION ON NOTICE – RED BIN WASTE SERVICE – COUNCILLOR HUCKSTEPP**

Date: 12 March 2013

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### **PROPOSED MOTION**

Councillor Huckstepp proposed the following motion:

***“That Council reaffirms its position that the red bin waste service will continue on its weekly collection cycle throughout the following year”***

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### **BACKGROUND**

Following the Mayor’s unilateral comments in the Advertiser on Saturday 2 March, it is necessary to re-confirm Council’s position for the weekly waste collection service. This proposal was not canvassed with the full Council and has created a great deal of concern for ratepayers. It is also an unlawful proposition for Metropolitan Councils to go to a fortnightly service. This motion will allay any fears that have arisen in the community through recent media reports.

Item No: **11.2**

Subject: **MOTION ON NOTICE – SUTHERLAND PARK – COUNCILLOR LOOKER**

Date: 13 March 2013

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### **PROPOSED MOTION**

Councillor Looker proposed the following motion:

***“That the Open Space and Public Realm Strategy be amended to delete the reference to removing toilet facility at Sutherland Park.”***

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### **BACKGROUND**

Council recently approved the “Open Space and Public Realm Strategy” which contained a reference to remove the toilet facilities at Sutherland Park. This would be a mistake. Sutherland Park is a popular local park with playground, barbeque and toilet facilities. It is used every weekend by groups of people, kids parties, family gatherings often with a number of groups present at the same time. It has worked that way, trouble free, since the park was renovated over 10 years ago. The toilet facility enables the park to be used by groups that may stay all day while adults sit under the trees and kids play on the equipment and the grass. In the many years since restoration problems have been minimal and not related to the toilets which are locked late in the day. Our security log confirms this. It would be foolish and a waste of money to remove the toilets, an action which would diminish the ability of the park to serve the people. This clause needs removing now so that it does not get forgotten and continue as policy.

Item No: **11.3**

Subject: **MOTION ON NOTICE – FOOTBALL TICKETS – COUNCILLOR LOOKER**

Date: 12 March 2013

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## **PROPOSED MOTION**

Councillor Looker proposed the following motion:

- “1. That as soon as practical and if possible prior to the commencement of the SANFL season Council review the “Football tickets Policy” with a view to ensure it complies with regulatory provisions related to gifts, to ensure selection of guests remains at arms length from elected members and to clarify the presence of elected members as being ‘on duty’ to assist with hosting of council guests.***
  - 2. That at the end of season 2013 Council review this service with a view to determine if it is appropriate to continue in its current form in the light of declining interest and ongoing expense.”***
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## **BACKGROUND**

Council’s presence at Glenelg football matches has had a long history but has been in decline since the introduction of the AFL. The Council of 2006 made some changes to the way this has operated and cut out the free lists of ex elected members and staff who automatically received tickets. The open bar paid for by ratepayers was also discontinued. Attendance at the footy changed from a ‘perk’ to focus on becoming a small reward for community volunteers however interest is declining and enthusiasm to take up the tickets is waning and council needs to consider its continuation.

## **ADMINISTRATION COMMENT**

The City of Holdfast Bay has the opportunity to issue 44 tickets to each home game of the Glenelg Football Club (the number of seats in the area), to be seated in the Council’s area in the grandstand, which is in accordance with the lease. The first home game for the 2013 season is on 6 April 2013.

Council in June 2010 endorsed the Football Tickets Policy – Community Guests, and this provides direction on how tickets are distributed and the purpose of the hospitality Council provides at home games of the Glenelg Football Club each year. Council at half time provides guests with afternoon tea, tea and coffee and soft drinks from the bar. There are 10 home games each year and on average the half time hospitality costs \$477 per game during the season.

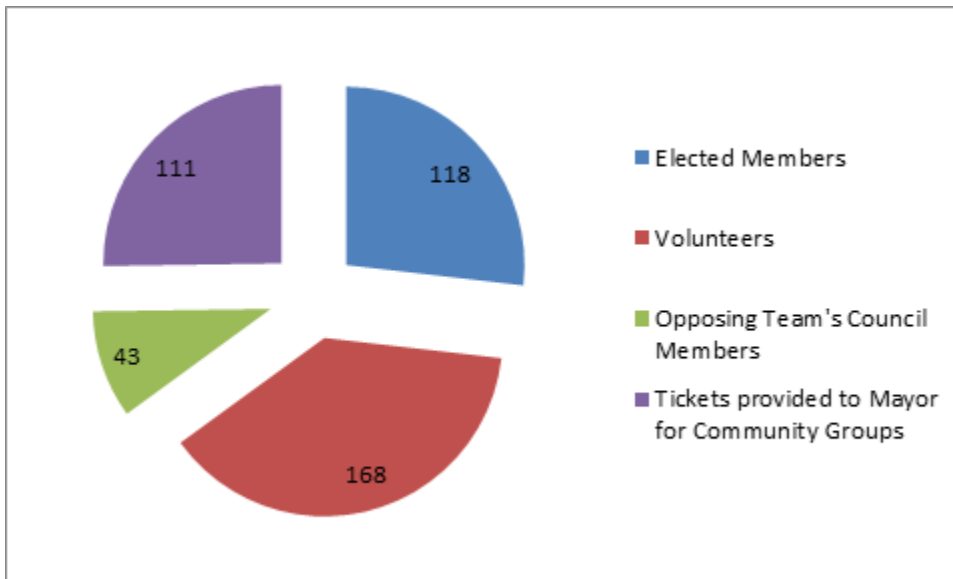


Ticket Allocation is managed on a game by game basis to ensure that only 44 tickets are issued for each game. Members are asked to indicate which games that they wish to attend so that tickets can be made available.

Below is a table showing the ticket distribution for each game in 2012.

	Game 1	Game 2	Game 3	Game 4	Game 5	Game 6	Game 7	Game 8	Game 9	Game 10
<b>Elected Members</b>	10	16	12	14	14	10	10	10	10	12
<b>Council Volunteers</b>	20	18	20	18	18	19	14	16	11	14
<b>Opposing Team's Council Members</b>	6	5	6	5	8	2	2	4	2	3
<b>Tickets Provided to Mayor for Distribution to Community Groups</b>	8	5	6	7	4	13	18	14	21	15
<b>Total Number of Tickets Issued Each Game</b>	44	44	44	44	44	44	44	44	44	44

The total distribution of tickets to Home Games during 2012 is shown in the graph below.



In addition to the tickets provided to the Council's Volunteering Program, the volunteering program purchased an additional 6 tickets from the Glenelg Football Club for each game (60 tickets at a cost of \$840) to meet the demand for tickets from Council's volunteers. Feedback from volunteers who attend games has shown that they enjoy attending the home matches but do not always wish to be seated in the grandstand and attend the half time refreshments. Last season only 50% of the volunteers who received tickets to home games wished to be seated in the grandstand and half time refreshments.

The Volunteering Program has been informed that their ticket allocation will be reduced for the 2013 season so that more tickets can be distributed to Community Groups. The Volunteering Program anticipates that they will be purchasing between 10 and 16 tickets each game this year so that Council's volunteers still receive the reward of attending Glenelg Football Club home Games.

## 1 Preamble

### 1.1 Background

- 1.1.1. Council recognises that issuing tickets to the Glenelg Football Club home games and the hosting of mid-game refreshments provide the following benefits to the City of Holdfast Bay: -
- 1.1.2. An opportunity to recognise the community service provided by the office bearers and participants of local community and service clubs;
- 1.1.3. A networking opportunity for Elected Members and volunteers;
- 1.1.4. The following principles underpin Council's policy position;
  - a. Attendance of the home games of the Glenelg Football Club supports the local SANFL football team
  - b. Council seeks to recognise the efforts of volunteers
  - c. Council recognises the value of community based organisations

### 1.2 Purpose

- 1.2.1. This policy clarifies Council's approach to the invitation of guests to support local (SANFL) football.

### 1.3 Scope

- 1.3.1. This policy applies only to SANFL games played at the Glenelg Oval.

### 1.4 Definitions

- 1.4.1. **SANFL** means the South Australian National Football League

## 2 Policy Statement

- 2.1.1. Council will maintain a practice of inviting guests to join the Mayor and Elected Members at the home games of the SANFL Glenelg Football Team and hosting half time refreshments.
- 2.1.2. The Mayor and the Chief Executive Officer are responsible for the implementation of this policy.
- 2.1.3. The Chief Executive Officer is responsible for the development of a procedure to support this policy which deals with: -
  - a. Timely issue of invitations
  - b. Identification of guests
  - c. Provision of information for the Mayor regarding guests at each match
- 2.1.4. The invitation of additional guests is at the discretion of the Mayor and the Chief Executive Officer.

## 3 References

### 3.1 Legislation

- 3.1.1. Local Government Act 1999

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Item No: **11.4**

Subject: **MOTION ON NOTICE – FAUNA USAGE OF NATIVE TREES –  
COUNCILLOR YATES**

Date: 12 March 2013

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### **PROPOSED MOTION**

Councillor Yates proposed the following motion:

***“Mature trees that are known to be used by fauna such as possums and koalas should be offset at a ratio of 5:1 when one of these trees is to be removed ie the equivalent of five new fauna habitat trees for every non-juvenile fauna habitat tree removed. This is a net benefit ratio of 5:1. This will ensure suitable habitat remains.”***

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### **BACKGROUND**

In 2010 SE Queensland introduced the above policy in its Koala Protection Area for trees used by koalas. I recently went to a workshop run by Fauna Rescue on koalas and a mention was made that this policy was very useful and could be applied to advantage in SA. I know our Council area is not overrun with koalas but they do live here and a policy by us re this might be taken up by other Councils and benefit wildlife. Last year a Eucalyptus platypus street tree in Young St was taken out as part of the policy to remove this species of tree from our streets as it frequently fell over. I knew a koala spent some time in that tree and felt this fact was not recognised or considered when the tree was removed. Of course it would depend on similar anecdotal evidence from locals or observation by Council staff so many such trees would not be recognised but for those that were this would help to maintain the balance and also might give pause for thought on the species used to replace the habitat tree – in Young St a bottlebrush was put in which would not be of much use to a koala.

Item No: **11.5**

Subject: **MOTION ON NOTICE – TRAFFIC ACCIDENTS AND DAMAGE TO TREES –  
COUNCILLOR YATES**

Date: 12 March 2013

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### **PROPOSED MOTION**

Councillor Yates proposed the following motion:

*“When a tree on a Council-maintained nature strip, pavement or median strip is damaged or destroyed during a traffic accident, Council should make a claim on the person found to be at fault or their insurance company for the estimated value of the tree. This money can then be used to pay for replacement trees and their maintenance.”*

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### **BACKGROUND**

Currently there is no written policy regarding claims for damage or destruction of a Council tree but it has become practice to consider this action so this motion would ensure consistency.

Item No: **11.6**

Subject: **MOTION ON NOTICE – OAKLANDS ROAD OVERPASS – COUNCILLOR  
LOOKER**

Date: 12 March 2013

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### **PROPOSED MOTION**

Councillor Looker proposed the following motion:

***“That the City of Holdfast Bay writes to the City of Marion in support of its petition to the State Government to undertake the construction of the Oakland rail overpass/underpass.”***

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### **BACKGROUND**

The City of Marion has commenced a petition calling for the construction of an overpass/underpass at the congested Oaklands Crossing. Whilst located in the City of Marion this crossing is used by residents from this city and is a key piece of local infrastructure. With the imminent arrival of the electrified system bringing increased frequency of trains the problems at this site are destined to become worse.

Item No: **13.1**

Subject: **JETTY ROAD MAINSTREET MANAGEMENT COMMITTEE –  
MINUTES 6 FEBRUARY 2013**

Date: 12 March 2013

Written By: Manager, Jetty Road Development

General Manager: City Services, Ms R Cooper

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### **SUMMARY**

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 6 February 2013 are attached and presented for Council's information.

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### **RECOMMENDATION**

- 1. That the minutes of the Jetty Road Mainstreet Management Committee held 6 February 2013 is received.**
  - 2. That the Committee request Council to carry out a review of the Car Park Fund with a view to stimulating economic development within the Jetty Road precinct. Further that Committee request a deputation to Council when this report is submitted for Council's consideration.**
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### **COMMUNITY PLAN**

A Place to do Business  
A Place that Welcomes Visitors  
A Place that Provides Value for Money

### **COUNCIL POLICY**

Not applicable

### **STATUTORY PROVISIONS**

Not applicable

### **BACKGROUND**

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised

for this purpose. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of the Committee.

**REPORT**

Not applicable

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable



## **CITY OF HOLDFAST BAY**

**Minutes of the Jetty Road Mainstreet Management Committee of the City of Holdfast Bay held in the Glenelg Library Meeting Room, Colley Terrace, Glenelg on Wednesday 6 March 2013 at 5:45pm.**

### **PRESENT**

#### **Elected Members**

Councillor B Patton

#### **Community Representatives**

Noodle Box – Mr B Martin

Enve – Mr M Faulkner

Changing Canvass – Ms G Higgins

Caruso – Mr R Caruso

Telstra – Ms E Leenaerts

Glenelg Florist – Ms V Corbell

Eklectik – Ms C Byron

Don Maios Investments – Mr C Maios

Pure Espresso – Mr M Deare

#### **Staff**

Manager, Jetty Road Development – Ms L Johnson

### **1. OPENING**

The Chairman declared the meeting open at 5.55 pm.

### **2. APOLOGIES**

2.1 For Absence Mayor A K Rollond

### **3. DECLARATION OF INTEREST**

Members were reminded to declare any interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**That the minutes of the Jetty Road Mainstreet Management Committee held on 5 December 2012 be taken as read and confirmed.**

**That all future meetings of Jetty Road Mainstreet Management Committee start at 6.00 pm.**

Moved by Mr B Martin, Seconded by Ms C Byron

**Carried**

**5. ITEMS OF BUSINESS**

5.1 Election of Chair and Deputy

Nominations have been received for the role of Chairperson from Mr Mark Faulkner, Enve Hair and, providing no other nominations are received, Mr B Patton.

**Motion**

**That the Committee endorse the nomination of Mr Mark Faulkner as Chair.**

Moved by Ms E Leenaerts , Seconded by Ms V Corbell

**Carried**

**That the Committee endorse the nomination of Cllr B Patton as Deputy Chair**

Moved by Ms C Byron, Seconded by Mr C Maios

**Carried**

5.2 Treasure Hunt Debrief

The Treasure Hunt Debrief was discussed. The Committee would like to see the number of traders involved in this increase and will aim to have an additional nine traders involved in the next Treasure Hunt. It was recommended that radio advertising continue.

**Motion**

**That the committee receive and note this report.**

Moved Ms G Higgins, Seconded Ms C Byron

**Carried**

5.3 Christmas Pageant Debrief

The Christmas Pageant Debrief was discussed.

**Motion**

**That the committee receive and note the report and that the Manager, Jetty Road Development write to Council to request that as this is a community event, it is funded from Council with a contribution from JRMMC.**

Moved Ms G Higgins, Seconded Mr R Caruso

**Carried**

5.4 2012/2013 Budget Update

**Motion**

**That the committee receive and note this report.**

Moved Mr B Martin, Seconded Mr C Maios

**Carried**

5.5 Calendar of Events

The Committee were presented with a list of proposed events for 2013/2014.

**Motion**

**That the committee call a special meeting in February to discuss events and budget for 2013/2014.**

Moved Ms C Byron, Seconded Ms G Higgins

**Carried**

5.6 Request for Support of UN Women's Day

We have received a request via Greg Diggance for traders to support the above event.

**Motion**

**That the committee distribute this information to traders via newsletter seeking their support and actively encourage traders to get involved.**

Moved Ms G Higgins, Seconded Ms E Leenaerts

**Carried**

5.7 Suggested ideas for Discussion

As a number of these suggestions cover the area of traffic management, Manager, Jetty Road and Mr Brian Martin met with Pam Andritsakis, Traffic

Coordinator for City of Holdfast Bay. Pam will provide a written response, thereafter the document should be revisited. This also raised the question of the additional costs for street cleaning and what services Jetty Road receives for this.

**Motion**

**That the Committee receive and note this document and it is tabled at a future meeting once a response has been received from Ms P Andritsakis.**

**That Manager, Jetty Road Development request a copy of the cleaning schedule for Jetty Road and invite the relevant Manager from Council to attend the next Committee meeting to discuss this topic.**

Moved Mr M Deare, Seconded Mr R Caruso

**Carried**

5.8 Car Park Fund

At the meeting of JRMMC held on 31 October it was requested that JRMMC write to Council with a view to having the car park fund reduced. After discussion with Administration and Manager, Jetty Road Development, it was agreed that the correct approach is to request Council to carry out a review of the Car Park Fund.

**Motion**

**That the Committee request Council to carry out a review of the Car Park Fund with a view to stimulating economic development within the Jetty Road precinct. Further that Committee request a deputation to Council when this report is submitted for Council's consideration.**

Moved Mr C Maios, Seconded Mr R Caruso

**Carried**

5.9 Upcoming Events

5.91. Action List

**Motion**

**That the committee receive and note this report.**

Moved Ms C Byron, Seconded Mr R Caruso

**Carried**

5.10 Traders Summer Soiree

Manager, Jetty Road Development advised that the invitations have been distributed both via newsletter and by hand to all traders for this event. So far an encouraging response has been received with over 60 attendees.

Committee requested, that Manager, Jetty Road Development send an invitation to this event to a contact within Tourism SA and also the local reporter for the Guardian Messenger.

**6. URGENT BUSINESS – Subject to the leave of the meeting**

**7. DATE AND TIME OF NEXT MEETING**

The next meeting of the Jetty Road Mainstreet Management Committee will be held on Wednesday 3 April 2013 in the Glenelg Library Meeting Room, Colley Terrace, Glenelg.

**8. CLOSURE**

The meeting closed at 7.30 pm.

**CHAIRMAN**

Item No: **13.2**

Subject: **JETTY ROAD MAINSTREET MANAGEMENT COMMITTEE – MINUTES  
SPECIAL MEETING 25 FEBRUARY 2013**

Date: 12 March 2013

Written By: Manager, Jetty Road Development

General Manager: City Services, Ms R Cooper

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### **SUMMARY**

The Minutes of the Special Meeting of the Jetty Road Mainstreet Management Committee meeting held 25 February 2013 are attached and presented for Council's information.

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### **RECOMMENDATION**

1. **That Council endorse the minutes of the Special Meeting of the Jetty Road Mainstreet Management Committee held 25 February 2013.**
  2. **That Council notes the Committee's endorsement of the Jetty Road levy for financial year 2013-2014.**
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### **COMMUNITY PLAN**

A Place to do Business  
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### **COUNCIL POLICY**

Not applicable

### **STATUTORY PROVISIONS**

Not applicable

### **BACKGROUND**

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised for this purpose. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of the Committee.

**REPORT**

Not applicable

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

## **CITY OF HOLDFAST BAY**

**Minutes of the Special Meeting of the Jetty Road Mainstreet Management Committee of the City of Holdfast Bay held in the Glenelg Library Meeting Room, Colley Terrace, Glenelg on Wednesday 25 February 2013 at 6:00pm.**

### **PRESENT**

#### **Elected Members**

Mayor Ken Rolland

#### **Community Representatives**

Noodle Box – Mr B Martin

Changing Canvass – Ms G Higgins

Glenelg Florist – Ms V Corbell

Eklectik – Ms C Byron

Don Maios Investments – Mr C Maios

Pure Espresso – Mr M Deare

#### **Staff**

Manager, Jetty Road Development – Ms L Johnson

Manager, Tourism and Marketing – Ms A Thomson

### **1. OPENING**

The Chairman declared the meeting open at 6.00 pm.

### **2. APOLOGIES**

2.1 For Absence

Caruso – Mr R Caruso  
Telstra – Ms E Leenaerts  
Enve – Mr M Faulkner  
Cllr Bob Paton

### **3. DECLARATION OF INTEREST**

Members were reminded to declare any interest before each item.



**4. ITEMS OF BUSINESS**

## 4.1 Election of Acting Chair

As both the Chair and Deputy Chair were apologies for this meeting, JRMMC needed to elect an acting Chair.

**Motion**

That Ms G Higgins act as Chair for the special meeting of JRMMC on 25 February 2013

Moved by Mr B Martin, Seconded by Ms V Corbell

**Carried**

## 4.2 Activities/Events for 2013-2014

Discussion took place around marketing spend and activities to be carried out in financial year 2013-2014.

**Motion**

That JRMMC allocate up to \$200,000 for marketing activities for the financial year 2013-2014. Manager, Tourism and Marketing to prepare a report on proposed schedule for endorsement by JRMMC at the next meeting on 3 April 2013.

Moved by Ms C Byron, Seconded by Ms V Corbell

**Carried**

Ms A Thomson left the meeting at 6.30 pm

**Motion**

That JRMMC allocate up to \$110,000 for the installation of LED lights on each tram pole in the Jetty Road precinct. Manager, Jetty Road Development to provide a detailed breakdown of costs and design at the next meeting on 3 April 2013.

Moved by Mr B Martin, Seconded by Ms V Corbell

**Carried**

**Motion**

That JRMMC marketing levy be set at the same level as financial year 2011/2012 (ie \$535,134)

Moved by Ms C Byron, Seconded by Mr C Maios

**Carried**

**5. URGENT BUSINESS – Subject to the leave of the meeting**

## 5.1 Survey of Traders on the Proposed Taplin Cinema Development

**MOTION**

That the Jetty Road Mainstreet Management Committee survey traders as to their support of the proposed cinema complex, the results of which are to be submitted to Council. Manager, Jetty Road Development to distribute a draft survey document to JRMMC for approval prior to distribution.

Moved by Ms G Higgins, Seconded by Mr B Martin

**Carried**

## 5.2 It was requested that a further meeting special meeting take place to continue discussions.

**MOTION**

That a special meeting of JRMMC take place on Wednesday 13 March to discuss items contained with the document entitled “suggestions” and also public traders meeting on 27 March 2013.

Moved by Ms V Corbell, Seconded by Mr B Martin

**Carried**

**6. DATE AND TIME OF NEXT MEETING**

A special meeting of Jetty Road Mainstreet Management Committee will be held on Wednesday 13 March 2013 in the Glenelg Library Meeting Room, Colley Terrace, Glenelg

The next meeting of the Jetty Road Mainstreet Management Committee will be held on Wednesday 3 April 2013 in the Glenelg Library Meeting Room, Colley Terrace, Glenelg.

**7. CLOSURE**

The meeting closed at 8.30 pm.

**CHAIRMAN**

Item No: **14.1**  
Subject: **ITEMS IN BRIEF**  
Date: 12 March 2013  
Written By: PA Corporate Services  
General Manager: Corporate Services, Mr I Walker

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### **SUMMARY**

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

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### **RECOMMENDATION**

**That the report be noted and items of interest discussed.**

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### **COMMUNITY PLAN**

A Place that Provides Value for Money

### **COUNCIL POLICY**

Not applicable.

### **STATUTORY PROVISIONS**

Not applicable.

### **BACKGROUND**

Not applicable.

### **REPORT**

#### **14.1.1 Brighton Road/High Street Intersection, Glenelg - No Right Turn**

In October 2012, Council's Manager, Traffic and Transport received notification from the Department of Planning, Transport & Infrastructure, advising of a preliminary proposal to close the centre median on Brighton Road, at the intersection with High Street, Glenelg.

Closing the right turn lane into and out of High Street at Brighton Road will result in left in/left out only traffic movements. The Department states that a review of the reported crash data identified there is a substantial number of right turn crashes for vehicles turning right from Brighton Road into High Street. A total of 35 crashes have occurred in the period 2005-2009, with 10 crashes resulting in casualties.

The proposal to remove the right turn into and out of High St at Brighton Road and provide additional crossing facilities for pedestrians and cyclists is consistent with recommendations in the Road Management Plan for Brighton Road. DPTI further advised that they were conducting traffic counts between Jetty Road and Pier Street, to provide a basis for analysis and preparation of a Traffic Impact Statement.

In February 2013, Council received further information from DPTI, advising that they had prepared the Traffic Impact Assessment report and drawings and that, public consultation would be conducted in March 2013. A copy of the drawings is provided for Council and is enclosed as Attachment 1.

This Item in Brief is provided to Council as information for the matter of DPTI's proposal to close the right turn manoeuvre at the intersection of High Street and Brighton Road.

Council's Manager Traffic and Transport has requested that DPTI provide a report of the outcomes from the public consultation and will provide Council with a further update, as information is received.

*Refer Attachment 1*

#### 14.1.2 **Adelaide to Marino Rocks Greenway**

In November 2011, Council attended a presentation by Peter Watts from the Department of Planning, Transport & Infrastructure's Office of Cycling and Walking regarding the Marino Rocks Greenway project.

The State Government via DPTI has committed in excess of \$3 million to the Greenway project, which includes construction, upgrading and improving the 15 kilometre cycling links 'Greenway', between Adelaide and Marino Rocks. The Greenway is intended to be a safe, direct, continuous and attractive cycling and walking route along the Seaford rail corridor. The infrastructure improvements will include a combination of dedicated shared pedestrian and cycle pathways, signalised pedestrian crossings across key arterial roads and suitably treated local streets.

In 2011-12, Council's Traffic and Transport Unit delivered Stage 1 of 2 stages of the Greenway project that are located within the City of Holdfast Bay. The project included construction of a bicycle and pedestrian crossing to link the northern and southern cul-de-sacs on Sherlock Road, at the intersection with Singleton Road, Kingston Park. The project also incorporated streetscape landscaping and installation of directional signage. Stage 1 was completed in August 2012 and project costs of \$70,000 were entirely funded by DPTI.

It is noted that the City of Holdfast Bay was the first Council to install the Marino Rocks Greenway directional signage. A sample sign is provided for Council as Attachment 2.

In 2012-13, Council is once again collaborating with DPTI to deliver Stage 2 of the Greenway project located within the City of Holdfast Bay. The project is to install on-road bicycle lanes and modify intersections on The Crescent, between Jetty Road and Brighton Road, Brighton. Concept plans for the proposed improvements have been prepared and Council's Traffic and Transport Unit is preparing to conduct community consultation. Further information will be provided to Council upon completion of the public consultation.

The project will be fully funded by DPTI and delivered by Council's Traffic and Transport Unit. Estimated costs are in the vicinity of \$70,000 and the purpose of this Item in Brief is to inform Council of the completed works and proposed works for the Greenway project. A copy of the concept plans are provided for Council as Attachments 2 and 3.

*Refer Attachment 2, 3 and 4*

#### **14.1.3 Gifts and Benefits under Councillors Code of Conduct – Re-drafted for Further Consultation**

The Gifts and Benefits section of the new draft mandatory code of conduct for Councillors has been re-drafted and is available for further consultation.

The document also contains explanatory information about the proposed changes. In particular, there is a more specific reference to hospitality that may be offered to Councillors, differentiating between 'community events' and hospitality that could be perceived as an attempt to unduly influence.

However, it is not possible for a code of conduct to cover all forms of gifts and benefits that may be offered to Councillors and there will always be instances where Councillors will need to use their own judgment as to whether they should accept a gift or offer of hospitality or not, without reference to an explicit provision of the code.

The code is designed to have a gifts and benefits section that provides enough guidance to Councillors as to what is, and is not, acceptable without creating unintended consequences by attempting to list all potential gifts and benefits. A copy of the re-drafted section and explanatory information is attached.

*Refer Attachment 5*

It is anticipated that the mandatory code of conduct will commence in July 2013 and the gifts and benefits clause will be added later.

#### **14.1.4 Update on Kurna Native Title Claim Group**

The Local Government/Kurna Leadership Group was established by the Local Government Association State Executive 6 years ago to conduct negotiations with the Kurna Native Title Claim Group to ascertain whether an Indigenous Land Use

Agreement (ILUA) could be negotiated between the Kurna claim group and the 29 councils located in the boundaries of the native title claim. This group has undergone a number of iterations over time and currently members of the group include:

- Mayor Felicity-ann Lewis, Chair of Group and Mayor City of Marion
- Mayor James Maitland, Mayor Wakefield Regional Council
- Mayor Brian Sambell, Mayor Town of Gawler
- Mayor Lachlan Clyne, Mayor City of Unley
- Terry Buss, CEO West Torrens
- Rosa Gagetti, Senior Manager PAE Council
- Michael Sedgman, General Manager ACC
- Glen Millar (recently retired Holdfast Bay Council and continued by agreement)

Legal advice and support to the group is provided by Finalyson's Lawyers.

The negotiations have reached the stage whereby in the week beginning 4 March 2013, there will be a meeting between the parties to determine once and for all whether an agreement can be struck.

In the event that an agreement can be reached there will need to be an intensive process of obtaining approval of all participating councils to the contents of the agreement. It is hoped that this can occur on a regional basis. It is noted that a majority of councils have given in-principle support to the draft agreement. If you would like to view the draft agreement please contact the Governance Officer.

In the event agreement can be reached there will be a need for a new Chair of the Leadership Group as Mayor Lewis has advised that she is unavailable. Accordingly, nominations from Mayors are sought to assume the role of Chair of the LG Leadership Group to see the agreement process through to the end which would be for the period (approximately) to end of the 2103 calendar year. It is estimated that there will be 6 meetings held over this period. Consideration would also be given to a CEO nominating for the role. Nominations should be received by COB Tuesday 12 March 2013.

#### 14.1.5 **Adelaide's Living Beaches Strategy – Commissioning of the Sand Transfer Infrastructure Project**

Please find attached information from the Department of Environment, Water and Natural Resources regarding the Commissioning of the Sand Transfer Infrastructure Project.

*Refer Attachment 6*

The Glenelg to Kingston Park section of the pipeline project is being commissioned in March 2013. Commissioning of the pipeline involves these main activities:

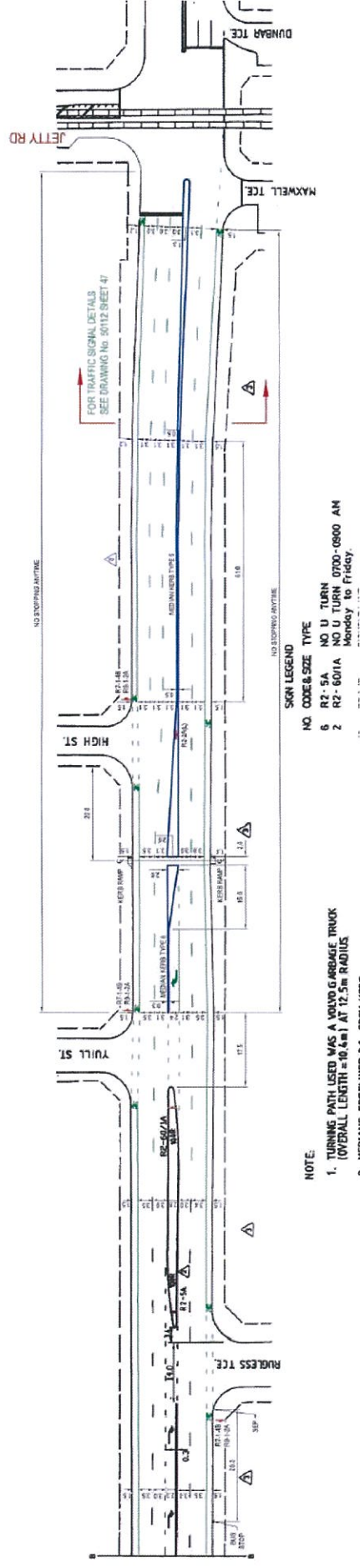
- Assembly and testing of the Sand Collection Unit (SCU) at Glenelg beach, south of the jetty in the week 4 March to 8 March, this includes pumping sea water onto and across the beach at the SCU site.
- Sea water test of the main pump station and booster pump stations will occur from 12 March, this includes testing of the three booster pump stations and discharge of water at various (but not all) of the discharge points between Glenelg and Kingston Park.
- Sand collection at Glenelg beach in preparation for slurry pumping tests is scheduled from 12 March. The sand collection will be undertaken by conventional means (excavator) as relatively small volumes are required. Long term operations will use a sand plane.
- Sand slurry pumping tests are scheduled from 14 March, for a period of approximately two weeks. During this period, the tests will include use of every discharge point, emergency shutdown procedures and varying the operating conditions.
- Following commissioning, the SCU will be disassembled and transported off-site. It is scheduled for use at West Beach in April and will return to Glenelg in September 2013.
- Commissioning is expected to be completed in early April; after Easter and before the school holidays.

In addition to the commissioning tests, work on the widening of the Glenelg jetty to screen the pipelines will be undertaken. This consists of the fitting of brackets to the jetty for the jetty widening, during the week of 4 to 8 March. Installation of the wider jetty platform is scheduled for April.

LOCALITY PLAN



CONSTRUCTION DRAWING

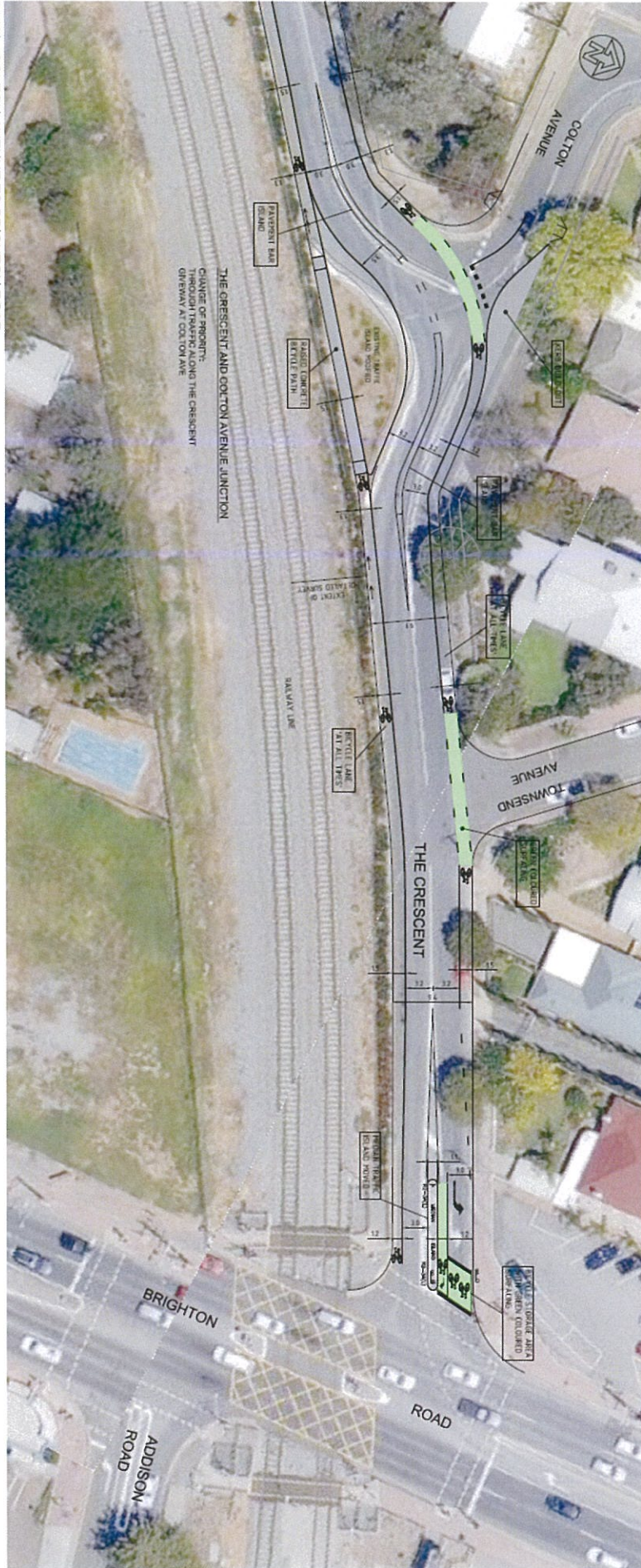








JONS PLAN A1-2010-15-01 Sheet 1



PLAN - COLTON AVENUE TO BRIGHTON ROAD

## **Draft Mandatory Code of Conduct – Gifts and Benefits Section**

### **1. Gifts and Benefits**

In the course of performing their duties, council members may be offered 'gifts and benefits', including alcohol, other gifts, or free tickets or hospitality to sporting and other events. As a general principle, council members should not accept any gift or benefit that could, or could be seen by an impartial observer to improperly influence them in the performance of their duties, such as the decisions they make.

Of course, many of the gifts and benefits that are offered to council members are not offered with an intention to unduly influence them, such as modest hospitality provided during the course of council members' duties or token gifts of gratitude or appreciation, such as those often offered for speaking at official functions.

The intent of the gifts and benefits section within the Code of Conduct is therefore to distinguish between gifts and benefits that can be reasonably accepted by council members, and those that should be refused. The gifts and benefits section also requires councils to maintain a gifts and benefits register, which will ensure that the details of gifts received are recorded in a transparent and accountable fashion.

### **2. Current provisions**

The Gifts and Benefits provisions within the Draft Mandatory Code of Conduct for Council Members (the draft Code) that was released for public consultation in October 2012 were relatively succinct:

- 3.7 Council members must not accept any gift, advantage or promise from any person for the discharge of the duties of their office or from any person who is in, or who seeks to be in, any contractual or special relationship with the council (for example, hospitality, entertainment tickets, travel vouchers or discounts whether now or to be provided at a time in the future).
- 3.8 Council members must declare to the Chief Executive Officer as soon as practicable any gift, benefit or advantage that has been offered and accepted in connection with their performance of Council functions or duties, and that has a monetary or retail value greater than an amount gazetted from time to time by the Minister.
- 3.9 The Council will maintain a register of gifts in which the details of notices received under 3.8 are recorded.

These provisions are included within the Part Three, 'Misconduct' of the draft Code, meaning that any alleged breach will be investigated by the Ombudsman in the first instance.

### **3. Feedback on current provisions**

A consistent comment during the consultation period was that the clauses of the draft Code regarding gifts and benefits lacked clarity. While the need to monitor gifts and benefits

offered to and received by council members was acknowledged as a crucial part of the Code, there were concerns that there is insufficient guidance within the draft Code for council members to differentiate between gifts and benefits that they may not accept, and those that are accepted as part of their normal duties as local elected members.

In particular, submissions noted that there needs to be more specific reference to hospitality that may be offered to council members, differentiating between 'community events' and hospitality that could be perceived as an attempt to unduly influence council members. Any possible interpretation of the Code to prohibit attendance at local football matches, a common event for council members in South Australia, was highlighted by several submissions as a matter of concern.

However, it is not possible for a Code of Conduct to cover all forms of gifts and benefits that may be offered to council members. There will always be instances where council members must use their own judgment as to whether they should accept a gift or offer of hospitality or not, without reference to an explicit provision of the Code. The Code therefore should have a gifts and benefits section that provides enough guidance to council members as to what is and is not acceptable for them to accept, without creating unintended consequences by attempting to list all potential gifts and benefits.

The LGA submission on the draft Code makes reference to NSW *Model Code of Conduct for Local Councils*. This is the mandated code of conduct for council members in NSW, and includes a section on gifts and benefits that could be a good basis for a modified section in the South Australian draft Code, as it clearly states what gifts and benefits (including hospitality) may be accepted by council members. Accordingly, a suggested replacement for the Gifts and Benefits section, largely based on the NSW Model Code, is outlined below.

#### **4. Proposed changes**

##### **3.7 Council members must not:**

- 3.7.1 Seek gifts or benefits of any kind.
- 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty.
- 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the council.

##### **3.8 Council members may accept hospitality provided in the context of performing their duties, including:**

- 3.8.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
  - 3.8.1.1 The discussion of official business.
  - 3.8.1.2 Council work related events such as training, education sessions workshops and conferences.
  - 3.8.1.3 Council functions or events.
  - 3.8.1.4 Social functions organised by groups such as council committees and community organisations.
- 3.8.2 Invitations to and attendance at local social, cultural or sporting events.

- 3.9 Where council members receive a gift or benefit of more than a value gazetted by the Minister from time to time, details of this gift must be recorded within a gifts and benefits register maintained by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the council and on the council website.

Draft

draft

# Kaurna Peoples Local Government Indigenous Land Use Area Agreement

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**Kaurna Peoples native title claimants**

**and**

**Kaurna Yerta Aboriginal Corporation**

**and**

**Kaurna Nation Cultural Heritage Association Incorporated**

**and**

**Adelaide City Council *{insert Council name(s)}***

**Adelaide Hills Council**

**Alexandrina Council**

**The Barossa Council**

**Campbelltown City Council**

**City of Burnside**

**City of Charles Sturt**

**City of Holdfast Bay**

**City of Marion**

**City of Mitcham**

**City of Norwood Payneham and St Peters**

**City of Onkaparinga**

**City of Playford**

**City of Port Adelaide Enfield**

**City of Prospect**

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**City of Salisbury**

**City of Tea Tree Gully**

**The City of Unley**

**City of Victor Harbor**

**City of West Torrens**

**Clare and Gilbert Valleys Council**

**Corporation of the Town of Walkerville**

**District Council of Mallala**

**The District Council of Mount Barker**

**District Council of Yankalilla**

**Light Regional Council**

**Town of Gawler**

**Wakefield Regional Council**



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**Date**

This agreement is entered into on the            day of            2012

**Parties**

1. **Kaurna Peoples native title claimants, by Garth Agius, Vince Buckskin, Lynette Crocker, Phillip Davies, Cecil Graham, Carroll Karpany, Shirley Lampard, Deceased, Joseph Mitchell, Rodney O'Brien, Deceased, Glenice Sumner, Frank Wanganeen, Maureen Wanganeen, Deceased, Georgina Williams, in application number SAD 6001/2000 in the Federal Court of Australia, care of Campbell Law, 1<sup>st</sup> Floor, 18-20 Grenfell Street, Adelaide SA 5000 (*Kaurna*)**
2. **Kaurna Yerta Aboriginal Corporation, AU-60064397945, an Indigenous Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act, 2006* (Cth), care of Campbell Law, 1<sup>st</sup> Floor, 18-20 Grenfell Street, Adelaide SA 5000 (*KYAC*)**
3. **Kaurna Nation Cultural Heritage Association Incorporated, an incorporated association under the *Associations Incorporation Act, 1985* (SA) care of Camatta Lempens 1st Floor 345 King William Street, Adelaide SA 5000 (*Heritage Association*)**
4. **Adelaide City Council** of Town Hall, 128 King William Street, Adelaide SA 5000
5. **Adelaide Hills Council** of 28 Onkaparinga Valley Road, Woodside SA 5244
6. **Alexandrina Council** of 11 Cadell Street, Goolwa SA 5214
7. **The Barossa Council** of 43-51 Tanunda Road, Nuriootpa SA 5355
8. **Campbelltown City Council** of 172 Montacute Road, Rostrevor SA 5073
9. **City of Burnside** of 401 Greenhill Road, Tasmore SA 5065
10. **City of Charles Sturt** of 72 Woodville Road, Woodville SA 5011
11. **City of Holdfast Bay** of 24 Jetty Road, Brighton SA 5048
12. **City of Marion** of 245 Sturt Road, Sturt SA 5047
13. **City of Mitcham** of 131 Belair Road, Torrens Park SA 5062
14. **City of Norwood Payneham and St Peters** of 175 The Parade, Norwood SA 5067
15. **City of Onkaparinga** of Ramsay Place, Noarlunga Centre SA 5168
16. **City of Playford** of 10 Playford Boulevard, Elizabeth SA 5112

17. **City of Port Adelaide Enfield** of 163 St Vincent Street, Port Adelaide SA 5015
18. **City of Prospect** of 128 Prospect Road, Prospect SA 5082
19. **City of Salisbury** of 12 James Street, Salisbury SA 5108
20. **City of Tea Tree Gully** of 571 Montague Road, Modbury SA 5092
21. **The City of Unley** of 181 Unley Road, Unley SA 5061
22. **City of Victor Harbor** of 1 Bay Road, Victor Harbor SA 5211
23. **City of West Torrens** of 165 Sir Donald Bradman Drive, Hilton SA 5033
24. **Clare and Gilbert Valleys Council** of 4 Gleeson Street, Clare SA 5453
25. **Corporation of the Town of Walkerville** of 66 Walkerville Terrace, Gilberton SA 5081
26. **District Council of Mallala** of 2A Wasleys Road, Mallala SA 5502
27. **The District Council of Mount Barker** of 6 Dutton Road, Mount Barker SA 5251
28. **District Council of Yankalilla** of 1 Charles Street, Yankalilla SA 5203
29. **Light Regional Council** of 93 Main Street, Kapunda SA 5373
30. **Town of Gawler** of 89 Murray Street, Gawler SA 5118
31. **Wakefield Regional Council** of Scotland Place, Balaklava SA 5461

(Parties 4 to 31 inclusive are collectively referred to as the **Councils** and a reference to a **Council** means any one of the ~~2831~~ Councils)

#### **Recitals**

- A Kurna assert traditional ownership and native title in relation to land and waters in the ILUA area.
- B KYAC:
  - (a) enters into this ILUA in the performance of its functions of managing the asserted traditional ownership and native title of the Kurna in relation to land and waters in the ILUA area and all matters relating to them; and
  - (b) by signing this ILUA confirms that KYAC has been authorised by the native title claim group to enter into this ILUA on behalf of the Kurna.

C The Heritage Association enters into this ILUA in the performance of its functions of protecting and preserving Aboriginal sites, objects and remains in the ILUA area of significance to the Kurna.

D The Councils are constituted under the *Local Government Act 1999 (SA)* and have the statutory powers and capacities conferred on them under that Act and any other Act.

E Each party recognises the interests of each other party, and of land owners and occupiers, in relation to the ILUA area.

F In particular the parties recognise that:

- (a) the relationship of Aboriginal people to land and waters is central to their well-being and to their continuing connection to the religious, emotional, spiritual and non-human world;
- (b) Kurna assert that native title exists in relation to land and waters in the ILUA area and that the Kurna constitute the group that claims to hold native title in relation to land and waters in the ILUA area; and
- (c) Aboriginal sites, objects and remains within the ILUA area are of significance to the Kurna and that it is in the interests of the general community within the ILUA area that those sites, objects and remains be preserved and protected.

G Kurna, KYAC, the Heritage Association and the Councils have negotiated with each other for this ILUA, which, amongst other things, provides for:

- (a) Kurna and the Councils to agree to the validation of all invalid acts done by any of the Councils in the ILUA area before the registration date;
- (b) Kurna and the Councils to consent to the doing of all future acts in the ILUA area by each of the Councils;
- (c) a protocol for the preservation and protection of Aboriginal sites, objects and remains in the ILUA area;
- (d) a planning protocol providing for:
  - (i) notification to the ILUA administrator(s) of certain types of development on certain land; and
  - (ii) notification to certain developers of their obligations under the Aboriginal Heritage Act;
- (e) the establishment of a liaison committee to carry out functions relative to the common interests of the parties;
- (f) the appointment of the ILUA administrator(s); and

(f) funding of the liaison committee and its functions and the ILUA administrators,

on the terms of this ILUA.

H The provisions of this ILUA apply instead of the right to negotiate procedure, which is not intended to apply to the doing of any future act in the ILUA area by any of the Councils.

I This ILUA is an area agreement pursuant to sections 24CA to 24CL of the *Native Title Act 1993* (Cth) and regulation 7 of the *Native Title (Indigenous Land Use Agreements) Regulations 1999* (Cth) and is intended to be registered on the register.

J The parties enter into this ILUA for the purpose of improving relationships between each of them and to enhance development within the ILUA area for the social and economic well-being of all people living and working in the ILUA area.

**It is agreed** as follows:

## **1. Preliminary**

### **1.1 Definitions**

In this ILUA, unless the context otherwise requires:

**Aboriginal Heritage Act** means the *Aboriginal Heritage Act 1988* (SA).

**Aboriginal site, object or remains** means any of:

- (a) an “Aboriginal site”, an “Aboriginal object”, or “Aboriginal remains” as defined in the *Aboriginal Heritage Act*; and
- (b) “Aboriginal remains”, a “significant Aboriginal area” or a “significant Aboriginal object” as defined in the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

**Capital Works Program** means, in respect of each Council, that section of that Council’s program which sets out a summary of its capital investment activities during a financial year:

- (a) presented in a manner consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*, as prescribed in Regulation 7(c) of the *Local Government (Financial Management) Regulations 2011* (SA); and
- (b) in the form of that Council’s program as it exists as at the date when that Council’s draft annual business plan is released for public consultation pursuant to section 123 of the *Local Government Act 1999* (SA).

**Capital Works Program Change** means, in respect of each Council, each capital investment activity adopted at any time by that Council by way of amendment or addition to or omission from that Council’s Capital Works Program.



**commencement date** means the date on which the parties to this ILUA execute it.

**Committee** has the meaning given to it in clause 6.1(a).

**communication** has the meaning given to it in clause 9.1.

**CPI base** means the CPI index prevailing at the commencement date.

**CPI current** means the CPI index prevailing at the time when any adjustment to Councils' contributions to the Fund is required to be made pursuant to clause 7.1(a)(ii).

**CPI factor** means:

$$\frac{\text{CPI current}}{\text{CPI base}}$$

**CPI index** means the Consumer Price Index (Tables 1 and 2. CPI: All Groups, Index Numbers and Percentage Changes~~All Groups; Index Numbers: All groups CPI: Adelaide~~) ~~Adelaide~~ as published quarterly by the Australian Bureau of Statistics (or any index published quarterly in substitution therefor) ~~published~~ by the Australian Bureau of Statistics or its successors.

**development authorisation** has the meaning given to that term in the *Development Act 1993* (SA).

**dispute** has the meaning given to it in clause 8.1.

**dispute parties** has the meaning given to it in clause 8.4.

**expert** has the meaning given to it in clause 8.6(a).

**financial year** means the financial year of a Council.

**force majeure event** means any act, event or cause, which is beyond the reasonable control of a party, including such an event being:

- (a) an Act of God, war, sabotage, riot, civil commotion, national emergency (whether in fact or law), fire, lightning, flood, earthquake, landslide, drought, storm or other adverse weather conditions, explosion, power shortage, strike or other labour difficulty (whether or not involving employees of that party), epidemic, disease, pestilence, quarantine or radioactive contamination;
- (b) action or inaction of any competent authority (including any court of competent jurisdiction), including expropriation, restraint, prohibition, intervention, requisition, requirement, direction or embargo by legislation, regulation, decree or other legally enforceable order or decision;
- (c) religious or other ceremonial activities (carried out pursuant to obligations under Aboriginal tradition) of the Kurna; or
- (d) breakdown of plant, machinery or equipment (including ships, trains, trucks or vehicles) or shortage of labour, transportation, fuel, power, plant, machinery, equipment or material.

**Fund** means the fund established pursuant to clause 7.1.

**future act** has the meaning provided under the Native Title Act, but excludes any such act that is the compulsory acquisition of the whole or any part of native title rights and interests.

**heritage survey** has the meaning given to it in clause 4.2.

**ILUA** means this indigenous land use agreement.

**ILUA administrator** means the person appointed (or if more than one person is appointed, each of the persons appointed) from time to time, as referred to in clause 7.1(4)6.5(a).

**ILUA area** means the geographical area in relation to which this ILUA applies, as specified in schedule 1.

**LPI base** means the LPI index prevailing at the commencement date.

**LPI current** means the LPI index prevailing on the most recent past anniversary of the registration date.

**LPI factor** means:

$$\frac{\text{LPI current}}{\text{LPI base}}$$

**LPI index** means the Labour Price Index (Table 2b: Total hourly rates of pay, excluding bonuses: South Australia: Private and Public: All industries) as published quarterly (or any index published quarterly in substitution therefor) by the Australian Bureau of Statistics or its successors.

**LGA** means the Local Government Association of South Australia Inc. of 148 Frome Street, Adelaide -SA- 5000.

**matter of cultural confidence** has the meaning given to it in clause 4.10(c).

**Model Financial Statements** means the document published by the Local Government Association of South Australia and adopted pursuant to Regulation 4(2) of the Local Government (Financial Management) Regulations 2011.

**native title** has the meaning given in the Native Title Act.

**Native Title Act** means the *Native Title Act 1993* (Cth).

**native title claim** means the Kurna Peoples native title claim SAD 6001/2000; SC00/1.

**native title claim group** means the native title claim- group as defined in the Native Title Act, in respect of the native title claim.

**notifiable act** means each of the capital works reflected in each Capital Works Program and each Capital Works Program Change of each Council (where done during the term).

**notified act** means a notifiable act of which notice has been given pursuant to clause 3.1(a) ~~or (b)~~.

**notified area** means the area within which a notified act is to be done.

**notified party** has the meaning given to it in clause 8.3.

**notifying party** has the meaning given to it in clause 8.3.

**provision** has the meaning given to it in clause 14.3.

**register** means the Register of Indigenous Land Use Agreements established and maintained under Part 8A of the Native Title Act.

**registrar** has the meaning given in the Native Title Act.

**registration date** means the date upon which this ILUA is registered and entered on the register as an area agreement pursuant to sections 24CA to 24CL of the

Native Title Act and regulation 7 of the *Native Title Indigenous Land Use Agreements Regulations 1999* (Cth).

**review date** has the meaning given to it in clause 2.2.

**right to negotiate procedure** has the meaning given to it in clause 11.2(b).

**SANTS** means South Australian Native Title Services Ltd, the body funded pursuant to section 203FE of the Native Title Act to act in the capacity of a Native Title Service Provider for South Australia.

**secretary** means the secretary of the Committee.

**specialist** means an anthropologist or archaeologist appointed pursuant to clause 4.2(b)(ii) for purposes of carrying out any heritage survey.

**survey approval** has the meaning given to it in clause 4.2(e)(i).

**survey budget** has the meaning given to it in clause 4.3(a).

**survey report** has the meaning given to it in clause 4.8(a).

**term** means the term of this ILUA set out in clause 2.1.

~~**WCI base** means the WCI index prevailing at the commencement date.~~

~~**WCI current** means the WCI index prevailing at the time when any daily rates are required to be calculated under clause 4.3(a)(i).~~

~~**WCI factor** means the WCI current divided by the WCI base.~~

~~**WCI index** means the wage cost index (Ordinary time hourly rates of pay excluding bonuses, for South Australia) (or any index published in substitution therefor) published by the Australian Bureau of Statistics or its successors.~~

Terms defined in the Native Title Act and Aboriginal Heritage Act and not otherwise defined in this ILUA bear their defined meanings when used in this ILUA.

Other terms which are defined elsewhere in this ILUA bear their defined meanings when used in this ILUA.

## 1.2 Interpretation

In this ILUA, unless the context otherwise requires:

- (a) the singular includes the plural and conversely;
- (b) a gender includes all genders;
- (c) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (d) a reference to a person, corporation, trust, partnership, unincorporated body or other entity includes any of them;
- (e) a reference to a clause, schedule, annexure or appendix is a reference to a clause of, or a schedule, annexure or appendix to, this ILUA;
- (f) a reference to a clause includes a reference to a sub-clause, paragraph or sub-paragraph of that clause;
- (g) a reference to an agreement, deed or document (including this ILUA) is a reference to the agreement, deed or document as amended, varied, supplemented, novated or replaced, except to the extent prohibited by this ILUA or that other agreement, deed or document;

- (h) a reference to a party to this ILUA or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives);
- (i) a reference to legislation or to a provision of legislation includes a modification or re-enactment of it, legislation or a legislative provision substituted for it and a regulation or statutory instrument issued under it;
- (j) a reference to conduct includes an omission, statement or undertaking, whether or not in writing;
- (k) a reference to an agreement includes any undertaking, deed, agreement and legally enforceable arrangement, whether or not in writing;
- (l) a reference to a document includes an agreement (referred to in paragraph (k)) in writing and any certificate, notice, instrument and document of any kind;
- (m) a reference to dollars and \$ is to Australian currency;
- (n) a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- (o) the meaning of general words is not limited by specific examples introduced by including, or for example, or similar expressions;
- (p) a reference to agree, approve or consent on the part of a party is a reference to agree, approve or consent (as the case may be) on the part of that party in writing; and
- (q) nothing in this ILUA is to be interpreted against a party solely on the ground that the party put forward this ILUA or any part of it.

### **1.3 Headings**

Headings do not affect the interpretation of this ILUA.

### **1.4 Schedules and annexures**

Schedules, annexures and appendices form part of this ILUA.

## **2. Term**

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### **2.1 Term**

- (a) This ILUA commences on the commencement date and continues for an indefinite period thereafter subject to earlier termination pursuant to this ILUA or by operation of law.
- (b) If this ILUA is not registered pursuant to clause 12 within 12 months of the commencement date then any party may terminate it by written notice given to the other parties.

### **2.2 Review**

- (a) Not more than 12 months, and not less than 6 months, before the expiry of the 5 year period calculated from the commencement date and each successive 5 year period during the term (**review date**) any party may give the other parties notice that it requires a review of this ILUA.

- (b) If any party gives the other parties a notice under clause 2.2(a) the parties must:
  - (i) meet as soon as possible, but in any event within 30 days after the date of that notice; and
  - (ii) negotiate in good faith with a view to reaching agreement between the parties in relation to any amendments proposed to this ILUA by any party.
- (c) The parties may agree to amend this ILUA or that no amendments are required to the ILUA.
- (d) Any amendments agreed to by the parties must be set out in writing in a written document signed by all of the parties.

### **3. Notifiable Act Process (Future Acts and Heritage)**

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#### **3.1 Council Notice**

- (a) Each Council must not more than 14 days after that Council:
  - (i) has released the Council's Capital Works Program for public consultation pursuant to section 123 of the *Local Government Act 1999* (SA) give the ILUA administrator notice of that release; and
  - (ii) has adopted any Capital Works Program Change by way of any amendment, addition to or omission from the Council's Capital Works Program give the ILUA administrator notice of that Capital Works Program Change.
- (b) Any notice given by a Council under clause 3.1(a) must:
  - (i) attach a copy of that Council's Capital Works Program or provide details of that Council's Capital Works Program Change, as applicable;
  - (ii) request the Heritage Association and KYAC to jointly respond to the notice within 30 days of the date of the notice ~~or, unless if~~ a request for extension is made by the ILUA administrator to the Council within that 30 day period, within such longer period which:
    - (A) is reasonable in all of the circumstances within that period to extend it (by not more than 15 days); and-
    - (B) that request is approved/accepted by the Council,;  
regard being had to:
    - (C) the period within which the Heritage Association and KYAC are required to respond;
    - (D) the resources available to the Heritage Association and KYAC for the purposes of responding; and
    - ~~(A)(E)~~ the number of other responses to Councils required to be made by the Heritage Association and KYAC during the period referred to in clause 3.1(b)(ii)(C); and
  - ~~(ii)~~ (iii) nominate a date or alternative dates not less than 15 days from the end of the period (if applicable, as extended) referred to in clause

3.1(b)(ii) as the date for representatives of the Council and the Heritage Association and/or KYAC to meet for the purpose of discussing the undertaking of any or all of the notified acts.

### **3.2 Kaurna's Response**

Within 30 days (or longer period as extended by a Council pursuant to clause 3.1(b)(ii)) of that Council giving the Heritage Association and KYAC notice under clause 3.1(a), the Heritage Association and KYAC may jointly give that Council a response setting out:

- (a) the Kaurna's comments on the effect, if any, that any notified act will have on the Kaurna's native title rights within the notified area and any proposals KYAC has to reduce or exclude that effect. If KYAC's response to the Council's notice states that the relevant notified act will have an effect on the Kaurna's native title rights within the notified area, that response must, in relation to the date or alternative dates nominated by the Council for a meeting pursuant to clause 3.1(b)(iii), either:
  - (i) advise that Council that the Kaurna do not require a meeting; or
  - (ii) advise the Council that the Kaurna do require a meeting and, if the Council has nominated alternative dates for the meeting, the date selected by KYAC for the meeting; and/or
- (b) in relation to the Kaurna's Aboriginal heritage interests:
  - (i) that a notified act will not, in the Heritage Association's view, damage, disturb or interfere with any Aboriginal site, object or remains;
  - (ii) that in the Heritage Association's view an Aboriginal site, object or remains is located within any notified area and, in doing so, provide the Council with sufficient details to enable it to undertake the relevant notified act without damaging, disturbing or interfering with that Aboriginal site, object or remains; or
  - (iii) a request that a heritage survey of any notified area be undertaken. In doing so the Heritage Association will:
    - (A) give the relevant Council reasons for that request;
    - (B) submit to that Council a draft survey budget pursuant to clause 4.3 for that heritage survey; and
    - (C) in relation to the date or alternative dates nominated by the Council for a meeting pursuant to clause 3.1(b)(iii) either:
      - (1) advise that Council that the Kaurna do not require a meeting; or
      - (2) advise the Council that the Kaurna do require a meeting and, if the Council has nominated alternative dates for the meeting, the date selected by the Heritage Association for the meeting.

### **3.3 Further Provisions relating to Response**

- (a) The Heritage Association and KYAC must consult with each other in giving any joint response to a Council pursuant to clause 3.2.

- (b) if a Council has nominated alternative dates for a meeting pursuant to clause 3.1(b)(iii) and both KYAC and the Heritage Association require a meeting in their joint response, the joint response must select the same date and time for a joint meeting with the relevant Council.
- (c) A response pursuant to clause 3.2 binds both KYAC and the Heritage Association.
- (d) If KYAC and the Heritage Association do not jointly respond to a notice given pursuant to clause 3.1 in relation to any notified act notified in that notice within 30 days of the date of that notice (as extended, pursuant to clause 3.1(b)(ii), if applicable), the Heritage Association and the KYAC are both deemed to have given consent to the carrying out by a Council of that notified act, subject to the provisions of Aboriginal Heritage Act.

### 3.4 Council Compliance

- (a) If the Heritage Association responds under clause 3.2(b)(iii) the relevant Council must notify the Heritage Association of its decision either to conduct or not to conduct a heritage survey of the relevant notified area, within 14 days of that Council adopting its Capital Works Program (of which notice was given pursuant to clause 3.1(a) to the Heritage Association in the form released for public consultation pursuant to section 123 of the *Local Government Act 1999* (SA)).
- (b) If KYAC responds under clause 3.2(a)(ii) and/or the Heritage Association responds under clause 3.2(b)(iii)(C)(2), representatives of the relevant Council and KYAC and/or the Heritage Association, respectively must meet on the date nominated by that Council or selected by KYAC and/or the Heritage Association (unless the parties agree that it is not necessary to meet) to discuss, as relevant:
  - (i) the undertaking of the relevant notified act;
  - (ii) the response of KYAC and/or the Heritage Association, as applicable;
  - (iii) in relation to:
    - (A) a response under clause 3.2(a)(ii), KYAC's proposals to reduce or exclude the effect that the relevant notified act will have on the Kurna's native title rights within the notified area; or
    - (B) a response under clause 3.2(b)(iii)(C)(2), any decision made by the Council about conducting a heritage survey.
- (c) Where a meeting is required to be held, the Council must not do the relevant notified act until after the date for that meeting.
- (d) In doing the relevant notified act the Council must consider:
  - (i) the contents of the ~~s-~~joint notice of KYAC and the Heritage Association given under clause 3.2; and
  - (ii) the discussions at any meeting held.

### 3.5 Aboriginal Heritage Protocol

If the Heritage Association request a heritage survey in response to a Council's notice and that Council elects to conduct a heritage survey of the relevant notified area for the relevant notified act, the provisions of clause 4 will apply.

### 3.6 Council to Notify of Decision

The Council must notify the ILUA administrator within 7 days of making a decision to undertake or not to undertake a notified act.

### 3.7 Emergency

- (a) If any emergency situation occurs anywhere within the ILUA area, then, where a Council would otherwise have to comply with clauses 3 and/or 4:
  - (i) that Council may take such measures as it considers necessary in the circumstances;
  - (ii) the provisions of clauses 3 and 4 do not apply to prevent or impair the taking of those measures;
  - (iii) that Council must as soon as reasonably practicable notify the ILUA administrator of the emergency situation; and
  - (iv) after the emergency, that Council and the Heritage Association must consult with each other in relation to any further measures to be taken.

### 3.8 Compliance with Clause

Subject to clauses 3.7, 3.9 and 4.11, a Council must not do any notified act unless and until it has complied with the provisions of this clause 3 and, if applicable, clause 4.

### 3.9 Application of this Clause

This clause 3 is not mandatory until the ILUA is registered.

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## 4. Heritage Survey

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### 4.1 Aboriginal Heritage Act

A Council must comply with the Aboriginal Heritage Act in doing any notified act.

### 4.2 Heritage Survey Procedure

If the Heritage Association gives a Council a notice under clause 3.2(b)(iii) and that Council elects to conduct a heritage survey (**heritage survey**) of the relevant notified area, the following provisions apply:

- (a) subject to a survey budget being agreed or determined:
  - (i) the Heritage Association and KYAC must both ensure that that heritage survey is undertaken within 30 days of that Council's notice given pursuant to clause 3.4(a); and
  - (ii) the Heritage Association must give that Council notice not less than 7 days before the start of that heritage survey of the dates on which it will start and finish;
- (b) the survey team (**survey team**) must comprise:
  - (i) not more than 4 representatives of the Heritage Association and/or KYAC (as agreed between them); and



- (ii) if required for purposes of the survey team performing its functions, a specialist, approved by that Council;
- (c) the Heritage Association and KYAC must both ensure that the persons in the survey team have the traditional knowledge and authority to advise whether there is any Aboriginal site, object or remains within the relevant notified area;
- (d) the functions of the survey team are to assess the relevant notified area for the purpose of:
  - (i) advising their view of whether the relevant notified act will damage, disturb or interfere with any Aboriginal site, object or remains within that notified area; and
  - (ii) nominating the conditions, if any, which in their view are necessary, and which should accordingly apply in order to protect each Aboriginal site, object or remains within the relevant notified area from damage, disturbance or interference by that notified act;
- (e) the survey team will discharge its functions by:
  - (i) conducting an inspection and assessment of the relevant notified area, if applicable in conjunction with the specialist, providing a survey report detailing whether and to what extent survey approval (**survey approval**) is given to the relevant notified act and what if any conditions apply to the survey approval; and
  - (ii) providing the survey report to that Council.

#### 4.3 Survey Budget

- (a) A heritage survey must be undertaken in accordance with a survey budget (**survey budget**) which must:
  - (i) reflect daily rates (which must be pro-rated for any part day) for each survey team member (other than the specialist) for undertaking the heritage survey, of \$450 per day (exclusive of GST) (adjusted annually on each anniversary of the registration date by the **LPIWCI** factor), or as otherwise agreed in writing between the parties, but in any event not more than the prevailing market rate;
  - (ii) reflect daily rates (which must be pro-rated for any part day) for the specialist for undertaking the heritage survey, as agreed between the specialist and the relevant Council;
  - (iii) reflect the reasonable costs of travel for attending at any heritage survey of any survey team member; and
  - (iv) reflect that any reasonable administrative costs and expenses constitute no more than 10% of the aggregate of all other costs and expenses comprised in the survey budget.
- (b) A survey budget must be agreed between the Heritage Association and the relevant Council within 21 days or such other period as the parties agree after the Council's notice under clause 3.4(a) is issued, failing which the provisions of clause 8 will apply to the determination of that budget.
- (c) A Council and the Heritage Association may at any time agree to amend the survey budget.

- (d) A Council is not responsible for any costs or expenses of carrying out the heritage survey which exceed the agreed survey budget.

#### **4.4 Payment**

- (a) The Heritage Association may invoice a Council the costs and expenses of carrying out a heritage survey (up to a maximum of the amount stated in the survey budget) as follows:
  - (i) 30% not less than 21 days prior to the mobilisation of the survey team to undertake that heritage survey;
  - (ii) 40% upon completion of that heritage survey; and
  - (iii) 30% or the balance thereof within 14 days of receipt of the report and a tax invoice of all costs and expenditure incurred in carrying out that heritage survey.
- (b) Any payment by a Council pursuant to clause 4.4(a) must be made within 14 days of receipt of a tax invoice from the Heritage Association.

#### **4.5 Evidence**

Any invoice provided to a Council pursuant to clause 4.4(a) must be supported by evidence, reasonably satisfactory to the relevant Council, that the relevant costs and expenses have been incurred properly.

#### **4.6 Council's Representative**

A Council may make a representative available at the notified area for consultation by the survey team at reasonable times during a heritage survey, but the representative may not otherwise be present whilst that heritage survey is being undertaken, except when requested by the survey team.

#### **4.7 Alternative Area**

During the undertaking of a heritage survey the survey team and a Council's representative may agree upon any alternative area or location on the relevant notified area within or at which the relevant Council may carry out the relevant notified act.

#### **4.8 Survey Team Report**

- (a) Within 14 days of completion of a heritage survey the Heritage Association must provide to a Council a written report (**survey report**) in relation to that heritage survey.
- (b) The survey report must:
  - (i) be consistent with the functions of the survey team for the relevant heritage survey, as reflected in clause 4.2(d);
  - (ii) state whether and to what extent survey approval is given to the relevant notified act and what, if any, conditions apply to the survey approval ; and
  - (iii) be signed by the specialist.
- (c) The copyright in the survey report vests in the Heritage Association.

#### **4.9 Consequences of Report**

Subject to the provisions of clause 8, a Council must comply with a survey report.

#### **4.10 Non disclosure**

- (a) Nothing in this ILUA requires the Kurna or the Heritage Association or any member of any survey team to disclose the location and/or significance of any Aboriginal site, object or remains, if they consider the location and/or significance to be a matter of cultural confidence, but they must disclose sufficient information in accordance with clause 4.8(b) to enable a Council, its employees, contractors and subcontractors to carry out the relevant notified act on the area given survey approval, without damaging, disturbing or interfering with the relevant Aboriginal site, object or remains.
- (b) The Heritage Association and KYAC must not disclose to any person any information provided by a Council to the Heritage Association or KYAC or any member of the survey team in connection with any heritage survey, which is designated by that Council as confidential information.
- (c) For the purposes of this clause 4.10 ***a matter of cultural confidence*** means any cultural information, including information held in an Aboriginal record, where disclosure of that information is restricted or forbidden by Aboriginal tradition.
- (d) The provisions of clause 4.10(b) survive the expiry or termination for whatever reason of this ILUA.

#### **4.11 Failure by the Heritage Association**

- (a) If within 7 days of the date by which:
  - (i) a heritage survey is required to be carried out, it has not been carried out for any reason; or
  - (ii) the Heritage Association is required to provide a report to a Council, it has failed to do so,the relevant Council may give notice to the Heritage Association requiring that:
  - (iii) the relevant heritage survey be carried out; or
  - (iv) a report be provided to that Council,within 14 days of the Council giving that notice.
- (b) A notice provided under clause 4.11(a) must state that, if the Heritage Association and KYAC do not comply with that notice within that period, the relevant Council intends to proceed with the relevant notified act.
- (c) If a Council has given a notice pursuant to clause 4.11(a) and the Heritage Association and KYAC fail to comply with it, that Council may carry out the relevant notified act.

#### **4.12 Discoveries During Operations**

If any time during the carrying out of any notified act a Council identifies any site, object or remains which it suspects may be an Aboriginal site, object or remains, that Council must, in addition to any other obligations under the Aboriginal Heritage Act:

- (a) promptly report the location of that site, object or those remains to the ILUA administrator;
- (b) cease to carry out that notified act on the relevant site or the location of the relevant object or remains; and
- (c) leave where discovered, and not damage, disturb or interfere with, the relevant object or remains,

unless and until it is lawful for that Council to proceed.

## **5. Planning Protocol**

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### **5.1 Notice to the Heritage Association**

- (a) Within 14 days of the end of each month during the term each Council must give the ILUA administrator a notice of the development authorisations granted by it to any person within the ILUA area during that month for each of the following categories of development:
  - (i) each Category 3 development for the purposes of section 38 of the *Development Act 1993* (SA) and Schedule 9 of the *Development Regulations 2008* (SA), including subdivisions of land of 4 or more allotments; and
  - (ii) each subdivision of 4 or more allotments (not being a Category 3 development).
- (b) Any notice given pursuant to clause 5.1(a) must specify in relation to each development authorisation to which it applies:
  - (i) the name, address and contact details of the person to whom development authorisation has been granted;
  - (ii) the location of the development in respect of which development authorisation has been granted; and
  - (iii) a brief description of the development.

### **5.2 Notice to Developers**

- (a) At the same time that development authorisation is notified to a person in respect of a development within the ILUA area a Council must give that person a notice regarding the provisions of the *Aboriginal Heritage Act*.
- (b) Any notice given pursuant to clause 5.2(a) must specify:
  - (i) that it is an offence under the *Aboriginal Heritage Act* to damage, disturb or interfere with any Aboriginal site, object or remains;
  - (ii) the contact details of the Heritage Association; and
  - (iii) that the Heritage Association is responsible for undertaking heritage surveys in the ILUA area.

## 6. Liaison Committee

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### 6.1 Establishment

- (a) A liaison committee (**Committee**) shall be established within twelve months of the commencement date and will comprise the members and have the functions set out in this clause 6.
- (b) The Committee will continue in existence from the date of its establishment until the date of termination or expiry of this ILUA.

### 6.2 Functions

- (a) The functions of the Committee are to:
  - (i) make recommendations or give advice to the parties concerning any matter under or relating to this ILUA;
  - (ii) help maintain and develop on-going relationships between the parties and between the parties and other persons and build capacity of the Kurna community;
  - (iii) act as a forum to resolve issues causing concern between both parties including heritage monitoring and conduct of surveys;
  - (iv) procure funding for projects of mutual benefit to the Kurna and the Councils;
  - (v) make decisions regarding the undertaking of projects of mutual benefit to the Kurna and the Councils;
  - (vi) make decisions regarding mechanisms to achieve recognition within the general community in the ILUA area of the Kurna as the Aboriginal group that asserts traditional ownership of the ILUA area;
  - (vii) make decisions regarding the promotion of reconciliation between the Councils and the Kurna and the community within the ILUA Area generally;
  - (viii) make decisions regarding economic development opportunities within the ILUA area for the parties;
  - (ix) make decisions regarding Aboriginal training, employment, contracting and business opportunities and strategies within the ILUA area;
  - (x) make decisions regarding service delivery by the Councils and other persons to the Kurna and other Aboriginal people living within the ILUA area;
  - (xi) make decisions in relation to further funding of any activities arising out of this ILUA and make application for such funding upon behalf of the parties or any of them;
  - (xii) establish such sub-committees as considered necessary to pursue any matter to advance this ILUA;
  - (xiii) subject to clause 6.5(ab), appoint the ILUA administrator(s) from time to time;

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(xiv) ~~in conjunction after consultation~~ with the LGA, determine the terms and conditions of employment of the ~~LGA-ILUA~~ administrator(s) and any changes from time to time in those terms and conditions;

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(xv) ~~at the instance request of the LGA, or of its own volition and, in either case after consultation with the LGA, consult with the LGA regarding any proposal by the LGA to make a decision to terminate the employment of the ILUA administrator(s);~~

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~~(xv)~~(xvi) ~~provide operational guidance and direction to the ILUA administrator(s) in the performance of their functions through, amongst other things, the key performance indicators and objectives established by the Committee from time to time pursuant to clause 6.8;~~

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~~(xvi)~~(xvii) ~~perform such other functions and make decisions regarding such functions, both as may be agreed upon by the parties; and~~

~~(xvii)~~(xviii) ~~apply the Fund towards the achievement of the above functions.~~

(b) The parties agree that the matters reflected in Schedule 4 represent examples of the types of matters which the Committee may consider in the performance of its functions.

### 6.3 Membership and Payment

(a) The Committee will be comprised of the following persons:

(i) ~~threesix~~ persons nominated by ~~the KaurnaKYAC~~;

~~(i)~~(ii) ~~three persons nominated by the Heritage Association~~; and

~~(ii)~~(iii) ~~six persons nominated jointly by the Councils~~,

and each nominee is entitled to appoint an alternate to attend any meeting in his or her stead and to remove and replace that alternate.

(b) Each of ~~the KaurnaKYAC, the Heritage Association~~ and the Councils may remove and replace any member of the Committee nominated by them.

(c) Notice of nomination, removal and replacement by ~~the KaurnaKYAC, the Heritage Association~~ or the Councils of a person as a member of the Committee and of the appointment, removal or replacement of any alternate of a nominee of ~~the KaurnaKYAC, the Heritage Association~~ or the Councils must promptly be given to the others of them.

(d) Notwithstanding the provisions of clause 9, any nomination, removal or replacement of a person as a member of the Committee or of the appointment, removal or replacement of any alternate of a nominee:

(i) by the Councils may be given by the LGA, on behalf of the Councils, to ~~the KaurnaKYAC and the Heritage Association; and~~

(ii) by ~~the KaurnaKYAC~~, may be given by ~~the KaurnaKYAC~~ to the LGA, on behalf of the Councils, ~~and to the Heritage Association; and~~

(iii) ~~by the Heritage Association, may be given by the Heritage Association to the LGA, on behalf of the Councils, and to KYAC.~~

~~(ii)~~(e) ~~Each member of the Committee nominated by KYAC or the Heritage Association will be paid \$50 per hour (plus GST) (pro-rated for any part hour) from the Fund for each hour (or part thereof) of his or her attendance~~

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at any Committee meeting, adjusted annually on each anniversary of the registration date by the LPI factor.

#### 6.4 Chair and Deputy Chair

(a) Unless the Committee otherwise determines:

(i) the chairperson of the Committee will rotate on an annual basis between:-

(A) a Committee member nominated alternatively by ~~the Kaurna~~ KYAC and then the Heritage Association; and

~~(B)~~ (B) a Committee member nominated by the Councils; and

(ii) the deputy chairperson of the Committee will be:-

(A) when the chairperson of the Committee is a Committee member nominated by KYAC or the Heritage Association, a Committee member nominated by the Councils; and

~~(B)~~ (B) when the chairperson of the Committee is a Committee member nominated by the Councils, a party other than the party whose nominee is the chairperson of the Committee member nominated alternatively by KYAC and then the Heritage Association.

(b) Neither the chairperson nor the deputy chairperson have a casting vote.

#### 6.5 ILUA administrator(s)

(a) The Liaison Committee may appoint one or more persons as ILUA administrator(s), but on the basis that such person alone or such persons together constitute not more than one full time equivalent position or such other number of full time equivalent positions from time to time decided by the Committee.

~~(a)~~ (b) Where it is lawful to do so, the Committee must give preference to the employment of a member or members of the Kaurna as ILUA administrator(s) if:

(i) both ~~that the relevant~~ member and another person (who is not a member of the Kaurna) apply for employment as ILUA administrator;

(ii) both that member and another person (who is not a member of the Kaurna) are suitably qualified to be employed as the ILUA administrator; and

(iii) the skills, ability and experience, relevant to the position of ILUA administrator, of that other person are no greater than those of that member.

~~(b)~~ (c) The ILUA administrator (or, if more than one person is appointed as ILUA administrators, the person nominated by the Committee) is ex officio the secretary of the Committee.

~~(c)~~ (d) The secretary is not required to be a member of the Committee.

~~(d)~~ (e) The secretary must ensure that:

(i) an agenda, and papers, setting out the time and place and business to be conducted at each meeting of the Committee are distributed to

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members of the Committee and their alternates not less than 7 days before each meeting of the Committee or such shorter period agreed to by the members of the Committee;

- (ii) draft minutes of each meeting of the Committee are circulated to all members of the Committee within 14 days of each meeting of the Committee; and
- (iii) the approved minutes of each meeting of the Committee are kept and maintained at such location(s) agreed to by the members and are available for inspection and copying by all members and their alternates.

## 6.6 Proceedings of Committee

- (a) Subject to the provisions of this clause 6, the Committee may:
  - (i) meet together either in person, by telephone, by other means of instantaneous communication or in such other manner as the members of the Committee may approve from time to time; and
  - (ii) adjourn and otherwise regulate its meetings and proceedings as the members think fit.
- (b) The committee must meet:
  - (i) at intervals of not more than 6 months, the first Committee meeting to be held within 3 months of ~~the commencement date~~its establishment; and
  - (ii) in any event within 28 days of a request for a meeting from the parties entitled to nominate members to the Committee.
- (c) The venue for each meeting of the Committee will be determined by the Committee.
- (d) The quorum for any meeting of the Committee is ~~three~~two Committee members nominated by each of ~~the Kaurua~~KYAC, the Heritage Association and the Councils, being a total of six members.
- (e) If a quorum is not present within half an hour from the time appointed for any meeting of the Committee the meeting stands adjourned to the same day in the next week at the same time and place and the Committee member(s) present at the adjourned meeting constitute a quorum.
- (f) Decisions of the Committee will be made by consensus on an unanimous basis.

## 6.7 Delegation

- (a) The Committee may delegate any of its functions to:
  - (i) any sub-committee established pursuant to clause 6.2(a)(xii); or
  - (ii) the ILUA administrator in his or her capacity as the secretary of the Committee.
- (b) A delegation pursuant to clause 6.7(a) is revocable at will by the Committee.
- (c) A delegation pursuant to clause 6.7(a) does not prevent the Committee from acting in any matter.



## **6.8 KPIs and Objectives**

Not less than 30 days before the start of each financial year, the Committee must determine in writing key performance indicators and objectives for the ensuing financial year which are consistent with the Committee's functions and which it will seek to achieve during that year.

## **6.9 Reporting**

- (a) Not less than 14 days before the start of each financial year the Committee must provide each of the Councils and the Kaurna with a copy of its written key performance indicators and objectives for the ensuing financial year.
- (b) On or before 31 July in each year during the term the Committee must prepare and approve at a meeting of the Committee an annual written report in relation to the Committee's functions, activities and projects during the immediately preceding financial year and may determine that the report or a summary or extracts of it be circulated to the Councils and the Kaurna.
- (c) The report must include details of:
  - (i) an assessment of the extent to which the Committee's key performance indicators and objectives for the immediately preceding financial year have been met;
  - (ii) each of the projects and activities funded from the Fund during the immediately preceding financial year; and
  - (iii) each of the projects and activities current during the immediately preceding financial year but funded from the Fund during a financial years or financial years other than the immediately preceding financial year.
- (d) The details referred to in clauses 6.9(c)(ii) and (iii) must include in respect of each project or activity of the Committee:
  - (i) a brief description of the project or activity;
  - (ii) the amount, if any, funded from the Fund for the project or activity during the immediately preceding financial year;
  - (iii) the aggregate amount funded from the Fund for the project or activity during the immediately preceding and earlier financial years; and
  - (iv) a brief assessment of the merits of the project or activity and the benefits it has provided to the Kaurna and/or any or all of the Councils.
- (e) The Committee may at any time prepare any report other than the annual written report referred to in clause 6.9(b).
- (f) The parties acknowledge that:
  - (i) the Fund will be audited as part of the annual audit of the LGA; and
  - (ii) the LGA will provide written details to the Committee of any qualified report made in respect of the Fund in any auditor's report forming part of any annual audit of the LGA .

## **6.10 Engagement of Advisers**

The Committee has the right to decide to engage advisers and other persons and to determine the terms and conditions of any such engagement.

## 6.11 Invitees

Each member of the Committee has the right to invite a reasonable number of non-members to attend and speak (but not vote) at any Committee meeting as observers or spokespersons having regard to the matters on the agenda for the relevant meeting.

## 7. Benefits to KaurnaFund

### 7.1 Establishment of Fund

- (a) The Councils will establish a fund and, subject to clause 7.1(b), will each contribute:
  - (i) in respect of the first financial year commencing after the registration date, the respective amounts referred to in schedule 3; and
  - (ii) in respect of each subsequent financial year, the respective amounts referred to in schedule 3, adjusted annually on each anniversary of the registration date by the CPI factor.
- (b) Without detracting from the generality of clause 2.2, the amounts of the contributions of each of the Councils to the Fund for each subsequent financial year will be reviewed by the Councils upon the expiry of the 5 year period calculated from the commencement date and each successive 5 year period during the term.
- (c) The Councils must promptly notify the Kaurna of the outcome of each review of the amounts of the contributions of each of the Councils to the Fund pursuant to clause 7.1(b).
- (d) If the amounts of the contributions of each of the Councils to the Fund are changed pursuant to a review under clause 7.1(b), the Councils must contribute the amounts of their respective changed contributions to the Fund for each subsequent financial year.
- (e) Each Council must pay the amount of its contribution for any financial year to the LGA. not more than 21 days after the start of that financial year.
- (f) Each of the Councils and the Kaurna, KYAC and the Heritage Association acknowledge and agree that:
  - (i) the Fund will be administered by the LGA;
  - (ii) the ILUA administrator(s) will be employed by the LGA as ~~a full time~~ or part time employee(s) on the terms and conditions from time to time determined by the Committee, ~~in conjunction~~ after consultation with the LGA;
  - (iii) the ~~ILUA administrator's~~ duties ~~or the ILUA administrator(s)~~ will comprise such duties as are from time to time determined by the Committee, but must include in respect of the person or both persons appointed:
    - (A) assisting the Kaurna, KYAC and the Heritage Association in administering their respective rights and obligations under this ILUA, including:

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- (1) receiving and considering each notice given by a Council to the Heritage Association and KYAC pursuant to clauses 3.1(a) and 3.6;
  - (2) the Heritage Association and KYAC responding to each notice given by a Council pursuant to clauses 3.1(a);
  - (3) the Heritage Association and KYAC consulting pursuant to clause 3.3(a) regarding each such response;
  - (4) the appointment of each survey team and any specialist pursuant to clause 4.2(b);
  - (5) formulating and agreeing each survey budget pursuant to clause 4.3;
  - (6) invoicing a Council pursuant to clause 4.4; and
  - (7) receiving and considering each notice given by a Council pursuant to clause 5.1; and
- (B) acting as secretary to the Committee;
- (iv) the LGA will provide the ILUA administrator(s) with an office at the offices from time to time of the LGA and such other equipment and facilities as are necessary to enable the ILUA administrator(s) to perform his or her duties;
- (v) the LGA may withdraw from the Fund:
- (A) the salary (inclusive of superannuation contributions) of the ILUA administrator(s); ~~and~~
  - (B) the associated on-costs of the ILUA administrator's employment by the LGA of the ILUA administrator(s) in an amount of 20% of such salary (inclusive of superannuation contributions); and
  - ~~(B)~~ (C) any payment to any Committee member nominated by KYAC or the Heritage Association for attendance at a Committee meeting,
- for the sole purpose of the payment of such salary, ~~and~~ on-costs and payments, respectively; and
- (vi) the Fund must only be applied for the purposes:
- (A) referred to in clause 7.1(f)(v); and
  - (B) funding the functions of the Committee, as decided by the Committee,

and each of the Councils and the Kaurna must use their respective best endeavours to ensure that their respective nominees on the Committee only apply the Fund or permit or allow the Fund to be applied for those purposes.

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## **8. Dispute Resolution**

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### **8.1 Clause applies**

All disputes or differences between any of the parties in connection with the interpretation, effect or any other matter in any way relating to this ILUA, other than in relation to what constitutes an Aboriginal site, object or remains, (**dispute**) will be dealt with in accordance with this clause 8 whether the dispute is first raised before, during or after the term.

### **8.2 Avoidance**

The parties agree that:

- (a) they will make every effort to ensure that disputes do not arise;
- (b) if a dispute does arise, they must make every reasonable effort to resolve the dispute in accordance with this clause 8 and without recourse to litigation or arbitration proceedings; and
- (c) the provisions of clauses 8.1 and 8.2(b) do not apply to litigation proceedings for injunctive, interlocutory or declaratory relief.

### **8.3 Notification**

A party (**notifying party**) will, within 30 days after the dispute arises, give a notice to the other party or parties with which it has the dispute (**notified party**) and a copy of that notice to the other parties setting out details of the dispute and any other matter that may, in the reasonable opinion of the notifying party, be relevant to the resolution of the dispute.

### **8.4 Initial Meeting**

Within 7 days of the date of the notice the notifying party and notified party (**dispute parties**) will meet and use their respective reasonable endeavours to resolve the dispute within a further period of 14 days.

### **8.5 Mediation**

If a dispute is not resolved in accordance with the provisions of clause 8.4:

- (a) any dispute party may request the President for the time being of the Law Society of South Australia Inc. (or his or her nominee) to appoint a mediator to mediate that dispute;
- (b) within 7 days of a mediator being appointed, the mediator will convene an initial meeting of the dispute parties in an attempt to resolve that dispute; and
- (c) if that dispute is not resolved at that initial meeting, the mediator will convene such further meetings of the dispute parties during the subsequent 14 days as the mediator reasonably considers necessary for the purpose of resolving that dispute.

### **8.6 Expert**

- (a) If a dispute is not resolved in accordance with the provisions of clause 8.5 then within 7 days, the parties may agree to appoint a person who has an

- understanding of or experience in the subject matter of the dispute (**expert**) to determine the dispute.
- (b) If the parties fail to agree a mutually acceptable expert, then within 7 days any dispute party may request the President for the time being of the Law Society of South Australia Inc. (or his or her nominee) to appoint an expert to determine the dispute.

### **8.7 Capacity of Expert**

The expert is an expert and not an arbitrator.

### **8.8 Expert's Determination**

The expert's determination is final and binding on the dispute parties.

### **8.9 Determination costs**

- (a) ~~If the expert determines that the notifying party has given notice of a vexatious or frivolous dispute, the~~ expert may determine that ~~the notifying party any dispute party~~ must pay the whole or a specified portion of the costs and expenses of the other dispute party/~~iesy~~ in relation to the expert's determination.
- (b) ~~Subject to~~Unless clause 8.9(a) applies, each dispute party will bear its own costs and expenses in relation to the expert's determination. ~~the costs and expenses of the dispute parties in relation to the expert's determination (or any remaining portion of these fees, expenses and costs) will be paid out of the Fund.~~

### **8.10 Expert's Fees**

- (a) If the expert determines that the notifying party has given notice of a vexatious or frivolous dispute, the expert may determine that the notifying party must pay all, or a specified portion of, the expert's fees and expenses and the cost of the expert's determination.
- (b) Subject to clause 8.10(a), the expert's fees and expenses and the cost of the expert's determination (or any remaining portion of these fees, expenses and costs) will be paid out of the Fund.

### **8.11 Survival**

The provisions of this clause 8 survive the expiry or termination for whatever reason of this ILUA.

## **9. Communications**

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### **9.1 Writing required**

Subject to this ILUA, any notice, direction, request, response, consent, approval, demand, report or other communication (**communication**) to be given under this ILUA will be in writing and be addressed for the attention of the representative(s) of the party or parties as set out in Schedule 2.

## **9.2 Manner of giving**

A communication may be delivered by hand, sent by prepaid post or sent by facsimile or other electronic transmission to the address of the party or parties to which it is being given and is deemed to have been received:

- (a) if delivered by hand, upon delivery;
- (b) if sent by post, 3 days after posting; and
- (c) if sent by facsimile or other electronic transmission, on receipt by the sender of a confirmation report.

## **9.3 Change of details**

Details specified in Schedule 2 in respect of a party may be changed by the party by not less than 7 days' notice to the other parties.

# **10. Warranties and Authority**

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## **10.1 Native title warranties**

- (a) The Kaurna and KYAC each represents and warrants to the other parties to this ILUA that:
  - (i) the Kaurna are (as at the date of execution of this ILUA by all of the parties) the registered native title claimants (as defined in the Native Title Act) in relation to land and/or waters in the ILUA area and made the native title claim on behalf of the native title claim group;
  - (ii) the native title claim group has established KYAC and has authorised it to manage the native title claim and all matters relating to the native title claim on behalf of the native title claim group;
  - (iii) KYAC enters into this ILUA in the performance of its functions of managing the asserted traditional ownership and native title in relation to the land and waters in the ILUA area and all matters relating to them; and
  - (iv) by signing this ILUA KYAC confirms that it has been authorised by the Kaurna to enter into this ILUA on behalf of the native title claim group.
- (b) The Heritage Association represents and warrants to the other parties to this ILUA that:
  - (i) it represents and, in accordance with Aboriginal tradition, has the authority to speak for, and is authorised to enter into this ILUA on behalf of, the traditional owners and other Aboriginal People who, in accordance with Aboriginal tradition, have the authority to speak for land and waters in the ILUA area;
  - (ii) it enters into this ILUA in the performance of its functions of managing the asserted traditional ownership and heritage in relation to the land and waters in the ILUA area and all matters relating to them; and
  - (iii) by signing this ILUA it confirms that it has been authorised by the traditional owners and other Aboriginal People who, in accordance

with Aboriginal tradition, have the authority to speak for land and waters in the ILUA area to enter into this ILUA on their behalf.

## **10.2 Other Warranties**

Each party represents and warrants to the other parties to this ILUA that:

- (a) it has the power to enter into this ILUA and perform its obligations under it; and
- (b) the persons who have executed this ILUA on its behalf have the necessary authority to do so.

## **11. Native Title Act Statements**

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### **11.1 Future Acts**

The parties:

- (a) agree to the validation of all future acts done by any of the Councils that have already been done invalidly within the ILUA area before the registration date; and
- (b) consent, subject to clause 11.4, to each of the Councils doing each future act within the ILUA area during the period commencing on the registration date and continuing thereafter for the remainder of the term. Such consent does not imply permission by the traditional owners to do an act which in whole or part may affect any Aboriginal site, object or remains and that would otherwise amount to a contravention of the Aboriginal Heritage Act.

### **11.2 No right to negotiate procedures**

- (a) The parties agree that the right to negotiate procedure is not intended to apply to the doing of any future act by any Council within the ILUA area during the period commencing on the registration date and continuing thereafter for the remainder of the term.
- (b) For the purposes of this clause 11.2 the **right to negotiate procedure** means the procedures described in Part 2, Division 3, Subdivision P of the Native Title Act and includes any alternative provisions having effect in South Australia instead of that subdivision.

### **11.3 Non-Extinguishment Principle**

The non-extinguishment principle as defined in section 238 of the Native Title Act applies to each validated future act referred to in clause 11.1(a) and each future act referred to in clause 11.1(b), done by any Council within the ILUA area.

### **11.4 Consent Conditional on Compliance with Clauses 3 and 4**

The consent of the parties in clause 11.1(b) in relation to the doing of any future act is conditional on a Council complying with the provisions of clauses 3 and/or 4 which are applicable to the relevant future act.

### **11.5 Other Native Title Holders**

The parties acknowledge and agree that this ILUA is binding pursuant to section 24EA(1)(b) of the Native Title Act on all persons holding native title in relation to

any of the land and/or waters in the ILUA area who are not members of the Kurna native title claim group in the same way as the native title group (as defined in section 24CD(2) or (3) of the Native Title Act).

## **11.6 Acknowledgment regarding Compensation**

Kurna acknowledges and agrees that:

- (a) any amounts payable and any benefits provided under or pursuant to this ILUA to the Kurna do not constitute satisfaction of any compensation rights or entitlement to which the Kurna would be entitled whether under the Native Title Act, common law, equity, any other statute or otherwise in respect of any act affecting the native title rights and interests of the Kurna done by the State of South Australia or by the Councils prior to or after the commencement date of this ILUA;
- (b) the State of South Australia is solely liable for any and all compensation rights or entitlement to which the Kurna are entitled whether under the Native Title Act, common law, equity, any other statute or otherwise in respect of any act affecting the native title rights and interests of the Kurna done by the Councils prior to or after the commencement date of this ILUA; and
- (c) the amounts and benefits provided under or pursuant to this ILUA to the Kurna are not compensation, for the purposes of section 24EB of the Native Title Act.

## **11.7 Application Survival**

The provisions of clauses 11.6 survive the removal of the details of this ILUA from the register for whatever reason and the termination of this agreement and remain in those circumstances binding on:

- (a) all persons bound by this ILUA; and
- (b) all persons entitled to any of the benefits under this ILUA.

## **12. Registration**

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### **12.1 Application of ILUA**

The parties state that:

- (a) this ILUA applies to the ILUA area; and
- (b) this ILUA is intended to be registered on the register as an area agreement under sections 24CA to 24CL of the Native Title Act and regulation 7 of the *Native Title (Indigenous Land Use Agreements) Regulations 1999* (Cth).

### **12.2 Application for Registration**

- (a) The parties authorise and request the LGA to apply to the registrar for this ILUA to be registered and entered on the register as an area agreement pursuant to sections 24CA to 24CL of the Native Title Act and regulation 7 of the *Native Title (Indigenous Land Use Agreements) Regulations 1999* (Cth).
- (b) For the purposes of registering and entering this ILUA on the register as referred to in clause 12.2(a) the parties request SANTS to certify in



accordance with the Native Title Act the application to the registrar referred to in clause 12.2(a).

### **12.3 Best endeavours**

Each of the parties agrees to use its best endeavours to obtain the registration of this ILUA as soon as practicable after the commencement date.

### **12.4 Removal from Register**

- (a) All of the parties may request the registrar pursuant to section 199C(1)(c)(ii) of the Native Title Act to remove the details of this ILUA from the register by advising the registrar in writing that they wish to terminate this ILUA.
- (b) The parties acknowledge that the registrar is required to remove the details of this ILUA from the register in the circumstances set out in sections 199C(1)(b), (c)(i) and (c)(iii) of the Native Title Act.
- (c) Upon details of this ILUA being removed from the register the provisions of clause 11.1(b) cease to apply to any future act done after that removal.
- (d) The provisions of clauses 12.4(a), (b) and (c) survive the expiry or termination for whatever reason of this ILUA.

### **12.5 Registered Native Title Body Corporate**

- (a) If a determination of native title is made in respect of the whole or any part of the ILUA area and a registered native title body corporate is determined to hold the rights and interests from time to time comprising the native title in trust for the native title holders the Kurna and KYAC must use their best endeavours to ensure that the registered native title body corporate:
  - (i) becomes a party to this ILUA in substitution for the Kurna in relation to the whole or relevant part of the ILUA area in respect of which the native title body corporate is determined to hold native title in trust; and
  - (ii) assumes the rights and obligations of the Kurna under this ILUA in relation to the whole or that part of the ILUA area.
- (b) The parties (other than the Kurna) to this ILUA consent to the registered native title body corporate becoming a party to this ILUA and assuming the rights and obligations of the Kurna in accordance with clause 12.5(a)(ii).
- (c) Each of the parties to this ILUA must sign such documents as are necessary to give effect to the provisions of this clause 12.5.

### **12.6 Heritage Body**

- (a) If a body other than the Heritage Association becomes responsible for protecting and preserving Aboriginal sites, objects and remains within the ILUA area of significance to the Kurna, the Kurna and the Heritage Association must use their best endeavours to ensure that such body:
  - (i) becomes a party to this ILUA in substitution for the Heritage Association; and
  - (ii) assumes the rights and obligations of the Heritage Association under this ILUA.

- (b) The parties (other than the Heritage Association) to this ILUA consent such body becoming a party to this ILUA and assuming the rights and obligations of the Heritage Association in accordance with clause 12.6(a)(ii).
- (c) Each of the parties to this ILUA must sign such documents as are necessary to give effect to the provisions of this clause 12.6.

### **13. GST**

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The parties agree that, if a goods and services, value-added or a comparable tax (**GST**) applies under the “*A New Tax System (Goods and Services Tax) Act 1999*” or associated legislation (**GST legislation**) in relation to any taxable supply (within the meaning of the GST legislation) (**taxable supply**) made by a party (**supplier**) to another party (**recipient**) under or pursuant to this ILUA:

- (a) the amount payable by the recipient to the supplier in respect of the taxable supply (**payment**) does not include GST;
- (b) the supplier may, in addition to the payment, recover from the recipient (and the recipient will pay to the supplier) an additional amount on account of the GST, such additional amount to be calculated in accordance with the GST legislation; and
- (c) the supplier will provide to the recipient a tax invoice (within the meaning of the GST legislation) in respect of the taxable supply as required by the GST legislation.

### **14. General**

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#### **14.1 Entire agreement**

This ILUA contains the entire agreement between the parties with respect to its subject matter and supersedes all prior agreements and understandings between the parties in connection with it.

#### **14.2 Amendment**

No amendment or variation of this ILUA is valid or binding on a party unless made in writing executed by all parties to it.

#### **14.3 Severability**

Each word, phrase, sentence, paragraph and clause (**provision**) of this ILUA is severable and if a court determines that a provision is unenforceable, illegal or void the court may sever that provision which becomes inoperative and such severance will not affect the other provisions of this ILUA.

#### **14.4 Force Majeure**

If any party becomes wholly or partly unable because of a force majeure event to perform any of its obligations under this ILUA, then the party affected by the force majeure must give the other parties notice of the force majeure event specifying:

- (a) details of the force majeure event;
- (b) insofar as it is known, the probable scope of the force majeure event; and

- (c) insofar as it is known, the probable duration for which it will be unable to perform the relevant obligation,

and the relevant obligation shall be deemed to be suspended, but:

- (d) the suspension shall be of no greater scope nor longer duration than the consequences of the relevant force majeure event; and
- (e) the party affected by the force majeure event must use all reasonable endeavours to counter it or to otherwise remedy its inability to perform.

#### **14.5 No waiver**

- (a) No failure to exercise nor any delay in exercising any right, power or remedy by a party operates as a waiver.
- (b) A single or partial exercise of any right, power or remedy does not preclude any other or further exercise of that or any other right, power or remedy.
- (c) A waiver is not valid or binding on the party granting that waiver unless made in writing.

#### **14.6 Minister's Discretion**

Nothing in this ILUA fetters the discretion of any Minister of the Crown in the right of South Australia.

#### **14.7 Further assurances**

Each party agrees to do all things and sign all documents necessary or desirable to give full effect to the provisions of this ILUA and the transactions contemplated by it.

#### **14.8 No merger**

- (a) The rights and obligations of the parties will not merge on the completion of any transaction contemplated by this ILUA.
- (b) Those rights and obligations will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing a transaction.

#### **14.9 Indices**

- (a) If the CPI index or the LWPI index ceases to be published or the basis upon which the CPI index or the LWPI index is calculated is changed to such a material extent that it is no longer appropriate to be used, the Committee must meet to endeavour to determine another appropriate index or indices with the intention that none of the parties will be disadvantaged or benefit by the substitution.
- (b) If the Committee is unable to make a determination under clause 14.9(a), then any party may request the President for the time being of the Institute of Actuaries of Australia or that person's nominee to provide (on the basis that none of the parties will be disadvantaged or benefit thereby) alternative figures or indices which will be equivalent to the CPI index or the LWPI index, as applicable, and such figures or indices will then for the purposes of this clause 14.9 be deemed to be the CPI index or the LWPI index and be binding on the parties.

**14.10 Governing law and jurisdiction**

- (a) This ILUA is governed by the laws of South Australia.
- (b) Each party submits to the non-exclusive jurisdiction of courts exercising jurisdiction in South Australia in connection with matters concerning this ILUA.

**14.11 Relationship**

- (a) The relationship between the parties is that of independent contractors.
- (b) The parties are not partners, joint venturers nor, subject to clause 14.10(c), principal and agent.
- (c) The Heritage Association and KYAC are each an agent of the Kurna,
- (d) The Councils acknowledge and agree that in receiving any communication and doing anything pursuant to clauses 3, 4 and 5 the ILUA administrator(s);
  - (i) act as the agent of KYAC and/or the Heritage Association, as applicable; and
  - (e)(ii) are subject to the exclusive direction and control of KYAC and/or the Heritage Association, as applicable.

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**14.12 Counterparts**

This ILUA may be executed in any number of counterparts and all counterparts when exchanged will be taken to constitute one document.

**Signed** by Garth Agius )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Vince Buckskin )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Lynette Crocker )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....

in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Phillip Davies )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Cecil Graham )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Carroll Karpany )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Shirley Lampard )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Joseph Mitchell )

for and on behalf of the )  
Kaurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Rodney O'Brien )  
for and on behalf of the )  
Kaurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Glenice Sumner )  
for and on behalf of the )  
Kaurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Frank Wanganeen, )  
for and on behalf of the )  
Kaurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Maureen Wanganeen )  
for and on behalf of the )  
Kaurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**Signed** by Georgina Williams, )  
for and on behalf of the )  
Kurna Peoples Native Title Claim Group ).....  
in the presence of: )

.....  
Witness

.....  
Name of Witness

**The Common Seal** of the )  
**Kurna Yerta** )  
**Aboriginal Corporation** was hereunto affixed )  
in accordance with its constitution )  
in the presence of:

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.....  
Chairperson

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Member

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Name

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Name

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Member

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Member

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Name

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Name

**The Common Seal of Kurna** )  
**Nation Cultural Heritage Association** )  
**Incorporated** was hereunto affixed )  
in accordance with its constitution )  
in the presence of:

.....  
Chairperson

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Member

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Name

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Member

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Member

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Name

**Executed by** )  
**Adelaide City Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

.....  
Chief Executive



**Executed by** )  
**Adelaide Hills Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**Alexandrina Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**The Barossa Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**Campbelltown City Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Chief Executive

**Executed by** )  
**City of Burnside** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Charles Sturt** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Holdfast Bay** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Marion** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Mitcham** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by City of Norwood** )  
**Payneham and St Peters** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Onkaparinga** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Playford** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by City of** )  
**Port Adelaide Enfield** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of Prospect** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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**Executed by** )  
**City of Salisbury** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Chief Executive

**Executed by** )  
**City of Tea Tree Gully** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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**Executed by** )  
**City of Unley** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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**Executed by** )  
**City of Victor Harbor** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**City of West Torrens** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by City of Clare and** )  
**Gilbert Valleys Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Chief Executive

**Executed by Corporation of the** )  
**Town of Walkerville** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**District Council of Mallala** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by The District** )  
**Council of Mount Barker** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by District Council** )  
**of Yankalilla** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

.....  
Chief Executive



**Executed by** )  
**Light Regional Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

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Chief Executive

**Executed by** )  
**Town of Gawler** pursuant to a )  
resolution of the council passed at )  
on 2012 )

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Mayor

.....  
Chief Executive

**Executed by** )  
**Wakefield Regional Council** pursuant to a )  
resolution of the council passed at )  
on 2012 )

.....  
Mayor

.....  
Chief Executive

### **Schedule 1 – ILUA Area**

That geographical area of land and waters within the outer boundaries of the geographical area of land and waters comprised in, and the subject of, the native title application known as the Kurna Peoples native title claim SC00/1 recorded as native title determination application no. SAD 6001/00 in the Federal Court of Australia

## Schedule 2 — Notice Details

### 1. **Kurna Peoples native title claim group**

Address: Campbell Law  
Level 5, 18-20 Grenfell Street  
Adelaide SA 5000

Attention: Tim Campbell

Telephone No: (08) 8410 1844

Facsimile No.: N/A

e-mail: tim@campbelllaw.com.au

### 2. **Kurna Yerta Aboriginal Corporation**

#### a. **Any communication pursuant to clauses 3.1(a), 3.6, 3.7(a)(iii), ~~4.12~~ or**

##### **5.1:**

Address: c/o the ILUA administrator  
Local Government House  
Ground Floor  
148 Frome Street  
Adelaide SA 5000

Attention: the ILUA administrator

#### b. **Any communication other than a communication pursuant to clauses**

##### **3.1(a), 3.6, 3.7(a)(iii), ~~4.12~~ or 5.1:**

Address: Campbell Law  
Level 5, 18-20 Grenfell Street  
Adelaide SA 5000

Attention: Tim Campbell

Telephone No: (08) 8410 1844

Facsimile No.: N/A

e-mail: tim@campbelllaw.com.au

### 3. **Kurna Nation Cultural Heritage Association**

a. **Any communication pursuant to clauses 3.1(a), ~~3.1(b)~~, 3.6, 3.7(a)(iii),**

**4.12 or 5.1:**

Address: c/o the ILUA administrator  
Local Government House  
Ground Floor  
148 Frome Street  
Adelaide SA 5000

Attention: the ILUA administrator

b. **Any communication other than a communication pursuant to clauses**

**3.1(a), ~~3.1(b)~~, 3.6, 3.7(a)(iii), 4.12 or 5.1:**

Address: Camatta Lempens  
Level 1  
345 King William Street  
Adelaide SA 5000

Attention: Stephen Kenny

Telephone No: (08) 8410 0211

Facsimile No.: (08) 8410 0566

e-mail: kenny@camattalempens.com.au

4. **COUNCILS**

Council: **Adelaide City Council**

Address: Town Hall,  
128 King William Street  
Adelaide SA 5000

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Adelaide Hills Council**  
Address: 28 Onkaparinga Valley Road  
Woodside SA 5244  
Attention:  
Telephone No:  
Facsimile No:  
e-mail:

Council: **Alexandrina Council**  
Address: 11 Cadell Street  
Goolwa SA 5214  
Attention:  
Telephone No:  
Facsimile No:  
e-mail:

Council: **The Barossa Council**  
Address: 43-51 Tanunda Road  
Nuriootpa SA 5355  
Attention:  
Telephone No:  
Facsimile No:  
e-mail:

Council: **Campbelltown City Council**

Address: 172 Montacute Road  
Rostrevor SA 5073

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Burnside**

Address: 401 Greenhill Road  
Tusmore SA 5065

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Charles Sturt**

Address: 72 Woodville Road  
Woodville SA 5011

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Holdfast Bay**

Address: 24 Jetty Road  
Brighton SA 5048

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Marion**

Address: 245 Sturt Road  
Sturt SA 5047

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Mitcham**

Address: 131 Belair Road  
Torrens Park SA 5062

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Norwood Payneham and St Peters**

Address: 175 The Parade  
Norwood SA 5067

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Onkaparinga**

Address: Ramsay Place  
Noarlunga Centre SA 5168

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Playford**

Address: 10 Playford Boulevard  
ELIZABETH SA 5112

Attention:

Telephone No:

Facsimile No:

e-mail:



Council: **City of Port Adelaide Enfield**

Address: 163 St Vincent Street  
Port Adelaide SA 5015

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Prospect**

Address: 128 Prospect Road  
Prospect SA 5082

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Salisbury**

Address: 12 James Street  
Salisbury SA 5108

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Tea Tree Gully**

Address: 571 Montague Road  
Modbury SA 5092

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **The City of Unley**

Address: 181 Unley Road  
Unley SA 5061

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of Victor Harbor**

Address: 1 Bay Road  
Victor Harbor SA 5211

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **City of West Torrens**

Address: 165 Sir Donald Bradman Drive  
Hilton SA 5033

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Clare and Gilbert Valleys Council**

Address: 4 Gleeson Street  
Clare SA 5453

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Corporation of the Town of Walkerville**

Address: 66 Walkerville Terrace  
Gilberton SA 5081

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **District Council of Mallala**

Address: 2A Wasleys Road  
Mallala SA 5502

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **The District Council of Mount Barker**

Address: 6 Dutton Road  
Mount Barker SA 5251

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **District Council of Yankalilla**

Address: 1 Charles Street  
Yankalilla SA 5203

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Light Regional Council**

Address: 93 Main Street  
Kapunda SA 5373

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Town of Gawler**

Address: 89 Murray Street  
Gawler SA 5118

Attention:

Telephone No:

Facsimile No:

e-mail:

Council: **Wakefield Regional Council**

Address: Scotland Place  
Balaklava SA 5461

Attention:

Telephone No:

Facsimile No:

e-mail:

### Schedule 3 – Fund Contributions

<b>Council</b>	<b>Contribution To Fund (\$)</b>
Adelaide City Council	23,885.15
Adelaide Hills Council	5,259.67
Alexandrina Council	4,959.96
The Barossa Council	4,357.92
City of Burnside	5,332.72
Campbelltown City Council	4,775.46
City of Charles Sturt	13,780.72
Clare & Gilbert Valleys Council	2,530.56
Town of Gawler	2,865.90
City of Holdfast Bay	7,251.44
Light Regional Council	2,787.46
District Council of Mallala	1,261.11
City of Marion	9,882.83
City of Mitcham	6,826.06
District Council of Mount Barker	4,948.36
City of Norwood Payneham & St Peters	5,148.39
City of Onkaparinga	18,244.21
City of Playford	9,944.93
City of Port Adelaide Enfield	15,149.20
Port Pirie Regional Council	2,480.39
City of Prospect	2,650.84
City of Salisbury	14,291.08
City of Tea Tree Gully	10,443.85
City of Unley	5,717.58
City of Victor Harbor	2,725.85
Wakefield Regional Council	1,646.62
Corporation of the Town of Walkerville	1,050.95
City of West Torrens	8,302.23
District Council of Yankalilla	1,498.56
<b>Total</b>	<b>200,000</b>

#### **Schedule 4 – Matters for the Committee**

- (a) repatriation and reburial of ancestral remains;
- (b) database of sensitive sites/areas and cultural mapping;
- (c) development and use of the Kurna language;
- (d) Kurna cultural and history awareness programmes;
- (e) joint management of Kurna sites;
- (f) seeking funding for Kurna sport programmes; and
- (g) seeking funding for scholarships and traineeships.



Adelaide's Living Beaches Project

Contact: Jenny Deans  
Phone: 8124 4880  
email: jennifer.deans@sa.gov.au

**TO: Chief Executive, City of Holdfast Bay**

**RE: Adelaide's Living Beaches Strategy**

**Commissioning of the Sand Transfer Infrastructure Project**

As discussed today, this update of scheduled events is for briefing Councillors about ALB Project progress.

The Glenelg to Kingston Park section of the pipeline project is being commissioned in March 2013.

Commissioning of the pipeline involves these main activities:

- Assembly and testing of the Sand Collection Unit (SCU) at Glenelg beach, south of the jetty in the week 4 March to 8 March, this includes pumping sea water onto and across the beach at the SCU site.
- Sea water test of the main pump station and booster pump stations will occur from 12 March, this includes testing of the three booster pump stations and discharge of water at various (but not all) of the discharge points between Glenelg and Kingston Park.
- Sand collection at Glenelg beach in preparation for slurry pumping tests is scheduled from 12 March. The sand collection will be undertaken by conventional means (excavator) as relatively small volumes are required. Long term operations will use a sand plane.
- Sand slurry pumping tests are scheduled from 14 March, for a period of approximately two weeks. During this period, the tests will include use of every discharge point, emergency shutdown procedures and varying the operating conditions.
- Following commissioning, the SCU will be disassembled and transported off-site. It is scheduled for use at West Beach in April and will return to Glenelg in September 2013.

Commissioning is expected to be completed in early April; after Easter and before the school holidays.

In addition to the commissioning tests, work on the widening of the Glenelg jetty to screen the pipelines will be undertaken. This consists of the fitting of brackets to the jetty for the jetty widening, during the week of 4 to 8 March. Installation of the wider jetty platform is scheduled for April.



The Sand Transfer Infrastructure Project is an initiative to reduce the level of trucking of sand along metropolitan Adelaide beaches and reduce overall disruption to beach users and traffic on local residential roads.

The work is part of the Adelaide's Living Beaches Strategy that ensures that our beaches remain sandy and that the foreshore is protected from coastal erosion.

Photographs, below show the Sand Collection Unit and the former sand-carting operations.



Sand Collection Unit commissioning at Torrens Outlet in November 2012.



Sand carting trucks in use at Glenelg Jetty (this method of operation is being superseded here).

Please note our hotline contact number 0411 137 165, or contact me with any further enquiries on 8124 4880 or [jennifer.deans@sa.gov.au](mailto:jennifer.deans@sa.gov.au).

regards

Jenny Deans  
a/Project Manager, Adelaide's Living Beaches Project.



Adelaide's Living Beaches Project

Contact: Jenny Deans  
Phone: 8124 4880  
email: jennifer.deans@sa.gov.au

**TO: Chief Executive, City of Holdfast Bay**

**RE: Adelaide's Living Beaches Strategy**

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- Sea water test of the main pump station and booster pump stations will occur from 12 March, this includes testing of the three booster pump stations and discharge of water at various (but not all) of the discharge points between Glenelg and Kingston Park.
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Sand carting trucks in use at Glenelg Jetty (this method of operation is being superseded here).

Please note our hotline contact number 0411 137 165, or contact me with any further enquiries on 8124 4880 or [jennifer.deans@sa.gov.au](mailto:jennifer.deans@sa.gov.au).

regards

Jenny Deans  
a/Project Manager, Adelaide's Living Beaches Project.

Item No: **14.2**

Subject: **GRANTING OF EASEMENT FOR GAS PIPELINE INSTALLATION- PINE AVENUE, SEACLIFF**

Date: 12 March 2013

Written By: Technical Engineer

General Manager: City Assets, Mr Steve Hodge

---

### **SUMMARY**

The APA Group intends to construct a gas pipeline, a portion of which needs to cross a recreation reserve located between Kingston Crescent and Pine Avenue, Seacliff. This will require an easement to be created. This report recommends that the easement be granted by Council and that permission be given to the APA Group to enter upon the land in order to construct the pipeline.

---

### **RECOMMENDATION**

- 1. That Council approve the granting of an easement across the recreation reserve, subject to the APA group meeting all conveyancing and legal costs, and that the Mayor and Chief Executive officer be authorised to sign the associated documents with the seal of Council affixed thereto.**
  - 2. That Maloney Field Services be advised that Council agrees to the easement being created and gives permission for the APA Group to enter upon the reserve and construct the pipeline, provided APA reinstates the area after construction of the pipeline, and nearby residents are given prior notification of the works by APA**
- 

### **COMMUNITY PLAN**

A Place that is Safe and Secure  
A Place that Values its Natural Environment  
A Place that Manages its Environmental Impact  
A Place that is Well Planned  
A Place that Provides Choices and Enhances Life

**COUNCIL POLICY**

Council usually agrees to the construction of gas pipelines, provided affected land and infrastructure are arranged for reinstatement by the gas company at its expense.

**STATUTORY PROVISIONS**

Local Government Act 1999  
And Essential Services

**BACKGROUND**

There have been no previous reports related to this matter, however, Council in the past has granted easements for works undertaken by public utilities.

**REPORT**

Council has received a letter from Maloney Field Services on behalf of the APA Group that proposes to construct a gas pipeline from Kingston Crescent to Pine Avenue Seacliff. A portion of the alignment would cross the recreation reserve. This will require the creation of an easement.

*Refer Attachment 1*

Council has been advised that there is no alternative to the route proposed. Therefore this report recommends that Council grants an easement over the reserve, and the APA Group be granted permission to access the reserve and construct the pipeline.

**BUDGET**

This matter is not allowed for in Council's current budget, and apart from the necessary administration, does not require an amount to be budgeted.

**LIFE CYCLE COSTS**

There will be no life cycle costs associated with this matter.

15 February 2013

Attachment 1.



Mr Ken O'Neill  
Acting General Manager, City Services  
City of Holdfast Bay  
Via email [koneill@holdfast.sa.gov.au](mailto:koneill@holdfast.sa.gov.au)

Dear Sir

**Re: PROPOSED GAS PIPELINE INSTALLATION – PINE AVENUE, SEACLIFF**

I refer to my recent discussion with Mr Hilton Solyom regarding the above matter. Mr Solyom suggested I address this correspondence to you in your capacity as the Acting General Manager, City Services.

I confirm that we act for APA Group who manage the gas distribution network throughout metropolitan Adelaide on behalf of Envestra. APA Group are undertaking a mains replacement program at Seacliff and it has become apparent that a new main is required between Pine Avenue and Kingston Crescent. Please see attached a diagram showing the proposed path of the gas pipeline.

Our searches indicate that Pine Avenue is a road reserve however portion of the alignment will also cross Section 1540, Hundred of Noarlunga which is a recreation reserve held in trust by the City of Holdfast Bay. The land is contained within Certificate of Title Volume 5557 Folio 560 (title attached).

Ultimately APA Group intend to secure an easement across the recreation reserve however we enquire with Council as to any rights of access that may be available for APA Group to enter upon the land and construct the pipeline. This is a matter of some urgency for APA Group and as such we would be happy to meet with you or discuss this matter at your earliest convenience so as to provide additional detail and to also gain a better understanding of your internal approval process for such a matter.

Thank you for your consideration of this request and we look forward to hearing from you in the near future.

Yours faithfully

**MALONEY FIELD SERVICES**

A handwritten signature in blue ink, appearing to read 'JAMAHL WADDINGTON', is written over a light blue circular stamp.

**JAMAHL WADDINGTON**

Director

Enc

Address all correspondence to:

**Adelaide** Head Office  
5 Wakefield St  
Kent Town SA 5067  
P (08) 8333 2722  
F (08) 8333 2755

**Brisbane**  
Level 23, 127 Creek St  
Brisbane QLD 4000  
P (07) 3218 2743

**Darwin**  
Unit 7, 14 Winnellie Rd  
Winnellie NT 0820  
P (08) 8333 2722  
F (08) 8333 2755

**Melbourne**  
**Newcastle**  
**Dalby**  
**Chinchilla**

Maloney Field Services  
(Australia) Pty Ltd  
ABN 13 109 359 560  
[info@maloney.com.au](mailto:info@maloney.com.au)  
[www.maloney.com.au](http://www.maloney.com.au)

Established  
1970

Liability limited by a scheme  
approved under Professional  
Standards Legislation





1:1500

SEACLIFF



# Title Register Search

## LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5557 FOLIO 560 \*

COST : \$25.00 (GST exempt ) PARENT TITLE : CT 4402/905  
REGION : EMAIL AUTHORITY : CONVERTED TITLE  
AGENT : MAFS BOX NO : 408 DATE OF ISSUE : 21/07/1998  
SEARCHED ON : 14/02/2013 AT : 09:55:54 EDITION : 1  
CLIENT REF ENVESTRA SEACLIFF

REGISTERED PROPRIETOR IN FEE SIMPLE

-----  
CITY OF HOLDFAST BAY OF PO BOX 19 BRIGHTON SA 5048

DESCRIPTION OF LAND

-----  
SECTION 1540  
HUNDRED OF NOARLUNGA  
IN THE AREA NAMED KINGSTON PARK

SECTION 1643  
HUNDRED OF NOARLUNGA  
IN THE AREAS NAMED KINGSTON PARK AND SEACLIFF

SECTION 1662  
HUNDRED OF NOARLUNGA  
IN THE AREA NAMED KINGSTON PARK

EASEMENTS

-----  
SUBJECT TO THE EASEMENT OVER THE LAND MARKED Y (VOL.4375 FOLIO 744)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED Z (VOL.4375 FOLIO 745)

SCHEDULE OF ENDORSEMENTS

-----  
IN TRUST TO PERMIT SUFFER AND TO BE USED AT ALL TIMES AS A RECREATION  
RESERVE

NOTATIONS

-----  
DOCUMENTS AFFECTING THIS TITLE

-----  
NIL

REGISTRAR-GENERAL'S NOTES

-----  
DATA SUBJECT TO CORRECTION VIDE DKT. 80/05  
TITLE NOT PRINTED

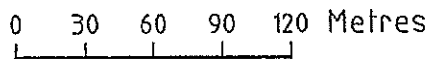
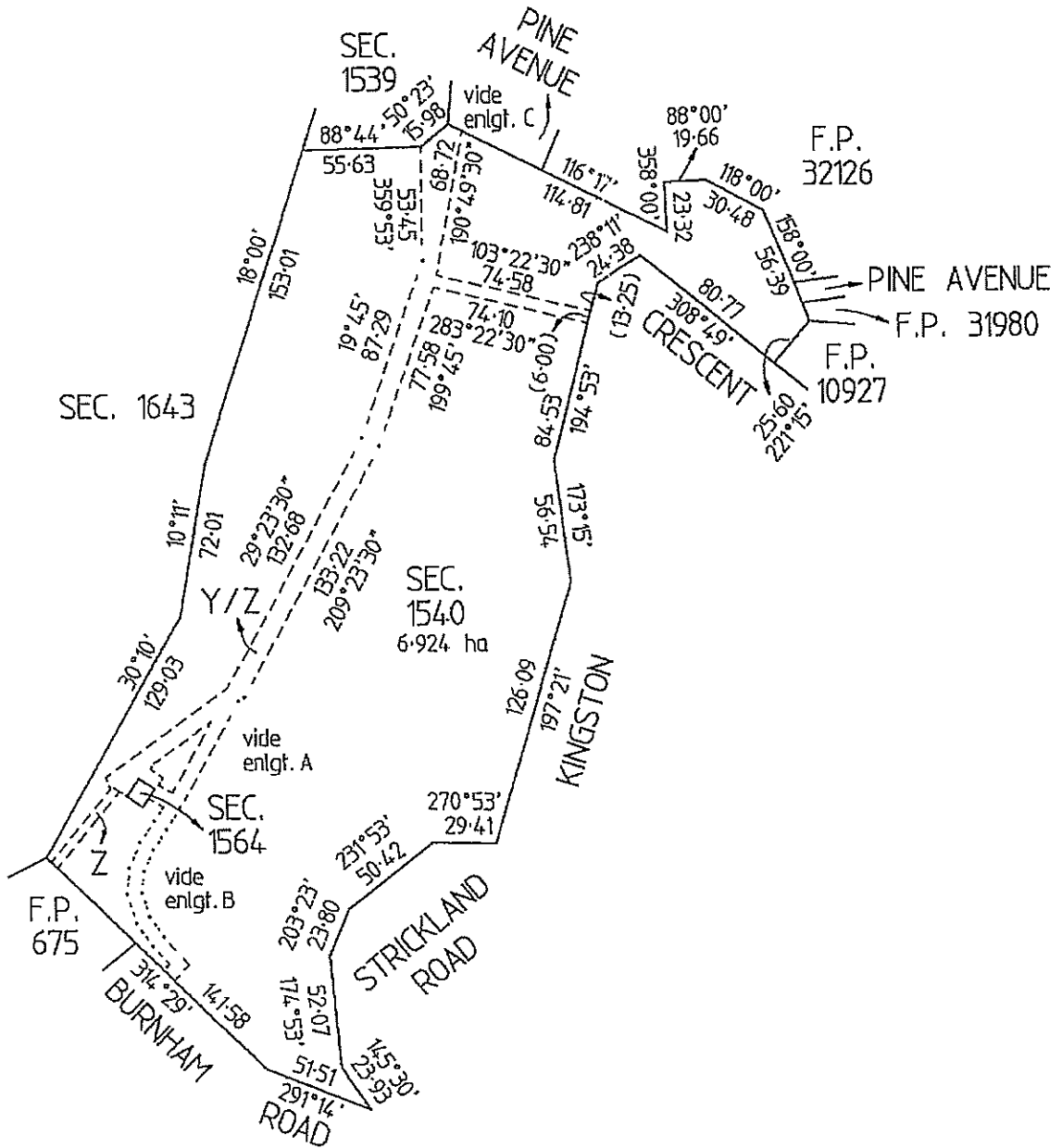
END OF TEXT.



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

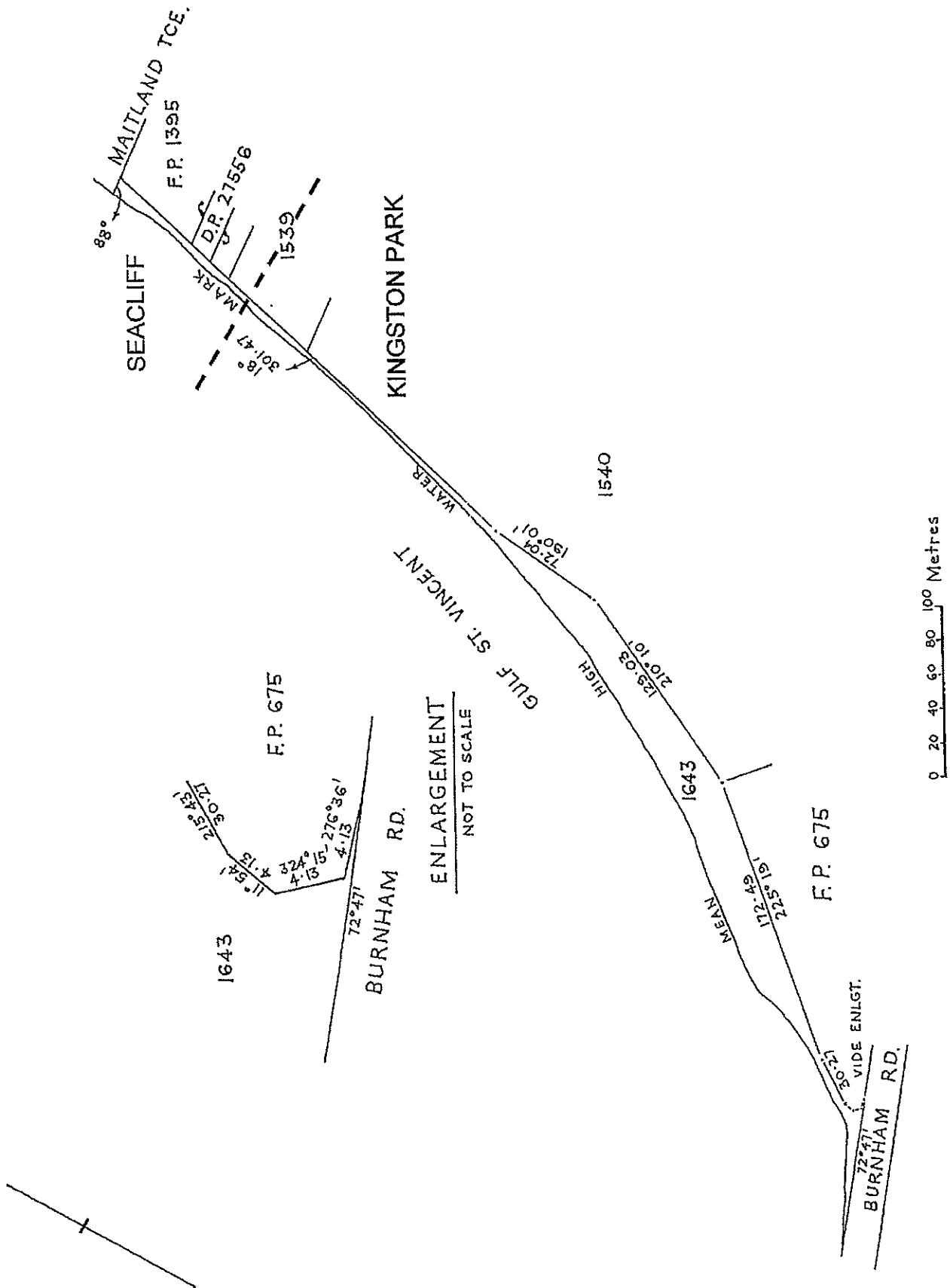
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5557 FOLIO 560

SEARCH DATE : 14/02/2013 TIME: 09:55:54





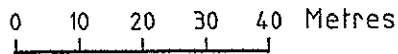
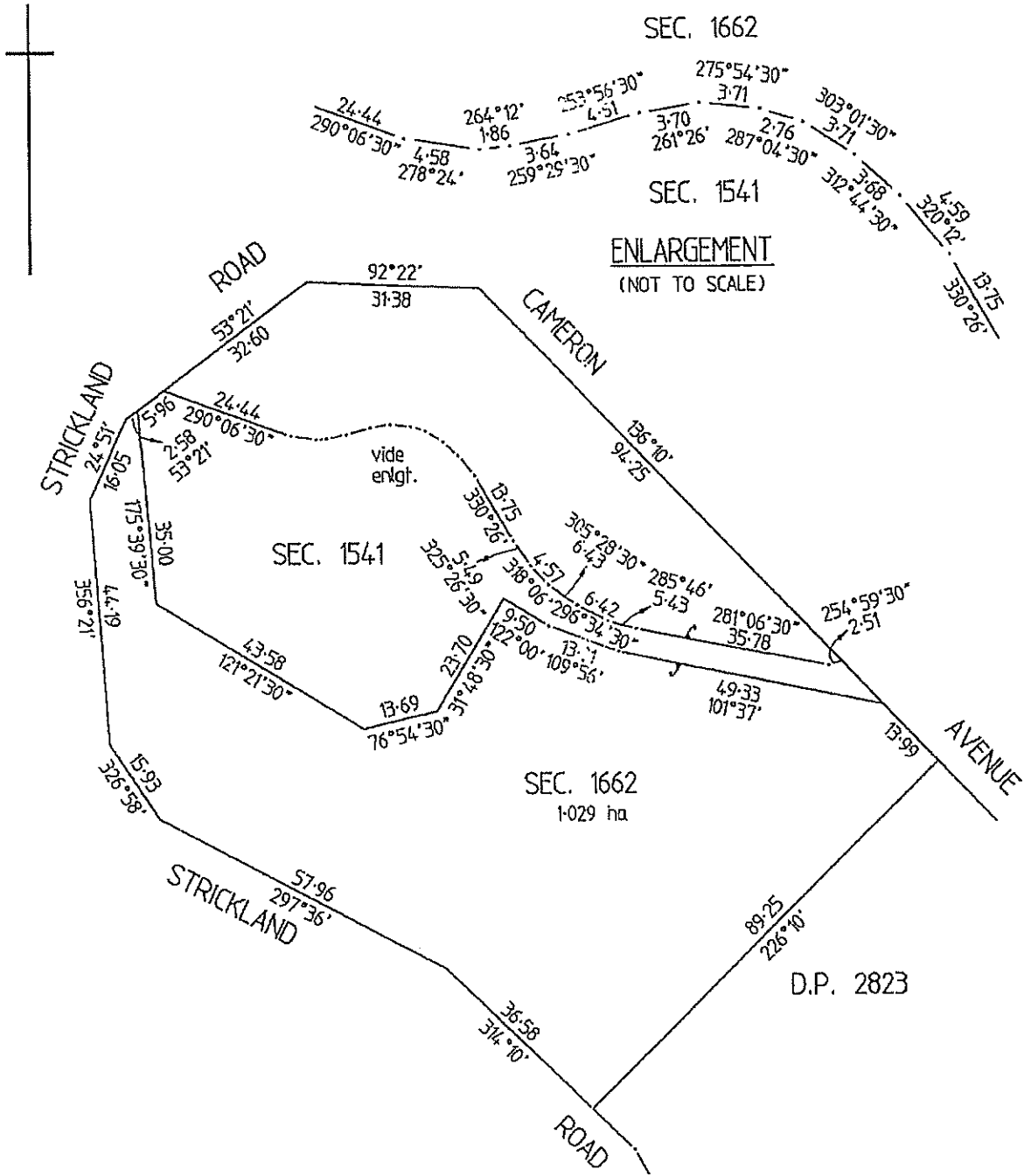
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA  
 DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5557 FOLIO 560  
 SEARCH DATE : 14/02/2013 TIME: 09:55:54



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5557 FOLIO 560

SEARCH DATE : 14/02/2013 TIME: 09:55:54



Item No: **14.3**

Subject: **ELECTION OF METROPOLITAN ADELAIDE REPRESENTATIVES TO THE LGA STATE EXECUTIVE COMMITTEE**

Date: 12 March 2013

Written By: Governance Officer

General Manager: Corporate Services, Mr I Walker

## SUMMARY

Following the call for nominations for Metropolitan Adelaide Representatives to the LGA State Executive Committee, the Local Government Association (LGA) has received 12 nominations for the 8 member positions and the 4 proxy members.

This report seeks Council's preferences for the positions.

## RECOMMENDATION

**That Council cast a vote for the 8 Metropolitan Representatives and 4 Proxy Members numbering the ballot paper(as shown below) 1 to 12:**

	<b>WHITTAKER, Jillian</b>	Councillor	Campbelltown City Council
	<b>LLEWELLYN-SMITH, Michael</b>	Deputy Lord Mayor Dr	City of Adelaide
	<b>TRAINER, John</b>	Mayor	City of West Torrens
	<b>JAMIESON, Peter</b>	Councillor	City of Port Adelaide Enfield
	<b>PICTON, Michael</b>	Mayor	City of Mitcham
	<b>WIGG, Carolyn</b>	Councillor	Corporation of the Town of Walkerville
	<b>SPRAGG, William</b>	Mayor	Adelaide Hills Council
	<b>CLYNE, Lachlan</b>	Mayor	City of Unley
	<b>ROSENBERG, Lorraine</b>	Mayor	City of Onkaparinga
	<b>BRIA, Robert</b>	Mayor	City of Norwood, Payneham & St Peters
	<b>ALDRIDGE, Gillian</b>	Mayor	City of Salisbury
	<b>PARKIN, David</b>	Mayor	City of Burnside

## COMMUNITY PLAN

A Place that Provides Value for Money

## COUNCIL POLICY

Not applicable.

**STATUTORY PROVISIONS**

Not applicable.

**BACKGROUND**

Council has not considered this ballot previously.

**REPORT**

The Local Government Association previously called for nominations form councils for Metropolitan Adelaide Representatives to the LGA State Executive Committee. These nominations have now closed.

As 12 nominations have been received for the 8 members and 4 proxy members, a ballot is being conducted. A copy of the ballot paper is presented for information.

*Refer Attachment 1*

In order to comply with Rule 18 of the LGA Constitution, the casting of the vote by the City of Holdfast Bay must be conducted as follows:

1. The voting must be on the ballot paper provided by the LGA which has the candidates listed in the order as drawn by lot.
2. Council must determine in its order of precedence for the candidates listed on the attached ballot paper.
3. the Council's delegate to the LGA General Meetings (Mayor Rollond) appointed pursuant to Rule 7 of the LGA Constitution must mark the ballot paper by placing the number 1 in the square opposite the name of the first candidate of Council's choice and must continue (using consecutive numbers) until a vote has been indicated for 12 candidates in the order of the Council's preference.

All ballots must be received by the Returning Officer by 5.00pm on Tuesday 9 April 2013.

Attached for member's information are the candidate nomination forms and profiles which are in the same order as the candidates appear on the ballot paper.

*Refer Attachment 2*

Council has received a number of letters of support from different councils and these are attached for your information.

*Refer Attachment 3*

**BUDGET**

There are no budget implications.

**LIFE CYCLE COSTS**

There are no full life cycle costs.



**BALLOT PAPER**

**ELECTION FOR METROPOLITAN ADELAIDE STATE EXECUTIVE  
COMMITTEE MEMBERS 2013**

**8 MEMBERS and 4 PROXY MEMBERS REQUIRED**

**Ballot closes 5pm Tuesday 9 April 2013**

**IMPORTANT NOTE:** The appointed Council Member (being the Council Delegate to LGA General Meetings - refer to point 3 in the accompanying memorandum) is to mark the numbers 1 to 12 in the squares opposite the names of the candidates in the order of the Council's preference.

**THIS BALLOT PAPER IS NOT VALID UNLESS COMPLETED IN ACCORDANCE WITH THE ABOVE INSTRUCTIONS, AND INITIALLED BY THE RETURNING OFFICER OR DEPUTY RETURNING OFFICER ON THE REVERSE SIDE**

	<b>WHITTAKER, Jillian</b>	Councillor	Campbelltown City Council
	<b>LLEWELLYN-SMITH, Michael</b>	Deputy Lord Mayor Dr	City of Adelaide
	<b>TRAINER, John</b>	Mayor	City of West Torrens
	<b>JAMIESON, Peter</b>	Councillor	City of Port Adelaide Enfield
	<b>PICTON, Michael</b>	Mayor	City of Mitcham
	<b>WIGG, Carolyn</b>	Councillor	Corporation of the Town of Walkerville
	<b>SPRAGG, William</b>	Mayor	Adelaide Hills Council
	<b>CLYNE, Lachlan</b>	Mayor	City of Unley
	<b>ROSENBERG, Lorraine</b>	Mayor	City of Onkaparinga
	<b>BRIA, Robert</b>	Mayor	City of Norwood, Payneham & St Peters
	<b>ALDRIDGE, Gillian</b>	Mayor	City of Salisbury
	<b>PARKIN, David</b>	Mayor	City of Burnside



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The .....**Campbelltown City Council**.....  
(Name of Council making the nomination)

hereby nominates .....**Jillian Yvonne Whittaker**.....  
(Full Name)

of .....**Campbelltown City Council**.....  
(Name of Council of which the nominee is a member)


being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this .....**8<sup>th</sup>**..... day of .....**FEBRUARY**..... 20012/13

  
.....  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

  
.....  
(Signature of Candidate)

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

## Position Sought: Metropolitan Adelaide Zone Rep

**1. NAME** Jillian Yvonne (Jill) Whittaker

**2. COUNCIL** Campbelltown City Council

### **3. CURRENT COUNCIL POSITION(S)**

Deputy Mayor (from 2006); Newton Ward Councillor (from 2003); Chairperson of the Outlook Committee, Access and Inclusion Advisory Committee, Reconciliation Advisory Committee, Campbelltown Leisure Centre Advisory Committee, Sesquicentennial Year Advisory Committee.

### **4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE**

Campbelltown Councillor 2003-  
Metropolitan rep State Executive of the LGA 2009-2011.  
Proxy Metropolitan rep State Executive of the LGA 2011-2013.  
Local Government Research and Development Scheme Committee 2009-  
Migrant Resource Centre Board 2010 -  
Consumer Advisory Committee Essential Services Commission of SA 2012 -  
Deputy Member of SA Public Health Council 2012-  
Supported Residential Facilities Advisory Committee 2013 -  
Development Assessment Panel 2003 -2005, 2010-2012  
Strategic Planning and Development Policy Committee 2010 -2012  
SA Australian Local Government Women's Association Rep 2009-2011

### **5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS**

I have ten years experience working with Local Government legislation, policy, programs and initiatives. I have undertaken training about current issues, including Development Planning, Regulated trees, financial management, and the proposed Code of Conduct and ICAC. A major goal of the LGA is to ensure recognition of local government in the Constitution. Infrastructure and budget pressures, coast protection, water management, environmental issues, governance and the relations between state and local governments are other key issues.

My application for the Public Health Council and the Consumer Advisory Committee of ESCOSA arose because of my belief that Local Government input is vital in the early stages of policy development to create workable policies for councils. The work on water licensing for those councils who are part of the new water market is most important. The LG Research and Development Fund funds solutions for councils in a structured setting and allows innovation to develop for councils' benefit.

Councils are the voice of the community, especially when State or Federal Government legislation, funding or disasters impact on local areas. I have the experience and the flexibility to be both proactive and reactive.

### **6. OTHER INFORMATION**

I worked in a variety of Federal Government agencies for over 20 years plus teaching. I am the parent of young adults and have aged parents. I hold a Bachelor of Arts and Diploma of Education from Adelaide University and am studying Italian. I am active and involved in community issues.

**This information needs to be received by the Returning Officer by 5.00pm on 15 February 2013.**



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The ..... Adelaide City Council .....  
(Name of Council making the nomination)

hereby nominates DLM Dr Michael Llewellyn- .....  
(Full Name) Smith LAM

of ..... Adelaide City Council .....  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this ..... 12<sup>th</sup> ..... day of ..... February ..... 2012/13

.....  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

.....  
(Signature of Candidate)

## **LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION**

**Position: Metropolitan Adelaide Zone Representative**

- 1. NAME : DR MICHAEL LLEWELLYN-SMITH, AM**
- 2. COUNCIL : ADELAIDE CITY COUNCIL**
- 3. CURRENT COUNCIL POSITION : DEPUTY LORD MAYOR**
- 4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE**

Michael has over 35 years experience in Local Government in the Cities of London, Sydney, Adelaide and Prospect. He has qualifications and expertise in architecture, town planning and city management, including twelve years as the Chief Executive Officer of the City of Adelaide and seven years as the Prospect City Manager. Michael has also worked overseas as an Urban Management Consultant in Krakow, Poland; Colombo, Sri Lanka and Bloemfontein, South Africa. He served as the State President of the IMM (now LGMA) and was invited to attend meetings of the LGA State Executive as an observer. He went on to become National President of the LGMA and Vice President of the International City Management Association. Michael brings considerable Local Government experience and knowledge to the table. He has served as a Proxy Member on the LGA State Executive Committee.

### **5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS**

Michael's policy position on Local Government is :

- Leadership by Council members
- Independence from any political party
- Governance in the area of City/State relations
- Honesty and accountability in Council decisions
- Teamwork between Council and staff

Michael brings these principles to his role as a Councillor and Deputy Lord Mayor. Michael's particular interests are in the Urban Design of Cities and the integration of Land Use and Transportation Planning. Under the planning system in South Australia successful outcomes can only be achieved by a cooperative approach between the State Government and Local Government.

### **6. OTHER INFORMATION**

Michael has been awarded the Carolyn Keane International Award for Programmes for the Disadvantaged (1998); the Graeme Dimond Memorial Award for Outstanding Leadership in Local Government (1999) and the Mark E. Keane International Award for Career Excellence (2002). He has been recognised by his peers with Life Membership of Local Government Managers Australia and Life Fellowship of the Planning Institute Australia and the Australian Institute of Architects. Michael was made a Member of the Order of Australia (AM) in this year's Australia Day Honours "For significant service to Local Government through the promotion of City and State relations and planning".



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The CITY OF WEST TORRENS  
(Name of Council making the nomination)

hereby nominates MAYOR JOHN TRAINER  
(Full Name)

of CITY OF WEST TORRENS  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 18<sup>th</sup> day of January 2013

[Signature]  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

[Signature]  
(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

Position Sought: ~~President~~/ Metropolitan Adelaide Zone Rep

1. NAME : Hon. John Trainer JP

2. COUNCIL : CITY OF WEST TORRENS, 165 Sir Donald Bradman Drive, Hilton, SA 5033

3. CURRENT COUNCIL POSITION(S) : Mayor

4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE :

- Mayor since 2000.
- Vice President of the LGA since 20/1/2011. and Member LGA State Executive Committee since 2005 (Proxy Member 2003-2005).
- Current member of ALGA Board and ALGA delegate since ~2001 (including as member of Discussion Panel for 2004 General Assembly, Canberra).
- Former Executive Member (2005-2010) LG Metropolitan Mayors and CEOs Group.
- SA Representative on the Australian Mayoral Aviation Council
- Member Western Adelaide Consultative Group.
- Member Adelaide Airport Consultative Committee.

5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS :

1. I believe in conducting intergovernmental relations on a constructive, politically neutral and commonsense basis, while resisting unreasonable cost-shifting exercises. Transfers of State responsibilities to local government should be accompanied by transfers of revenue to match those responsibilities.
2. Collective responses are needed for our collective challenges, such as for stormwater and other issues that transcend council boundaries. I favour the development of shared services and of collaboration in preference to forced and artificial amalgamations.
3. We must improve the community's understanding of local government by constructive use of the mass media. The local council is almost alone in providing a sense of local community to a fragmented society with isolated and alienated residents, and it is local government that converts streets into neighbourhoods and suburbs into communities.

6. OTHER INFORMATION :

As well as my thirteen years as Mayor, I believe that my previous experiences as a State MP 1979 - 1993 (including seven years as Whip, and four as Speaker of the House of Assembly) have been useful from time to time in assisting the LGA in dealing with some of the complexities of intergovernmental relations.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The City Port Adelaide Enfield  
.....  
(Name of Council making the nomination)

hereby nominates Peter Andrew Jamieson  
.....  
(Full Name)

of City Port Adelaide Enfield  
.....  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 12<sup>th</sup> day of February 20012/13

[Signature]  
.....  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

[Signature]  
.....  
(Signature of Candidate)



# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

**Position Sought: Metropolitan Adelaide Zone Representative**

**1. NAME: PETER JAMIESON**

**2. COUNCIL: CITY OF PORT ADELAIDE ENFIELD**

**3. CURRENT COUNCIL POSITION: COUNCILLOR, Outer Harbor Ward**

## **4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE**

I have been a Port Adelaide Enfield Councillor since 2003 and Deputy Mayor in 2006-7 & 2009-10  
I have been a member of the State Executive since April 2009.  
I am a member of the Local Government Research & Development Scheme Advisory Committee, and I represent local government on the State Level Crossing Advisory Committee.  
I am the Chairperson of the Murray Darling Association Adelaide Group and the national MDA Treasurer. I am the Deputy Chairperson Metropolitan Seaside Councils Committee and the PAE Council nominated member on the Western Region Waste Management and Port Festival Boards.  
I am on the majority of PAE Council committees covering planning, community grants, community awards and enterprise bargaining. I was Deputy Chair of the DAP in 2003-7.  
I have been a member of many public advisory groups e.g. Penrice Community and Water-Proofing the West Community Consultation Groups and consultation for new open space.

## **5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS**

Since my election I have attended all State Executive Meetings.  
I regularly attend Metropolitan Local Government Group and the SAROC Meetings to obtain a better understanding of, and to be supportive of both Metro. and Country Local Gov. issues.  
I have a very high attendance rate at Port Adelaide Enfield Council Meetings and its functions, Community events throughout the Council area and at SA and national Local Gov. Conferences i.e. national LGMA Conferences, SA and ALGA General Meetings/Conferences.  
I have chaired concurrent sessions at two SA Local Gov. Conferences, including one on Women in Local Gov. I am very supportive of a greater presence of women at all levels of Local Gov.  
I believe that Local Government needs to be formally recognised in the Constitution.  
There is an urgent need for State and Federal Governments to provide substantial funding for the backlog of maintenance of state and national roads and other infrastructure.  
In a time when Governments are cutting budgets this should not result in cost shifting to us.  
Local Gov. in SA needs to work together more to reduce the cost of and improve its services to the Community. There will need to be more LG leadership and representation on the issues of Governance, Climate Change, water recovery/sustainability, flood mitigation, greater open space, the needs of an ageing population and cost-efficient & environmentally- friendly waste disposal.

## **6. OTHER INFORMATION**

The Port Adelaide Enfield Council is a G6 Council which has suburbs in both the eastern and western areas of the Metro. area. I therefore deal with a wide diverse range of Metro. issues.  
I am qualified with a Bachelor of Science (Chemist and Microbiologist), working in industry at the S.A Brewing Company for 39 years and currently as a High School Laboratory Manager.  
I have been a volunteer in Surf Life Saving for over 40 years, a life member of both the North Haven Surf Life Saving Club and Surf Life Saving SA, and have a close involvement with the Normanville SLSC. At the State level I am an Award Assessor, Patrol Inspector, and a member of both the Jet Boat and Radio services. Through the PAE Council I initiated the installation of beach safety signs on all beaches and a lifesaving building on Semaphore Beach- the beach with the most deaths in SA. I am concerned about the health and use of all SA coastal waters - I am a long term member of the Friends of Gulf St Vincent and the Port Adelaide Environment Forum.  
I have direct contact with the majority of sporting clubs in my area. My involvement in the above mentioned Clubs and my long term employment has taught me the absolute need to work as a team to achieve the best result. I support the local Neighbour Hood Watch Group and the Port Adelaide and Woodville Historic Societies.

*I need your support, so that I can continue to work for you on the State Executive Committee to achieve the best results for local government in SA.*

LOCAL GOVERNMENT ASSOCIATION  
OF SOUTH AUSTRALIA



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The City of Mitcham  
(Name of Council making the nomination)

hereby nominates Mayor Michael Bidlow  
(Full Name)

of City of Mitcham  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 30 day of January ~~2012~~/13

[Signature]  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

[Signature]  
(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

Position Sought: **Metropolitan Adelaide Zone Rep**

1. NAME **Michael Picton**
2. COUNCIL **City of Mitcham**
3. CURRENT COUNCIL POSITION(S): **Mayor**
4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE
  - Mayor City of Mitcham 2010 - current
  - LGA State Executive Committee Proxy 2010
  - Metropolitan Local Government Group Executive Committee 2010, 2013

Previously:

- Elected to Council in 2003 and elected again for a second term in 2006
- Membership of several s.41 Committees
- Member of Development Assessment Panel
- Extensive knowledge of Development Act through gaining Bachelor of Urban and Regional Planning Degree during term as Councillor and as an Authorised Planning Officer in a local council

## 5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS

I am committed to working with communities to achieve positive outcomes that benefit all. I have been an advocate for working collaboratively with other Councils to find appropriate long-term sustainable solutions to problems that they face.

I have always promoted fiscal responsibility within Councils so that future generations are not burdened with unmanageable debt levels.

I am keen for Council's to re-engage with community groups to bring back a spirit of well-being and pride in our communities that has fallen off somewhat in the recent past.

The LGA State Executive can represent all Councils to ensure that State and Federal Governments respect our local community vision and message.

## 6. OTHER INFORMATION

We need members who are committed and capable of considering all the issues facing local government in these fiscally challenged times. I consider that good representation on the LGA Executive will be vital in this next term to ensure we are positioned well for the future.

I have a background in the arts and small business and in recent times planning and governance.

I am a full-time Mayor and as well as having the time to commit to the role, I believe I have the capacity and energy to assist the local government community in achieving our goals over coming years.

This information needs to be received by the Returning Officer by 5.00pm on 15 February 2013.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The Corporation of the Town of Walkerville  
(Name of Council making the nomination)

hereby nominates Carolyn Wigg  
(Full Name)

of Corporation of the Town of Walkerville  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 23 day of January 20012/13

Kk Mazzo  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

Carolyn Wigg  
(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**

LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION  
POSITION SOUGHT: METROPOLITAN ADELAIDE ZONE REP

1. NAME

Carolyn Wigg

2. COUNCIL

The Corporation of the Town of Walkerville

3. CURRENT COUNCIL POSITION(S)

Deputy Mayor  
Development Assessment Panel  
Civic and Community Centre Redevelopment Committee Strategic Planning & Development Policy Committee  
Eastern Health Authority LGA State Executive (Proxy, Adelaide Metropolitan) LGA representative,  
Development Assessment Commission LGA representative, Deputy Chair, SA Heritage Council and Deputy  
Chair, Register Committee

4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE

Six years as an elected member, Deputy Mayor in 2009, 2011 & 2013 and member, LGA State Executive since 2009. I have attended a number of LGA conferences and training sessions to gain a better knowledge of local government issues and procedures and have a Graduate Diploma in Public Sector Management (Flinders University 1988). Through service on the LGA Executive I am aware of current issues and challenges facing Local Government and believe good governance requires high standards of performance, financial management and delivery of services and projects.

I also have relevant experience in State and Local Government, particularly in policy development and implementation and in legislative reform, through past employment in both sectors and through past and present service on National and State boards and committees. My professional interests include the built environment and sustainable development. I also have qualifications / experience in architecture, project management, planning and building surveying.

5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS

My interest in serving on the State Executive is to make a positive contribution to a sustainable future for local government and to its relationship with other spheres of government. There is a need for SA to work cooperatively at a national level on issues such as funding, constitutional recognition and national policies. The forthcoming Federal and State elections offer opportunities for the LGA to challenge and influence major parties on their election platforms and to secure a greater level of support for the third sphere of government.

The state of the economy and the environment are currently major challenges for local government. These issues clearly require a responsible and responsive approach to governance and finance, building on the work the LGA has already done in the areas of financial sustainability and accountability.

I believe community engagement is an essential tool for local government which has the advantage of being closer to its constituents and less hampered by bureaucracy than other levels. However there are still perceptions that some Councils do not listen and do not respond to the views of their communities and there is a need for further promotion and training in this area.

Changes to statutory requirements over the past few years have led to more responsibility and accountability for Local Government. The LGA has an important role in challenging legislative change where there is no demonstrated need. The work of the LGA's Local Excellence Review Panel is of particular significance in setting new directions for Councils in the future.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The ADELAIDE HILLS COUNCIL  
(Name of Council making the nomination)

hereby nominates WILLIAM CLARKE SPRAGG  
(Full Name)

of ADELAIDE HILLS COUNCIL  
(Name of Council of which the nominee is a member)


being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 14 day of FEBRUARY 20012/13

  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

  
(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**

# LGA STATE EXECUTIVE COMMITTEE ELECTION

## CANDIDATE INFORMATION

### Position Sought: Metropolitan Adelaide Zone Representative

**1. Name:**

Bill Spragg

**2. Council:**

Adelaide Hills

**3. Current Council Position(s)**

Mayor

Presiding Member SPDPC

Delegate to MLGG

Delegate to SHLGA

**4. Local Government Experience**

Mayor November 2010 -

Ward Councillor - March 2000 to November 2010

Chair of Strategic Policy and Development Policy Committee 2010 –

Member of Adelaide Watershed Water Quality Improvement Plan Steering Committee  
Audit Committee Member 2008 -2009

Presiding Member DAP - July 2003 – December 2005

Hills Face Zone reference group

Chair Townships and Open space committee 2001 – 2002

**5. Local Government Policy views and Interest**

I am gravely concerned about cost shifting from the state government.

I believe waste management could be improved by having manufacturers taking responsibility for providing safe disposal solution for products at the end of their lives. State government should work with local government to create solutions to issues like stormwater management, traffic congestion, recreational facilities and bushfire management.

More federal and state funding should be provided to local government for maintenance of road, footpath and drainage infrastructure.

The pensioner and self-funded retirees concession on Council rates should be increase to at least 40% and 25% respectively of rates rather than remain a dollar value.

**6. Other Information**

I am a lifelong learner and have a Bachelor of Science, a Grad Dip in Education, a Grad Dip Computer and Information Systems and a Grad Cert in Business Administration. I look forward to applying my skills and knowledge to new situations and challenges.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The ..... CITY OF UNLEY .....  
(Name of Council making the nomination)

hereby nominates ..... LACHLAN ROBERT OLIVER CLYNE .....  
(Full Name)

of ..... THE CITY OF UNLEY .....  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of  
**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this ..... 31<sup>ST</sup> ..... day of ..... JANUARY ..... 2012/13

.....  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

.....  
(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**



**LGA STATE EXECUTIVE COMMITTEE ELECTION  
CANDIDATE INFORMATION**

**Position Sought: Metropolitan Adelaide Zone Representative**

- 1. NAME**
  - Lachlan Clyne
  
- 2. COUNCIL**
  - City of Unley
  
- 3. CURRENT POSITIONS**
  - Mayor
  - Strategic Policy Committee
  - Assets & Infrastructure Committee
  - Community & Culture Committee
  - Unley Business, Economic and Development Committee
  
- 4. LOCAL GOVERNMENT EXPERIENCE**
  - Councillor 2006 – 2010
  - City Strategy and Policy Committee
  - Audit Committee
  - Community, Cultural, Environment and Recreation Advisory Group
  - Ron Young Advisory Group
  
- 5. LOCAL GOVERNMENT POLICY VIEWS AND INTEREST**
  - Aging
  - Solar Street Lighting
  - Integrated Transport Networks
  - State/Federal and Local Government Relations
  - Regional resource sharing
  - Women in Local Government
  - Sustainable Communities
  - Cycling corridors
  - Volunteering
  - Inner Metropolitan Open Space Environments
  - Economic Development of local business centres
  - Public Art

**6. OTHER INFORMATION**

• -

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Lachlan Clyne      31 January 2013



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The City of Onkaparinga  
*(Name of Council making the nomination)*

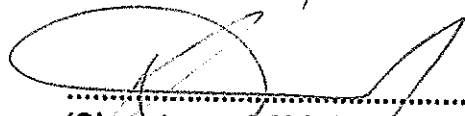
hereby nominates Mayor Lorraine Rosenberg  
*(Full Name)*

of City of Onkaparinga  
*(Name of Council of which the nominee is a member)*

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this First day of February 20012/13

  
*(Signature of Chief Executive Officer)*

and I, the person nominated, hereby accept such nomination

Lorraine Rosenberg  
*(Signature of Candidate)*

**Close of Nominations: 5.00pm 15 February 2013**

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

Position Sought: LGA President / Metropolitan Adelaide Zone Rep

**1. NAME**

LORRAINE ROSENBERG

**2. COUNCIL**

CITY OF ONKAPARINGA

**3. CURRENT COUNCIL POSITION(S)**

MAYOR

**4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE**

- MEMBER OF LOCAL GOVERNMENT SINCE 1985 TO PRESENT (NOT CONCURRENT)
- MEMBER STATE PARLIAMENT (4 YEARS)
- SERVE CURRENTLY AS MAYOR, CHAIR CEO REVIEW COMMITTEE, MEMBER OF STRATEGIC DIRECTIONS, AUDIT COMMITTEE OF COUNCIL.
- CHAIR FLEURIEU GROUP OF ADELAIDE MT LOFTY RANGE NRM BOARD
- MEMBER OF STORM WATER AUTHORITY/PROXY TO AQUACULTURE ADV.COM
- MEMBER OF STATE EXEC/CHAIR OF MLGG

**5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS**

- LOCAL GOVERNMENT RECOGNITION AS A VALID LEVEL OF GOV AND FUNDED APPROPRIATELY
- SHOULD HAVE CLEAR DEBATE ABOUT EACH LEVEL OF GOV ROLES AND RESPONSIBILITIES AND BE FUNDED VIA GSP
- ADEQUATE AND RESPECTFUL CONSULTATION BETWEEN ALL LEVELS OF GOVERNMENT

**6. OTHER INFORMATION**

This information needs to be received by the Returning Officer by 5.00pm on 15 February 2013.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The ..... City of Nowood Payneham + St Peters .....  
(Name of Council making the nomination)

hereby nominates ..... Robert Bria .....  
(Full Name)

of ..... City of Nowood Payneham + St. Peters .....  
(Name of Council of which the nominee is a member)

being a Member of such Council to the position of  
**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this ..... 1st ..... day of ..... February ..... 2012/13

.....  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

.....  
(Signature of Candidate)

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

**Position Sought: LGA President / Metropolitan Adelaide Zone Rep**

## 1. NAME

Robert Bria

## 2. COUNCIL

City of Norwood Payneham & St Peters

## 3. CURRENT COUNCIL POSITION(S)

Mayor

## 4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE

I have 15 years experience as an Elected Member for the City of Norwood, Payneham & St Peters, having been a Councillor representing Torrens Ward from 1997 – 2005, and serving as Mayor since 2005. During my time as Mayor, I have held a number of senior positions in Local Government, including:

- Chair of the Metropolitan Local Government Group (2008);
- Chair of the Eastern Region Alliance (ERA) of councils (2010); and
- Member of Local Government Association of SA State Executive (2009-10).

Current Committee membership includes:

- Business and Economic Development Committee (Chair) (2006 to present);
- St Peters Child Care Centre Committee (Chair) (2011 to present);
- Norwood Parade Precinct Committee (2012 to present); and
- Audit Committee (past Chair).

I also served as my Council's Board Member on the East Waste Management Authority (2006-2009).

## 5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS

I have a very strong interest in the role that local government can play in economic development, particularly in streamlining regulation to make it easier for business to operate. I am also committed to providing a safe environment for children and young people, and believe local government can play an important role in working alongside schools and service providers to ensure they are provided with a range of opportunities to develop their skills and become active citizens within their community.

## 6. OTHER INFORMATION

- Bachelor of Arts (Honours), Flinders University of South Australia.
- Board Member - St Joseph's Memorial School, Norwood (2012 to present).
- Honorary Member of Norwood Rotary Club (since 2010).
- Number One Ticket Holder, Norwood Football Club (2012).
- Married to Pina with three children.

This information needs to be received by the Returning Officer by 5:00pm on 15 February 2013.



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The .....City of Salisbury.....  
*(Name of Council making the nomination)*

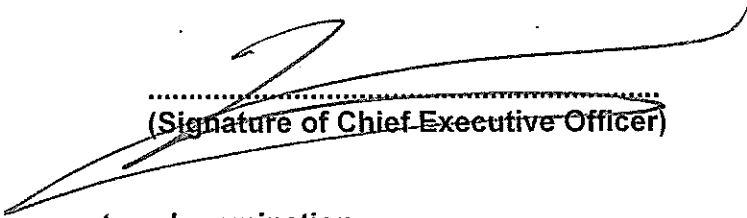
hereby nominates .....Mayor Gillian Aldridge.....  
*(Full Name)*

of .....City of Salisbury.....  
*(Name of Council of which the nominee is a member)*

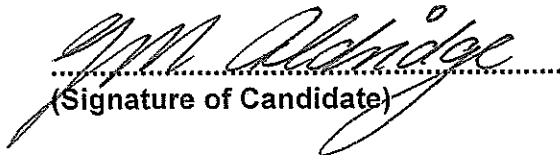
being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA  
STATE EXECUTIVE COMMITTEE**

Dated this .....13th..... day of .....February..... 2013

  
.....  
*(Signature of Chief Executive Officer)*

and I, the person nominated, hereby accept such nomination

  
.....  
*(Signature of Candidate)*

# LGA STATE EXECUTIVE COMMITTEE ELECTION CANDIDATE INFORMATION

## Position Sought: Metropolitan Adelaide Zone Representative

1. **NAME** Mayor Gillian Aldridge
2. **COUNCIL** City of Salisbury
3. **CURRENT COUNCIL POSITION(S)** Mayor

### 4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE

25 years at the City of Salisbury in the following roles:

October 1988 – March 2008	Councillor
1997 – 2007	Deputy Mayor
March 2008 – Current	Mayor

### 5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS

Local Government at its' best can make a real and positive difference to people's lives, and we have an obligation as a sphere of Government to develop a united and coherent approach in the interests of our communities.

Over the next couple of years, local government in South Australia will need to develop its position on a number of key issues, including:

- Constitutional recognition;
- Our contribution to the climate change debate and our response to the costs involved in the Emissions Trading Scheme;
- Internal governance standards and our response to evident parliamentary concerns in this area;
- Housing affordability;
- Dealing with changing economic conditions and Government investment policies.

The State Executive Committee is the peak body for the co-ordination of a local government response to these and other agendas, and I look forward to bringing my many years of experience to bear in assisting with this important role.

### 6. OTHER INFORMATION

- Current Member, Local Government Association State Executive Committee
- Voting Representative, Local Government Association
- Member, Boundary Adjustment Facilitation Panel
- Local Government Association Metropolitan Mayors' Group
- Northern Economic Leaders Champions Group
- Mawson Lakes Community Trust Fund Committee

**Date: 13 February 2013**



**2013  
NOMINATION FORM  
METROPOLITAN ADELAIDE REPRESENTATIVE**

The City of Burnside

hereby nominates . David Parkin

of City of Burnside

being a Member of such Council to the position of

**METROPOLITAN ADELAIDE REPRESENTATIVE – LGA STATE  
EXECUTIVE COMMITTEE**

Dated this 14 day of February 2013

A handwritten signature in black ink, appearing to be 'M. Parkin', written over a dotted line.

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination

A handwritten signature in black ink, appearing to be 'David Parkin', written over a dotted line.

(Signature of Candidate)

**Close of Nominations: 5.00pm 15 February 2013**



**LGA STATE EXECUTIVE COMMITTEE ELECTION  
CANDIDATE INFORMATION**

**Position Sought: Metropolitan Adelaide Zone Rep**

**1. NAME**

David Parkin

**2. COUNCIL**

City of Burnside

**3. CURRENT COUNCIL POSITION(S)**

Mayor

**4. LOCAL GOVERNMENT EXPERIENCE/KNOWLEDGE**

I had no Local Government experience prior to election as Mayor of Burnside in November 2010. Since that time I have gained two years experience as Mayor which includes attendance at and participation in the *Eastern Regional Alliance* and *Metropolitan Local Government Group*.

**5. LOCAL GOVERNMENT POLICY VIEWS & INTERESTS**

My corporate background has given me a depth of interest in matters of procedure, governance, finance and organisational efficiency. My instinct is for small, well targeted government policy at the local government level. I have an interest in encouraging volunteering throughout the community and promoting a healthy lifestyle through the provision of facilities that encourage active community participation.

**6. OTHER INFORMATION**

My corporate background includes directorships of four public companies and chairmanship of numerous private companies and community committees. It is an honour that the Elected Members of Burnside unanimously nominated me for this the LGA State Executive. I offer Local Government in South Australia rigour, accountability and a fresh dimension to this important representative role.

This information needs to be received by the Returning Officer by 5.00pm on 15 February 2013.

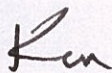
25 February 2013

Mayor Ken Rollond  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048

CITY OF HOLDFAST BAY SCANNED 2 6 FEB 2013 Doc No. _____ Business _____ Container No. <u>B274</u>
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Dear



Elections for the State Executive of the Local Government Association will take place over the next few weeks. Your Council will be invited to select its eight preferred candidates from the list of twelve nominations.

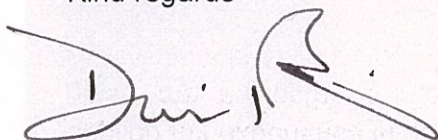
I am honoured to have been nominated unanimously as a candidate for the State Executive by the Elected Members of the City of Burnside.

I have learned much about local government in the two years since the 2010 elections and I have applied my experience in corporate chairmanship to an entirely new council. My background has given me a depth of interest in matters of probity, procedure, governance, finance and organisational efficiency. I have extensive experience in project management and organisational change. My instinct is for small, well targeted policy at the Local Government level. I have an interest in encouraging volunteering throughout the community and in promoting a healthy lifestyle through the provision of facilities which encourage active community participation.

I am a strong advocate for tangible regional cooperation between councils at all levels and I offer a reasoned and perceptive contribution at the State Executive from a fresh perspective.

Please commend my candidature to your Council.

Kind regards

**David Parkin**  
Mayor

REFERENCE: S/00022  
ENQUIRIES TO: MAYOR ROBERT BRIA  
DIR. TELEPHONE: 8366 4539



City of  
**Norwood  
Payneham  
& St Peters**

4 March 2013

Mayor Ken Rollond  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048

lgallacher@holdfast.sa.gov.au; wmatthews@holdfast.sa.gov.au

Dear Ken

### **NOMINATION TO STATE EXECUTIVE COMMITTEE**

I write seeking your support of my nomination to the Local Government Association of South Australia State Executive Committee.

I have 15 years experience in Local Government, having served as a Councillor (Torrens Ward) from 1997 – 2005, and serving as Mayor since 2005.

During my time as Mayor, I have held a number of senior positions in Local Government, including:

- Chair, Metropolitan Local Government Group (2008);
- Chair, Eastern Region Alliance (ERA) of Councils (2010); and
- Member, Local Government Association of South Australian State Executive Committee (2009-10).

I am currently Chair of a number of Council Committees in areas as diverse as economic development and child care.

In addition to my Local Government experience, I have ten (10) years experience in the South Australian Public Sector working in social and economic policy.

I believe this experience, combined with my previous experience as a small business owner, university tutor and current role as a member of the St Joseph's Memorial School (Norwood) Board, provides me with the wide ranging skills required to assess local government issues from a state-wide perspective.

I am strongly committed to increased accountability and transparency for the sector, as well as Council's working collaboratively at the regional level on matters of common interest.

I thank you for your consideration of my nomination.

Yours sincerely

Robert Bria  
**MAYOR**

OFFICE OF THE  
MAYOR

175 The Parade  
Norwood 5067  
South Australia  
PO Box 204  
Kent Town 5071

Tel 08 8366 4555  
Fax 08 8332 6338

email:  
townhall@  
npsp.sa.gov.au

website:  
www.npsp.sa.gov.au



14 February 2013

Mr Justin Lynch  
PO Box 19  
BRIGHTON  
SA 5048

Dear Justin,

Recently, my colleagues endorsed me as their nomination for the Local Government Association State Executive.

My main focus to the State Executive for a second term are:

- Energy efficient street lighting
- Community engagement & development
- Heritage and planning
- Shared services
- Water sensitive urban design
- Regional Infrastructure development opportunities

Local Government is in a healthy state but we do need to address various issues and find the right balance between innovation and core business.

We hold a sacred place in the lives of many of our residents but it's important we sell the great message of what we do within the community.

I am 100% committed to Local Government and enjoy giving all my time to it. I hope that you and your council can support me in securing a position in the State Executive.

Please contact me if you wish to discuss this or any matter further.

Sincerely,



Lachlan Clyne  
**Mayor**  
**City of Unley**

**From:** Michael Llewellyn Smith AM <[M.LlewellynSmith@adelaidecitycouncil.com](mailto:M.LlewellynSmith@adelaidecitycouncil.com)>

**Date:** 21 February 2013 3:58:58 PM ACDT

**To:** ""[jlynch@holdfast.sa.gov.au](mailto:jlynch@holdfast.sa.gov.au)"" <[jlynch@holdfast.sa.gov.au](mailto:jlynch@holdfast.sa.gov.au)>

**Subject:** State Executive Committee of the LGA

Dear Justin

I write as the former Chief Executive Officer of the City of Adelaide (12 years) and the City Manager of Prospect (7 years) and now the Deputy Lord Mayor.

I note that your Council has not nominated a candidate for the State Executive Committee of the LGA. I have written formally to your Mayor seeking Holdfast Bay's support as the Adelaide City Council has nominated me. The ballot papers only include a small amount of information about the candidates. I am therefore attaching a brief Resume and would really appreciate any assistance you may be able to provide to your Councillors in support of my candidacy.

Thank you in anticipation.

With best wishes

Michael

**Councillor Dr Michael Llewellyn-Smith AM**

**Deputy Lord Mayor**

GPO Box 2252

Adelaide, SA, 5001

T: (08) 8203 7188

F: (08) 8203 7709

Email:

[m.llewellynsmith@adelaidecitycouncil.com](mailto:m.llewellynsmith@adelaidecitycouncil.com)

Michael was born in Tintern and comes from a long line of Welsh Methodist Ministers. He grew up in the valleys of South Wales and went to London at the age of 14 where he was educated at Alleyn's School, Dulwich. In his final year he was School Captain and the Under-Officer of the CCF. After a Rhodes Travel Scholarship to Canada he studied Architecture at Pembroke College, Cambridge University.

Michael qualified as an Architect and worked both in the private sector and for the Corporation of the City of London. He won a Commonwealth Scholarship to Wesley College, Sydney University where he taught Architecture and also obtained a Master's Degree in Town Planning. He joined the City of Sydney as the Chief Planning Officer and subsequently became the Deputy City Planner.

In 1974 Michael was invited to Adelaide to be the City Planner and implement the innovative City of Adelaide Planning Study. He served as the State President and Federal Councillor of the Royal Australian Planning Institute and contributed many articles to the Institute's Journal.

Michael was appointed to the position of Town Clerk/Chief Executive Officer of the City of Adelaide on 1 January 1982. He served as the State President and National Councillor of the Australian Institute of Management, State and then National President of Local Government Managers Australia and Vice President of the International City Management Association. After twelve years as Town Clerk/Chief Executive Officer he became the Managing Director of Llewellyns International – Urban Management Consultants.

In this capacity he worked for the Federal Government and the South Australian Government and for a number of Local Governments, particularly the City of Prospect. Michael also consulted overseas in Krakow, Poland (for USAid); in Colombo, Sri Lanka (for the Asian Development Bank) and in Bloemfontein, South Africa (for AUSAid). He was also appointed by the State Government to be the part time Chair of the Development Assessment Commission and served in this position for nine years until June 2008 when he became a full time student at the University of Adelaide, studying for a PhD in city planning at the School of Architecture.

Michael was a member of Rotary for a number of years. He served as Honorary Secretary of the Royal Humane Society; a Governor of Scotch College, a member of The University of Adelaide Council and President of the Alumni Association. He is a Knight of the Sovereign Order of St. John of Jerusalem and a Justice of the Peace. Michael was awarded an AM in the Australia Day Honours in 2013 "*For significant service to local government through the promotion of city and state relations and planning*".

Michael's professional qualifications include Life Fellow of the Australian Institute of Architects and the Planning Institute Australia and Life Member of Local Government Managers Australia. Formerly he was a Fellow of the Australian Institute of Management and of the Royal Society of Arts. He was also a Member of the Royal Institute of British Architects, the Royal Town Planning Institute, and the International City Management Association.

Michael holds several awards in Architecture, Town Planning and City Management and has been a Visiting Scholar at the Department of Land Economy, Cambridge University. He has lectured extensively at Universities around the world and presented papers at many international conferences. He is currently a Visiting Research Fellow at the School of Architecture, Landscape Architecture and Urban Design at The University of Adelaide. Michael's recently published book *Behind the scenes: the politics of planning Adelaide* explores the fascinating story of planning and development in the City of Adelaide during the period from 1972 to 1993 within the historical context of City/State relations from 1836.

Michael is a Life Member of the Cambridge University Hawks' Club (Boxing). He is a Member of the Art Gallery Foundation, the Museum Waterhouse Club and the Cook Society of South Australia. Michael is married with two adult children.

Councillor Dr Michael Llewellyn-Smith, AM, KStJ, JP.  
PhD (Adelaide), MA (Cantab), MTCP (Sydney), MA (Adelaide), LFAIA, LFPIA, LMLGMA.

For more detailed information please visit [www.llewellyn-smith.com.au](http://www.llewellyn-smith.com.au)



City of Salisbury  
ABN 82 615 416 895

12 James Street  
PO Box 8  
Salisbury SA 5108  
Australia

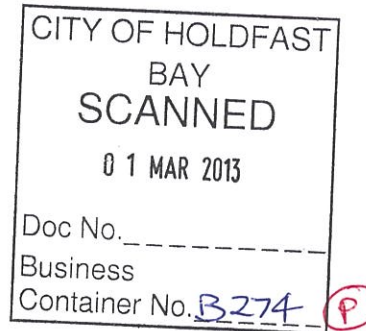
Telephone 08 8406 8222  
Facsimile 08 8281 5466  
city@salisbury.sa.gov.au

TTY 08 8406 8596  
(for hearing impaired)

www.salisbury.sa.gov.au

27 February 2013

Mayor Ken Rolland  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048



Office of the Mayor  
Gillian Aldridge

Dear Mayor Ken Rolland

**Re: Local Government Association State Executive**

Recently, my colleagues endorsed me as their nomination for the Local Government Association State Executive.

As Mayor of the City of Salisbury, I am passionate about Local Government and the impact our decisions have on all residents under our care. In seeking a second term on the State Executive, I intend to focus on issues such as:

- Constitutional recognition;
- Local Government's contribution to climate change debate;
- Community Engagement and Development;
- Governance arrangements and matters associated with the recently commenced Independent Commission Against Corruption legislation;
- Housing affordability;
- The impact of Government investment policies and changing economic conditions on Local Government;
- Water Sensitive Urban Design

I believe it is our responsibility to provide the quality of life everyone deserves, by giving the service and the care our residents require. I seek your Council's support for re-appointment to the State Executive.

Please do not hesitate to contact me if you would like to talk further with me.

Yours sincerely

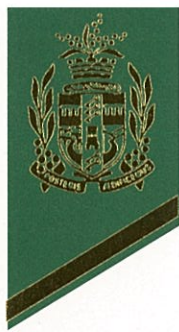
**Gillian Aldridge**

Mayor

Phone: 08 8406 8212

Email: [galdridge@salisbury.sa.gov.au](mailto:galdridge@salisbury.sa.gov.au)

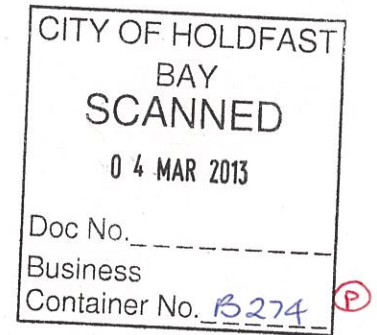
CITY OF



MITCHAM

*Office of the Mayor*  
*Michael Picton*

1 March 2013



Mayor Ken Rollond  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048

*Ken*

Dear Mayor Ken Rollond and Elected Members

I am writing to ask for your Council's support for my candidacy as a full member of our Local Government Association (LGA) State Executive.

On 29 January 2013, at the City of Mitcham's Council meeting, Council voted unanimously to support my nomination.

As the Mayor for the City of Mitcham since 2010, being elected to Council in 2003 and re-elected in 2006, I have been a proxy member on the State Executive for two years, attending meetings and having voting rights for most of them. I have recently again been elected as member of the Metropolitan Local Government Group (MLGG) Executive.

I am committed to working full time with local government to achieve positive outcomes. Our community should have confidence that the State Executive team is working for them to help deliver structured, disciplined and visionary progress in all matters dealing with our state and local government authorities.

Members of the State Executive must be committed to working with others to ensure all of the issues facing local government are critically investigated to guarantee that we are positioned well for the future.

Having a background in the arts, design and in recent times planning and governance further gives me skills and knowledge that I can utilise in this role. I have the time to commit to the role, and have the capacity and energy to assist your local government community to achieve the best outcomes it can.

Your support for my nomination as a full member on the State Executive of the LGA will be greatly appreciated.

Yours sincerely

MICHAEL PICTON  
MAYOR

CITY OF MITCHAM



Item No: **14.4**

Subject: **AUDIT COMMITTEE INDEPENDENT MEMBERS SITTING FEES**

Date: 12 March 2013

Written By: Manager Financial Services

General Manager: Corporate Services, Mr I Walker

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## **SUMMARY**

The sitting fees paid to independent members of the Audit Committee have not been reviewed since 2010. This report recommends that the sitting fees be increased and linked to an annual indexation process in a similar manner to elected members' allowances.

---

## **RECOMMENDATION**

- 1. That Council increases the sitting fee for independent members of the City of Holdfast Bay Audit Committee to \$407 for a presiding member and \$367 for an ordinary member per meeting effective from 1 January 2013.**
  - 2. That Council adjust annually the sitting fees for the independent members of the Audit Committee at the same time and on the same basis as elected members' allowances are adjusted.**
- 

## **COMMUNITY PLAN**

A Place that Provides Value for Money  
A Place that is Well Planned

## **COUNCIL POLICY**

Audit Committee Terms of Reference

## **STATUTORY PROVISIONS**

*Local Government Act 1999, Section 126*  
*Local Government (Financial Management) Regulations 2011, Part 5*

## BACKGROUND

Sitting fees have been paid to the independent members of the Audit Committee since its inception in 2007. The original amount paid was \$250 per meeting and in June 2010 this was increased to \$400 for a presiding member and \$360 for an ordinary member for attendance at each committee meeting. The current presiding member of the Audit Committee is an elected member who is remunerated for this additional role through the applicable elected member's allowance. The Audit Committee currently comprises three independent ordinary members who are paid \$360 for attendance at each meeting. Sitting fees are not payable to committee members who are elected members.

It is timely to review the suitability of the current amount paid per meeting to the non-elected independent members to ensure Council attracts and retains the best possible candidates to these roles.

## REPORT

Sitting fees for independent members of the Audit Committee have remained unchanged since they were increased by Council on 8 June 2010. The following table provides a comparison of payments to audit committee independent members for 2012 from a range of comparable councils.

<i><b>Council</b></i>	<b>Independent Members</b>	<b>Presiding Member</b>
<b>Holdfast Bay</b>	<b>\$360</b>	<b>\$400</b>
Mitcham	\$370	\$473
Burnside	\$500	NA
Prospect	\$350	\$450
Campbelltown	\$300	\$400
Tea Tree Gully	\$300	\$400
Norwood	\$400	NA
Unley	\$300	\$450
<b>Survey Average</b>	<b>\$360</b>	<b>\$428</b>

Based on the comparisons above, the fees paid to the independent members are comparable with the survey average while the Presiding Member sitting fee (where applicable) is slightly less. The appropriate amount of sitting fees is arguably a subjective matter in that each council is unique in size, operation and complexity. For example the Audit Committee for the City of Holdfast Bay also oversees the Alwyndor Aged Care operations.

It is considered that the amount of sitting fees was set at an appropriate level during the 2010 - 2012 period however it now requires a form of indexation to allow for inflation. The most appropriate indexation is to apply the Adelaide Consumer Price Index (CPI).

CPI increases are used for indexing elected members allowances annually.

The most consistent and straight forward way to determine the amount of annual indexation for sitting fees for the Audit Committee is to apply the annual movement in CPI from consecutive September quarters.

The annual Adelaide CPI inflation to the September quarter 2012 was 1.7%. When applied to the existing level of sitting fees equates to \$407 (rounded up) for a presiding member and \$367 (rounded up) for an ordinary member for attendance at each committee meeting.

It is concluded that the current level of sitting fees has been set at an appropriate level since 2010. However it is recommended that the fee structure be changed annually to provide for changes in inflation based on the Adelaide CPI.

It is further proposed that sitting fees be indexed at the same time, and on the same basis, as members' allowances are indexed.

#### **BUDGET**

The payment of sitting fees independent members serving on the Audit Committee is allowed for in the 2012/13 Annual Business Plan and budget. The budget adjustment for the increase in sitting fees is considered minor and of no significant impact.

#### **LIFE CYCLE COSTS**

There are no life cycle costs associated with this change.

Item No: **14.5**

Subject: **ELECTED MEMBER TRAINING REQUEST – 2013 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

Date: 12 March 2013

Written By: Governance Officer

General Manager: Corporate Services, Mr I Walker

---

**SUMMARY**

The 2013 National General Assembly of Local Government, Foundations for the Future TWENTY13 will be hosted by the Australian Local Government Association (ALGA) from 16 - 19 June 2013, in Canberra, ACT.

---

**RECOMMENDATION**

1. **That Council approves the attendance of \_\_\_\_\_ and \_\_\_\_\_ at the National General Assembly of Local Government, from 16 - 19 June 2013.**
  2. **That Council appoints \_\_\_\_\_ to be the voting delegate at the National General Assembly of Local Government**
  3. **That any delegates attending the 2013 National General Assembly of Local Government present a report back to Council.**
- 

**COMMUNITY PLAN**

A Place that Provides Value for Money

**COUNCIL POLICY**

Elected Member Training and Development Policy

**STATUTORY PROVISIONS**

Not applicable

## BACKGROUND

Council has not considered this request this year. Two representatives were sent to the 2012 National General Assembly: Mayor Rollond and Councillor Clancy.

## REPORT

The 2013 National General Assembly of Local Government, Foundations for the Future TWENTY 13 will be hosted by the Australian Local Government Association (ALGA) from 16 to 19 June 2013, in Canberra, ACT.

Council's Elected Member Training and Development Policy states:

- "2.1.7 Elected Members are encouraged to attend Conferences as they provide opportunities to enhance his/her understanding of Local Government and to network with other Elected Members both within and outside of the State:-*
- a. Council will support the attendance by all members at one intrastate local government related conference, and one interstate local government related conference or similar every two years.*
  - b. The Mayor and one elected member (or two elected members in the absence of the Mayor) may attend the Local Government Associations National Congress and AGM each year, with the understanding that different members will attend in different years. (Attendance at this congress is to be included in 2.1.7 above.)"*

*Refer Attachment 1*

National General Assembly brings together hundreds of delegates from councils across Australia to debate issues of national significance to local government. It provides an opportunity for local councils to develop and express a united voice on core issues affecting their communities with access to influential decision-makers of the federal government, at both the political and departmental levels.

The attendance of two members provides them with a unique opportunity to enhance their understanding of local government and to network with other elected members.

The program released by ALGA outlines the political speakers invited to attend and the format of the two days and is attached for members information.

*Refer Attachment 2*

In accordance with the policy Members have the opportunity to attend one intrastate or interstate conference every two years, and that the Mayor and an elected member (or two elected members in the absence of the Mayor) can attend.

***Voting Delegate***

At the National General Assembly each council is entitled to one voting delegate in the debating session. Council is responsible for determining who the voting delegate at the Assembly.

Traditionally the Mayor has been the voting delegate (when attending) the National General Assembly.

**BUDGET**

Attendance at the National General Assembly of Local Government (including flights, accommodation, transfers and registration) costs approximately \$3,250 per delegate.

The Elected Members Training budget for 2012/2013 was \$13,000 and currently there is \$11,430 available.

**LIFE CYCLE COSTS**

There are no full lifecycle costs associated with this report.

## 1 Preamble

### 1.1 Background

- 1.1.1. The City of Holdfast Bay supports the ongoing development of its Elected Members to enable them to engage in the decision making process with the appropriate knowledge, skills and competencies to undertake their Elected Member role
- 1.1.2. The training needs of Elected Members will be specific to their legislative and governance roles and functions
- 1.1.3. The City of Holdfast Bay recognises that the successful discharge of the role of the Elected Member is assisted by the provision of a range of training opportunities that include, but are not limited to:
  - a. Information sessions
  - b. Briefing on topical matters
  - c. Elected Member Workshops
  - d. Skills development
  - e. Conferences and seminars
- 1.1.4. A range of delivery methods will be considered, dependent upon the needs of the Members and the topic under consideration.

### 1.2 Purpose

- 1.2.1. This policy provides the framework under which the City of Holdfast Bay (Council) will provide appropriate training for Elected Members.

### 1.3 Scope

- 1.3.1. This policy applies to Elected Member of the City of Holdfast Bay.

### 1.4 Definitions

The following definitions apply to this policy:

- 1.4.1 **Training and Development** – personal skills related to activities as an Elected Member (i.e. public speaking, finance, leadership) specific to, and directly related to, Local Government.
- 1.4.2 **Conferences and seminars** (directly related to the role of an Elected Member) – includes workshops and forums, specific to, and directly related to, Local Government.
- 1.4.3 **Elected Member Workshops** – organised by City of Holdfast Bay staff on topics of immediate interest to Elected Members.

## 2 Policy Statement

- 2.1.1. Council is committed to providing training and development activities for its Elected Members to assist them in the performance and discharge of their functions and duties.
- 2.1.2. Council will provide an annual budget allocation to support the training and development activities undertaken by Elected Members.
- 2.1.3. Council will maintain a training and development plan.
  - a. The plan will be developed within two (2) months of a general election and annually from that date.

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- 2.1.4. Particular emphasis will be given in the training plan to the training needs of new Elected Members joining the City of Holdfast Bay following a general or supplementary election.
- 2.1.5. A range of strategies will be used to identify the training and development needs of Elected Members including:
- a. Surveys and questionnaires; and
  - b. Elected Member self-assessment and referral
- 2.1.6. The range of training delivery methods will include, but not be limited to:
- a. Training and development sessions provided by the Local Government Association (LGA) and other recognised providers. This training may be delivered in-house or externally
  - b. Informal briefing sessions
  - c. Conferences and seminars offered by organisations such as the LGA, Australian Local Government Association, Local Government Managers Australia and other providers that provide an opportunity for Elected Members to gain information and network with Elected Members and staff of other Councils from within and outside of South Australia
  - d. Purchase of training booklets and discussion papers for distribution to Elected Members for information
  - e. On-line training delivery
- 2.1.7. Elected Members are encouraged to attend Conferences as they provide opportunities to enhance his /her understanding of Local Government and to network with other Elected Members both within and outside the State.-
- a. Council will support the attendance by all members at one intrastate local government related conference, and one interstate local government related conference or similar every two years.
  - b. The Mayor and one elected member (or two elected members in the absence of the Mayor) may attend the Local Government Associations National Congress and AGM each year, with the understanding that different members will attend in different years. (Attendance at this Congress is to be included in 2.1.7 a above.)
  - c. Non-elected members of Council's committee's may also have the opportunity to attend a local government related conference with the approval of Council.
  - d. In approving a Members attendance at a conference, Council will take into account,
  - e. The relevance of the conference to the Member's role in Council,
  - f. The available budget
  - g. Whether the member has attended any previous conferences during the current term of council, ensuring that the opportunity to attend a conference is made equally available to all Elected Members
- 2.1.8. Elected Members who wish to participate in appropriate training, other than that provided to all Elected Members, must seek approval from Council prior to registering in any program, seminar or other development activity.
- a. If the cost of attendance at training is less than \$300 (including any related expenses), **either the Mayor or CEO may give approval to attend the training**, without the need for the matter to be put to Council. A note of the request and approval will be made in the next available Council meeting's Items in Brief report.

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- 2.1.9. A budget for Elected Member training and development will be approved each year as part of the annual budget process. This budget will be based on a dollar amount per elected member.
- a. If an individual member seeks to attend training and development, and the cost of this training will exceed the total budget allocation per member, then this will be identified in the Council report.
- 2.1.10. Where approval has been granted by City of Holdfast Bay for attendance at a training program/activity, an Elected Member may seek reimbursement of expenses in accordance with the relevant provisions of the Local Government Act and Regulations, and Council's Elected Member Benefits and Entitlements Policy..
- 2.1.11. All training undertaken by Elected Members will be recorded in the Register of Allowances and Benefits which will be updated as required to reflect attendances.
- 2.1.12. The City of Holdfast Bay's Annual Report will report on the attendance of Elected Members at any approved development activity.
- 2.1.13. Attendance at Council Workshops

In order to ensure that Elected Members have access to the wide variety of information necessary to make informed decisions, regular workshops will be scheduled for Elected Members. Examples of workshop topics include

- briefings from employees on current projects,
  - briefings from interested third parties on topical matters, and
  - training and development sessions.
- a. These workshops will be scheduled on the first Tuesday of each month, and prior to Council meetings.
- b. Elected Member workshops are not decision making forums. Rather they are opportunities to meet informally to hear about and discuss matters of interest without public scrutiny.
- c. Elected Member workshops may contain information which is of a sensitive commercial, political or personal nature and Members are required to respect the confidentiality of such information. Wherever practicable, workshop briefing notes will be made available to Elected Members prior to the workshop. Where the material is not identified as sensitive, Members may provide this information to members of the public at the conclusion of the workshop.
- d. Attendance at workshops is voluntary.

### 3 References

- 3.1.1. City of Holdfast Bay Elected Member Benefits and Entitlements Policy

### 3.2 Legislation

- 3.2.1. Local Government Act 1999

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PROGRAM AND REGISTRATION

REGISTER ONLINE

[www.alga.asn.au](http://www.alga.asn.au)

# Foundations for the Future TWENTY13

## NGA13

National General  
Assembly of Local  
Government

**16-19 JUNE 2013**

National Convention Centre | Canberra



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION



## PRESIDENT'S WELCOME

Colleagues,

I invite you to attend this year's National General Assembly of Local Government (NGA) in Canberra from 16-19 June.

The NGA is the premier local government event bringing together more than 700 mayors, councillors and senior officers from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia.

This year there will be a federal election on 14 September. The election provides an important opportunity to seek commitments from all federal political parties about the way in which they will work with and support councils in meeting community needs.

I have invited the Prime Minister, Minister for Regional Australia, Regional Development and Local Government, the Leader of the Opposition, Shadow Minister for Regional Development, Local Government and Water, the Leader of the Nationals and the Leader of the Australian Greens to address the NGA and to engage directly with you.

The theme for this year's NGA is *Foundations for the Future: Twenty 13*. The theme and the political climate this year focuses our attention on our future as a nation. At a political level it will be a year that determines who will govern Australia for the next term of parliament. At a local level we need to build the resources and capacity to strengthen our communities and position our communities into the future. The ALGA Board recently called for Notices of Motions for the NGA and these will set out the framework for debate. I would encourage you and your council to think

through ideas or initiatives you would like to see debated at the NGA and to submit these as motions for the NGA.

I am pleased to inform you that the keynote speakers at this year's NGA are well known and highly respected Australians Fred Chaney AO, Geraldine Doogue AO and Peter FitzSimons AM. These speakers will join a number of other subject matter experts in steering the discussions at the NGA.

As you know, we are currently in the middle of a major campaign to gain financial recognition for local government in the Australian Constitution. Many councils have provided submissions to the current Joint Select Committee (JSC) on the Constitutional Recognition of Local Government. By the time we meet in Canberra at the NGA the JSC will have finished and the Government will have responded to the Committee's report. We may well be on the road to a referendum at the end of the year. This year's NGA will include a comprehensive report on the status of constitutional recognition.

The NGA is your opportunity to make sure that your council's view is reflected in the national priorities identified for local government. I invite you to be part of this important event by joining your colleagues in Canberra from 16-19 June 2013.

I look forward to seeing you in Canberra.



**Mayor Felicity-ann Lewis**

ALGA PRESIDENT

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		Voting procedures				

## PROGRAM

### SUNDAY 16 JUNE

5:00–7:00 pm Welcome Reception

### MONDAY 17 JUNE

9:00 am OPENING CEREMONY

9:20 am ALGA President's Welcome  
9:50 am Prime Minister  
**The Hon Julia Gillard MP** (invited)

10:30 am MORNING TEA

11:00 am Keynote Speaker: **Geraldine Doogue AO**  
11:45 am Election Priorities—Twenty 13

12:30 pm LUNCH

1:30 pm The Debate—The Big Issues

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions  
4:30 pm Leader of the Opposition  
**The Hon Tony Abbott MP** (invited)

5:00 pm CLOSE  
7:00 pm BUFFET DINNER

### TUESDAY 18 JUNE

9:00 am Keynote Speaker: **Fred Chaney AO**  
9:45 am Debate on Motions

10:30 am MORNING TEA

11:00 am Leader of the Australian Greens,  
**Senator Christine Milne**  
11:30 am National Awards for Local Government  
12:00 noon Leader of the Nationals  
**The Hon Warren Truss MP**

12:30 pm LUNCH

1:30 pm National Awards for Local Government  
2:00 pm Financial Assistance Grants Review—  
Commonwealth Grants Commission

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions  
4:30 pm Shadow Minister for Local Government,  
**Senator Barnaby Joyce**

5:00 pm CLOSE  
7:00 pm OFFICIAL DINNER, PARLIAMENT HOUSE

### WEDNESDAY 19 JUNE

9:00 am Keynote Speaker: **Peter FitzSimons AM**  
9:45 am Debate on Motions

10:30 am MORNING TEA

11:00 am Debate on Motions  
12:00 noon Minister for Regional Australia, Regional  
Development and Local Government  
**The Hon Simon Crean MP** (invited)

12:30 pm PRESIDENT'S CLOSE  
1:00 pm CLOSE

### KEY DATES

Submission of  
Motions for Debate

FRIDAY 26 APRIL 2013

Early Bird Registration  
on or before

MONDAY 22 APRIL 2013

Standard Registration  
on or before

FRIDAY 31 MAY 2013

Late Registration  
after

FRIDAY 31 MAY 2013

THEME OVERVIEW

# Foundations for the Future

## T W E N T Y 1 3

## NGA 13

### National General Assembly of Local Government

The National General Assembly (NGA) is a significant opportunity for local government to meet and discuss the issues facing local government and to develop agreed positions which can inform the development of ALGA's policies in the coming year. Through the NGA, local government representatives can engage directly with key federal politicians, move and debate motions, hear from a range of subject matter experts, and network with local government colleagues from around Australia.

This year's NGA is themed *Foundations for the Future: Twenty 13*. The theme has been selected because it looks forward and captures the opportunities of the federal election to be held on 14 September 2013.

Local government plays a critical role in Australia's democratic system of government. It represents local communities and plays a key role in planning, coordinating, facilitating and providing services, infrastructure and programs that meet community and regional needs.

While councils can do a lot themselves, many local governments are constrained by lack of resources, expertise and adequate support from other levels of government (and the private sector) to meet all of their communities needs. There has never been a more important time to fight for our local communities and the capacity of local government to serve them. This year's election will determine the Government for the next three years, and set the nation's direction for the future. It is essential that Australia has a strong national economy, an adequate social safety net and appropriate national support systems and that it plays an active role in the international community. But it is also vitally important that the Australian Government also creates the environment for regions and local communities to prosper.

The lead up to the federal election is an opportunity to seek commitments from all federal political parties about the way in which they will work with and support councils in meeting community needs. ALGA actively advocates on behalf of the

sector in the lead up to every election. ALGA does this by engaging directly with all the major political parties, documenting local government initiatives and communicating these to federal politicians. In doing this ALGA draws heavily on the discussions and outcomes of the NGA and on initiatives contained in the NGA Resolutions.

Local government is a richly diverse, highly responsive, accountable and dynamic level of government. Local government's national significance is underlined by the fact that it employs around 195,000 Australians (just over 10 per cent of the total public sector work force), owns and manages non-financial assets worth over \$250 billion, raises around 3.5 per cent of Australia's total taxation revenue per annum and has an annual expenditure of around \$29 billion (2010–11) —just under 6 per cent of total public sector spending.

Most of local government's expenditure is directed towards the provision of local services, which include: housing and community amenities; transport and communications; recreation and culture; and social security and welfare.

At an aggregate level local government undertakes its work while being more than 80 per cent self-funded. However, many rural and regional communities have limited financial capacity which means those councils are much more reliant on external funding sources. Higher grant levels are absolutely critical to these councils to equalise services and infrastructure availability across the communities. Considerable local government funds are spent on vital additional work that relates to broad national issues.

As the level of government closest to Australians, local government is aware of and understands the myriad of challenges faced by local and regional communities as they live, work and interact in an increasingly complex domestic and global environment. Local and regional communities require support to respond and adapt to factors they cannot control, such as climate change, drought, natural disasters and economic upheavals.



## Financing Local Government

In 2006 ALGA commissioned PricewaterhouseCoopers (PWC) to undertake a national study into the Financial Sustainability of Local Government. This study built upon a number of studies that were conducted by state and territory local government associations. The PWC Report was a vital body of research that underpinned a rigorous assessment of the financial sustainability of councils across Australia. The Report found that up to 30 per cent of councils were facing financial sustainability challenges and recommended a twin track approach (of internal reforms and changes to intergovernmental funding) to addressing some of these problems.

### Financial Assistance Grants

On 9 December 2012 the Commonwealth Treasurer provided Terms of Reference to the Commonwealth Grants Commission for a Review on Improving the Impact of the Financial Assistance Grants on Local Government Financial Sustainability. The Terms of Reference require the Commission to provide a report to the Australian Government by 31 December 2013 on issues such as identifying tangible measures for improving the impact of the Local Government Financial Assistance Grants on the effectiveness of local governments and their ability to provide services to their residents within the current funding envelope, the appropriateness and impacts of FAGs, and identifying any enhancements to the effectiveness of local government through changes to the FAGs distribution process.

### Expenditure Priorities

Over the past 30 years the roles and functions of local government have changed significantly.

In 2001 the Commonwealth Grants Commission (CGC), in a Review of the Operation of the *Local government (Financial Assistance) Act 1995*, observed that the composition of services provided by local government had changed markedly over the last 30 to 35 years. The CGC noted there had been substantial changes such as a move away from property-based services to human services, a decline in the relative importance of roads, an increase in the relative importance of recreation and culture, and housing and community amenities and an expansion of education, health, welfare and public safety services.

These trends reflect changes in local communities, growing demand and councils' willingness to meet the emerging challenges of their local municipality. The trend was also encouraged by the Commonwealth and State Governments who, over the period, increasingly offered programs to local communities e.g. aged care and children's services, on the

condition of matched funds or limited growth funds. As a consequence, by accepting additional responsibilities without significant new funding for these services, councils were required to change existing priorities and shift funding between existing programs. The trend has been confirmed by the state local government associations which also report that the costs of increased service provision have been met by delaying maintenance and replacement infrastructure activities.

## Constitutional Recognition of Local Government

Since the appointment of a Joint Select Committee on the Constitutional Recognition of Local Government in November 2012, the pace of developments has increased dramatically. ALGA lodged a detailed submission with the committee in December 2012 and a supplementary submission on 31 January 2013 in response to issues raised at a parliamentary committee hearing on 16 January 2013.

The ALGA Board is meeting regularly to determine and drive the agenda. ALGA welcomed the Parliamentary Committee's preliminary report on 24 January 2013 which recommended that the Commonwealth begin all necessary preparatory activities to ensure a successful referendum in 2013. ALGA has indicated strong support for constitutional change as soon as possible to secure continued direct funding. However, we have reiterated our concern about the lack of progress on the preconditions identified for a successful referendum and the short timeframe available for a campaign in 2013.

ALGA wants to make sure that the referendum proceeds when the chances for success are at their best, although we stand ready once the government announces a referendum. The Committee's final report is due in March 2013 and the Government has indicated that it will wait until that time before giving its response on the referendum. ALGA is concerned that the delays and moving timeframes have hampered efforts to finalise arrangements for a referendum and ALGA has redoubled its efforts to seek commitments from both the Government and the Opposition to support the referendum.

Constitutional Recognition remains a priority for the ALGA Board. Given the pace of developments and an expected announcement of the Government's intentions in March/April 2012, we are not seeking council motions on constitutional recognition for this year's NGA. A comprehensive update will be given to delegates at the NGA, based on the responses of the Government, the Opposition and State Premiers to the Committee's final report.

## **SPEAKER PROFILES**



### **GERALDINE DOOGUE AO**

Whilst originally planning a career as a schoolteacher after completing her Arts degree, in 1972 Geraldine applied on an impulse for a journalism cadetship with *The West Australian* instead. Since then she has thrived on that impulsive decision.

Within the first ten years of her career, Geraldine had carved out a reputation in print, television and radio, including two years at the London Bureau working for the Murdoch group's Australian papers.

Her entrance into television was unexpected. Whilst covering a story for *The Australian*, an ABC Television reporter interviewed her for a *Four Corners* program. When the head office executives saw the interview, they were so impressed with her on-camera presence that they offered Geraldine the Perth compere's position for ABC Television's then new program *Nationwide*.

In 1992 Geraldine began presenting *Life Matters*, a new ABC Radio National program which set out to cover the full gamut of social issues in everyday life. In 1998, she also became host of ABC TV's *Compass* program, which looks at issues of spirituality, philosophy and belief every Sunday evening. After 11 years with *Life Matters*, she moved to Saturday mornings to host a program focusing on international politics, Australia's role on the world stage, and business, called *Saturday Extra*.

In 2000 Geraldine was awarded a Churchill Fellowship for social and cultural reporting. In 2003, she was recognised with an Officer in the Order of Australia for services to the community and media. In March 2011, she was awarded an Honorary Doctorate of Letters by her alma mater, the University of Western Australia.

### **FRED CHANEY AO**

Fred Chaney was born in Perth in 1941. He practised law in New Guinea and Western Australia, including time in-house with the Hancock-Wright prospecting partnership, and subsequent private practice with emphasis on mining related work until he entered the Senate in 1974.

Fred was involved in the Aboriginal Legal Service in a voluntary capacity in the early 1970's. He was a Senator for Western Australia from 1974 to 1990 and was Leader of the Opposition in the Senate from 1983 to 1990. He was Member for Pearce in the House of Representatives from 1990 to 1993. Among his Ministerial appointments were Aboriginal Affairs, Social Security and Minister Assisting the Minister for National Development and Energy.

After leaving Parliament he undertook research into Aboriginal Affairs policy and administration as a Research Fellow with the Graduate School of Management at the University of Western Australia from 1993 to 1995. He was appointed Chancellor of Murdoch University in 1995 and continued in that capacity until 2003.

In 1994 Fred was appointed as a part-time Member of the National Native Title Tribunal, a full-time Member in April 1995 and was Deputy President from 2000 to 2007. In January 1997 he was appointed an Officer of the Order of Australia.

He served as Co-Chair of Reconciliation Australia Ltd from 2000 to 2005 and continues as a Director on the Board. In 2005 he was appointed chairman of Desert Knowledge Australia. In 2007 he chaired the Consultation Committee on a Human Rights Act for Western Australia and in 2011 was a member of the Expert Panel on Constitutional Recognition of Indigenous Australians.

### **PETER FITZSIMONS AM**

Peter FitzSimons is a well respected columnist for *The Sydney Morning Herald* and *Sun-Herald*, television presenter on *Fox Sports*, speaks four languages, has played rugby for Australia, co-hosted radio shows with Mike Carlton and Doug Mulray, interviewed famous people around the globe from George Bush to Diego Maradona and written eighteen best-selling books. He is the biographer not only of World Cup winning Wallaby captains, Nick Farr-Jones and John Eales, but also former Opposition Leader Kim Beazley, war heroine Nancy Wake and magazine queen, Nene King. In 2001 he was Australia's biggest selling non-fiction author, and duplicated that feat in 2004, with his book on Kokoda.

Born on a farm in Peat's Ridge, Peter went to Knox Grammar School, before accepting an American Field Service Scholarship to go to Ohio for a year. He returned to complete an Arts degree at Sydney University majoring in government and political science. In 1984 he broke into the Wallabies under the coaching of Alan Jones, then lived in France and Italy playing rugby for the next five years whilst learning both languages as well as Spanish. Upon his return to Australia he again played for the Wallabies, under Bob Dwyer, going on to play seven tests.

In 1989 he joined *The Sydney Morning Herald* full-time, and has been one of their most popular columnists since. Andrew Denton has called him "Australia's finest sports journalist."

Peter boasts an impressive list of interview credits including ex-president George Bush, Sir Edmund Hillary, Jodie Foster, Nicki Lauda, Joe Montana and Carl Lewis as well as all the major Australian sporting figures from Shane Gould to Lionel Rose and Allan Border. He has interviewed every Australian Prime Minister from Gough Whitlam through to Kevin Rudd.



INVITED

The Hon Julia Gillard MP

The Hon Tony Abbott MP

## THE HON SIMON CREAN MP

**Federal Minister for Regional Australia, Regional Development, Local Government; Federal Minister for the Arts**

Simon Crean is Minister for Regional Australia, Regional Development, Local Government and Minister for the Arts.

Prior to his appointment to these portfolios in September 2010, Mr Crean was Minister for Education, Employment and Workplace Relations from June 2010 to September 2010 and Minister for Trade from December 2007 to June 2010.

Mr Crean has also held a range of Shadow Ministerial positions and was Leader of the Opposition from November 2001 to December 2003.

Following his election to Federal Parliament in March 1990, Mr Crean went to the front bench as Minister for Science and Technology in the Hawke Labor Government and later served as Minister for Primary Industries and Energy and Minister for Employment, Education and Training in the Keating Government.

## SENATOR BARNABY JOYCE

**Shadow Minister for Regional Development, Local Government and Water; Leader of the Nationals in the Senate**

Barnaby is one of a family of eight from a cattle and sheep business in southern New England. After graduating with a degree in accountancy, Barnaby spent three years with a chartered accountancy firm then a short period with an American multinational in cost accounting before completing five years with a major regional bank.

With a choice between a senior role in banking or starting his own business Barnaby chose the latter and owned and operated Barnaby Joyce and Co for ten years. His role in the National Party had concurrently taken him to Acting Treasurer of the Queensland Nationals. In 2004 he was elected to head of the National Senate team and won back the previously lost Senate seat.

He is the Shadow Minister for Regional Development, Local Government and Water. In that role he developed a policy to provide tax concessions to major infrastructure projects, to help unlock the \$1.4 trillion Australians have invested in superannuation. Barnaby has also developed a policy to revamp Australia's zonal taxation system to provide real incentives for Australians to move to the remote, undeveloped parts of our nation.

## SENATOR CHRISTINE MILNE

**Senator for Tasmania, Leader of the Australian Greens**

Christine Milne, Senator for Tasmania and Leader of the Australian Greens, is one of Australia's most experienced and respected environmental and community activists with a career spanning 30 years. After leading the successful campaign to protect farming land and fisheries from the Wesley Vale Pulp Mill, Christine was elected to the Tasmanian Parliament in 1989, and became the first woman to lead a political party in Tasmania in 1993. She was elected to the Senate in 2004 and to the Leadership in 2012 following the retirement of Senator Bob Brown.

Christine's vision to address climate change and her unparalleled experience with power-sharing minority governments led to the establishment of the Multi-Party Climate Change Committee and its successful negotiations to design the Clean Energy Future package. The package has placed innovation, opportunity and clean energy at the forefront of the transformation of the Australian economy for the 21st century.

## THE HON WARREN TRUSS MP

**Leader of the Nationals, Federal Member for Wide Bay, Shadow Minister for Infrastructure and Transport**

Warren Truss is a third generation farmer from the Kumbia District near Kingaroy, Queensland. He entered Federal Parliament in March 1990 as a National Party member representing the electorate of Wide Bay.

Following the Coalition Government's election defeat in 2007, he was elected Federal Parliamentary Leader of The Nationals. He is also Shadow Minister for Infrastructure and Transport.

Mr Truss was a Minister in the Howard Coalition Government for 10 years.

He was appointed Minister for Customs and Consumer Affairs in October 1997, and a year later, Minister for Community Services. In July 1999 he assumed the position of Minister for Agriculture, Fisheries and Forestry, where he served for six years. He became Minister for Transport and Regional Services in July 2005 and in September 2006 Minister for Trade.



## MOTIONS FOR DEBATE

- **The NGA is your opportunity to contribute to the development of national local government policy.**

The ALGA Board is calling for motions for the 2013 NGA under the theme *Foundations for the Future: Twenty 13*. To assist Councils in preparing motions a Discussion Paper has been prepared and is available at [www.alga.asn.au](http://www.alga.asn.au).

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions should be submitted electronically via the online form on the website [www.alga.asn.au](http://www.alga.asn.au) and should be received by ALGA no later than 26 April 2013.

Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy and when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolutions passed at the NGA.

## VOTING PROCEDURES



Each council is entitled to one voting delegate in the debating session. Councils will need to determine who their voting delegate will be. Voting cards can be collected at the Assembly. Councils do not need to advise ALGA of the name of the voting delegate prior to collecting voting cards.



REGIONAL COOPERATION  
AND DEVELOPMENT FORUM

**REGIONAL DEVELOPMENT:  
IT'S TIME TO INNOVATE**

Sunday 16 June 2013 • National Convention Centre • Canberra



Includes the launch of the:  
*2013-14 State of the Regions Report*

2013 presents significant opportunities for Australia's regions and the local government authorities governing those regions

According to the 2012-13 State of the Regions Report—commissioned by the Australian Local Government Association (ALGA) and prepared by National Economics—a new approach to regional development is required in order to address inequality across Australian regions exacerbated by the mining boom and patchwork economy. Local governments need to be involved in decisions concerning Commonwealth investment in regional infrastructure and development.

This year's Regional Cooperation and Development Forum will present the policy findings that build on the work commenced by National Economics in 2012 rethinking regional development. This work will incorporate the latest Census data and also examine the implications of how Australia is dealing with the ever growing threats arising from climate change and natural disasters.

The Forum will continue to allow the sharing of ideas and opportunities through both a mix of academic and practitioner insights, as well as hearing the latest positions from Commonwealth politicians and senior officials, including the Regional Australia Institute.

**PROVISIONAL PROGRAM**

9:30 am	Welcome: ALGA President, <b>Mayor Felicity-ann Lewis</b>
9:35 am	Minister for Regional Australia, Regional Development and Local Government, <b>The Hon Simon Crean MP</b> (invited)
10:00 am	Keynote address: <b>Professor John Martin</b> , Centre for Sustainable Regional Communities, La Trobe University. <i>Local Governance and Sustainable Rural Community Development: A Comparative Study of Canadian and Australian Experiences</i>
10:30 am	MORNING TEA
11:00 pm	State of the Regions Launch: <i>Regional Development: It's Time to Innovate</i>
11:30 pm	Regional Development Australia Update
12:00 pm	LUNCH
1:00 pm	Panel Discussion: <i>Regional implications of managing natural disasters</i>
2:30 pm	AFTERNOON TEA
3:00 pm	Shadow Minister for Regional Development, Local Government and Water, <b>Senator Barnaby Joyce</b> (invited)
3:30 pm	Questions and wrap-up
4:00 pm	CLOSE

▶ **Regional Forum Registration is \$395** (INC GST) or **\$195** when you also register to attend the **National General Assembly**

## ASSOCIATED EVENTS

### BREAKFAST

#### ICLEI OCEANIA BRIEFING BREAKFAST: 'PATHWAYS TO THRIVING NEIGHBOURHOODS'

▶ MONDAY 17 JUNE 2013  
7.15AM - 8.30AM

Many local governments have been implementing sustainability projects for some years. So what can Australian local governments use that is practical and useful, but also works within the broader sector to develop a joint approach to local sustainability?

Local governments are the sum of their neighbourhoods—and we want them to be thriving! What does a thriving neighbourhood look like? What examples are there, here and around the world? What are the policy and operational steps that we can take to enable our neighbourhoods to thrive?

Bookings are essential on: (03) 9639 8688  
or [oceania@iclei.org](mailto:oceania@iclei.org)

For further information contact:  
Martin Brennan [martin.brennan@iclei.org](mailto:martin.brennan@iclei.org)



### BREAKFAST

#### AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION INC

▶ MONDAY 17 JUNE 2013  
7.30 - 8.30 AM

National Convention Centre, Canberra

Following the overwhelming success of the ALGWA 60th anniversary celebrations in 2011, the ALGWA National President Darriea Turley, invites you to breakfast this year as part of the National General Assembly.

Members, friends and colleges will be warmly welcomed. Seating is limited, so please book early. Register your interest at [www.algwa.net.au](http://www.algwa.net.au)



# REGISTRATION DETAILS

## General Assembly Registration Fees

<b>REGISTRATION FEES EARLY BIRD</b>	<b>\$899.00</b>
<i>Payment received by Monday 22 April 2013</i>	
<b>REGISTRATION FEES STANDARD</b>	<b>\$999.00</b>
<i>Payment received on or before Friday 31 May 2013</i>	
<b>REGISTRATION FEES LATE</b>	<b>\$1,200.00</b>
<i>Payment received after Friday 31 May 2013</i>	

### GENERAL ASSEMBLY REGISTRATION INCLUDES

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon tea as per the General Assembly program
- One ticket to the Welcome Drinks, Sunday
- General Assembly satchel and materials

### DAY REGISTRATION FEES

<b>MONDAY 17 JUNE 2013</b>	<b>\$470.00</b>
<b>TUESDAY 18 JUNE 2013</b>	<b>\$470.00</b>
<b>WEDNESDAY 19 JUNE 2013</b>	<b>\$260.00</b>

### DAY REGISTRATION INCLUDES

- Attendance at all General Assembly sessions on the day of registration
- Morning tea, lunch and afternoon tea as per the General Assembly program on that day
- General Assembly satchel and materials

## Accompanying Partners Registration Fees

<b>ACCOMPANYING PARTNERS REGISTRATION FEE</b>	<b>\$240.00</b>
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### ACCOMPANYING PARTNERS REGISTRATION INCLUDES

- 1 ticket to the Welcome Reception, Sunday 16 June
- Day tour Monday 17 June
- Day tour Tuesday 18 June
- Lunch with General Assembly Delegates on Wednesday 19 June

## Sunday Regional Development Forum SUNDAY 16 JUNE 2013

<b>FORUM ONLY</b>	<b>\$395.00</b>
<b>NGA DELEGATE</b>	<b>\$195.00</b>

### Payment Procedures

Payment can be made by:

- Credit card – MasterCard, Visa and American Express
- Cheque made payable to ALGA
- Electronic Funds Transfer: Bank: Commonwealth Branch: Curtin BSB No: 062905 Account No: 10097760. Note if paying via EFT you must quote your transaction reference number on the registration form.

### Cancellation Policy

All alterations or cancellations to your registration must be made in writing and will be acknowledged by post, facsimile or email. Notification should be sent to:

Conference Co-ordinators  
PO Box 139, CALWELL ACT 2905  
Facsimile (02) 6292 9002  
Email [conference@confco.com.au](mailto:conference@confco.com.au)

An administration charge of \$110.00 will be made to any participant cancelling before Monday 22 April 2013. Cancellations received after Monday 22 April 2013 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.

By submitting your registration you agree to the terms of the cancellation policy.

### Privacy Disclosure

ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.

Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

## SOCIAL FUNCTIONS

### Welcome Reception and Exhibition Opening

SUNDAY 16 JUNE 2013

#### National Convention Centre

5:00–7:00 pm

\$44.00 per person for day delegates and guests

No charge for full registered delegates

No charge for registered accompanying partners

DRESS CODE smart casual

### Buffet Dinner

MONDAY 17 JUNE 2013

#### The Ballroom, National Convention Centre

7:00–11:00 pm

\$100.00 per person

DRESS CODE smart casual

Coaches will depart Assembly hotels (Except Crowne Plaza) at approximately 6:45 pm with return shuttles commencing from 10:15 pm.

### General Assembly Dinner

TUESDAY 18 JUNE 2013

#### The Great Hall, Parliament House

7:00–11:00 pm

\$130 per person

DRESS CODE lounge suit/collar and tie for men and cocktail style for women

Tickets to the prestigious General Assembly Annual Dinner at Parliament House are always highly sought after. Due to the size of the Great Hall places are limited and therefore booking early is highly recommended to ensure your place.

Coaches will depart all Assembly hotels at approximately 6:45pm with return shuttles commencing from 10:30pm.

Note: Bookings are accepted in order of receipt.

## CANBERRA WEATHER IN JUNE



Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12–15°C and temperatures do drop to 1°C on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.

## VENUE + DRESS CODE

### Exhibition Opening and Welcome Reception

VENUE National Convention Centre, Constitution Ave, Canberra City

DRESS CODE Smart casual

### General Assembly Business Sessions

VENUE National Convention Centre, Constitution Ave, Canberra City

All plenary sessions will be held in the Royal Theatre at the National Convention Centre

DRESS CODE Smart casual

### Exhibition

VENUE National Convention Centre, Constitution Ave, Canberra City

The exhibition is being held in the Exhibition Hall of the National Convention Centre.

DRESS CODE Smart casual

### Buffet Dinner

VENUE The dinner is being held in the Ballroom at the National Convention Centre.

DRESS CODE Smart casual

### General Assembly Dinner

VENUE Parliament House

The General Assembly Dinner is being held in the Great Hall.

DRESS CODE Lounge suit/collar and tie for men and cocktail style for women



#### DINNER ENTERTAINMENT

Melbourne based a cappella group, **Suade**, will entertain and delight delegates

Suade has performed extensively around Australia at festivals, concerts, workshops and masterclasses, and has represented the country regularly overseas. Suade first started back in 1998 as a group of high school buddies singing barbershop tunes and over the next decade and a half, the group has developed into Australia's undisputed #1 male a cappella group, with a huge vocal sound, an energetic stage performance and a downright wicked sense of humour.

## PARTNER'S PROGRAM

### DAY 1 MANNING CLARK HOUSE AND 'TURNER FROM THE TATE'

#### MANNING CLARK HOUSE

Manning Clark House is one of Canberra's most historically significant homes. The roof-top study is where the six volumes of "A History of Australia" and his other works were written.

Designed by Robin Boyd in 1952, the house is where Manning and Dymphna Clark lived and worked from 1953 until their deaths in 1991 and 2000 respectively. Inside Manning Clark's unique library of 10,000 volumes lines many of the walls. Dymphna Clark's collection of texts in many European languages reminds us of her scholarly translations and linguistic interests.

The piano Manning Clark played stands in a corner of the sitting room, and his records and player line a wall of the dining room dominated by the 1972 portrait of Manning Clark by Arthur Boyd.

Outside, the tall trees and the lawns designed for bat and ball, tell us of some of the family's interests. All this remains as it has for nearly fifty years, the scene of so much significant personal and professional scholarship and activity.

#### 'TURNER FROM THE TATE'

The Turner Exhibition at the National Gallery is one of the most important exhibitions to visit Australia in 2013. J. M. W. Turner (1775-1851) is one of Britain's greatest artists and a key figure of the Romantic generation. 'Turner from the Tate' includes many of the artist's most famous paintings. It provides a comprehensive overview of Turner's monumental landscapes and atmospheric, light-filled seascapes, while offering extraordinary insights into his working life and practices.

### DAY 2 FROM GARDENS AND FLOWERS TO ENDANGERED FORESTS

#### THE EMBASSY PRECINCT

Canberra is home to nearly 100 embassies and high commissions. The most established and stunning diplomatic residences are in Yarralumla. This morning's tour will take you on a leisurely drive to view the traditional gardens and modern architecture of the most significant diplomatic posts. You'll pass the spectacular traditional design of the Chinese Embassy and the long-house style of the High Commission of Papua New Guinea. You'll view the Mexican Embassy's giant shingle roof and the United States Embassy built in a modified Georgian style. The traditional Cape Dutch style architecture of the South Africa High Commission contrasts with the striking design of the Thai Embassy Royal. A tour to one of the Embassies will also be included.

#### NATIONAL ARBORETUM CANBERRA

From there you will travel to Australia's newest national iconic attraction, the \$70m National Arboretum Canberra. Home to 100 of the world's most endangered and significant trees, the 250 hectare site also boasts one of the most striking visitors centre's in the country. It is here you will enjoy a superb luncheon whilst appreciating the breathtaking views of Australia's national capital.

## ACCOMMODATION

- ▶ To book your accommodation at the rates listed below complete the appropriate section of the registration form. Bookings are subject to availability and should be made prior to Friday 17 May 2013.

All cancellations or amendments must be made in writing to Conference Co-ordinators and will be acknowledged by facsimile or email.

Please note your credit card details are required to guarantee your room. Neither Conference Co-ordinators nor the hotel will make any charges against your credit card unless you fail to give 21 days notice in writing of your cancellation. Full payment of your account will be required at the time of your departure.

#### CROWNE PLAZA

*1 Binara Street, Canberra*

Renovated in 2007 the Crowne Plaza is adjacent to the Convention Centre and only a short walk from restaurants, bars and the main shopping district. Featuring a contemporary design, the Crowne Plaza provides guests with an outdoor pool, sauna, health/fitness centre, 24-hour reception, Concierge, undercover parking and onsite dining at the RedSalt Restaurant. All rooms are non-smoking and include iron/ironing board, tea/coffee making facilities, hairdryer and Room Service is available.

Superior King Room: **\$295** per night single/twin/double

Deluxe King Room: **\$345** per night single/twin/double

#### WALDORF

*2 Akuna Street, Canberra*

Located in the heart of Canberra's CBD, the Waldorf is only a four minute walk from the National Convention Centre. This hotel has 24-hour reception and provides guests with a gymnasium, indoor heated lap pool and onsite dining at the Waldorf London Restaurant. All rooms have kitchen and laundry facilities, in room safe, dining table and chairs, complimentary cable TV, pay per view movies, high speed internet service (for a fee) and Room Service is available. One bedroom apartments also offer a separate lounge/dining area.

Studio Room: **\$210** per night single

Studio Room: **\$225** per night twin/double

One Bedroom apartment: **\$230** per night single

One Bedroom apartment: **\$245** per night twin/double

#### DIAMANT

*15 Edinburgh Place, Canberra*

Opened in June 2008 this boutique 80 room hotel is located at the intersection of Marcus Clarke and Edinburgh Ave, 15-20 minutes walk from the Convention Centre. The Diamant Hotel features 24-hour reception, a restaurant and a bar. The rooms have a mini bar, tea/coffee making facilities, plasma TV, CD and DVD players, broadband (for a fee), and in-room safe.

Standard Room: **\$270** per night single/twin/double

ACCOMMODATION CONTINUES OVER THE PAGE

## **HOTEL REALM**

*18 National Circuit, Barton*

Hotel Realm is one of Canberra's 5-star hotels and is located walking distance from the popular shopping and restaurant villages of Kingston and Manuka. Hotel Realm has two restaurants and a bar, a Day Spa, Hairdresser and Health Club located on-site. The rooms are modern and have king sized beds, high speed internet (for a fee) LCD TV, pay movie channel, Foxtel and 24-hour room service.

Standard Room: **\$265** per night single/twin/double

## **MANTRA**

*84 Northbourne Avenue, Canberra*

Mantra on Northbourne (formerly the Saville) offers stylish accommodation centrally located approximately a ten minute walk from the National Convention Centre. The hotel features a heated indoor pool, sauna, fully-equipped gymnasium and the Zipp restaurant bar on site. All rooms offer voice mail, individually controlled air-conditioning, pay per view movies, mini bar, tea/coffee making facilities, hairdryer and complimentary toiletries. One and two bedroom apartments also offer a separate lounge and dining area, fully-equipped kitchen and a laundry with washing machine, dryer, iron and ironing board.

Hotel Room: **\$209** per night single/twin/double

One bedroom apartment: **\$249** per night single/twin/double

## **MEDINA EXECUTIVE JAMES COURT**

*74 Northbourne Avenue, Canberra*

The Medina Executive James Court is approximately a seven minute walk from the National Convention Centre and is close to cafes, restaurants, gyms and shopping. The hotel offers reception, undercover parking, outdoor heated swimming pool, sauna, gymnasium and a restaurant delivery service. All rooms feature private balconies, climate controlled air conditioning, separate lounge/dining areas, broadband access (for a fee), spa bath, mini bar, fully equipped kitchen facilities and an in-room safe.

Note: Reception operates between the hours of 6.30 am and 11.30 pm.

One bedroom apartment: **\$200** per night single/twin/double

Two bedroom apartment: **\$250** per night single/twin/double

## **RYDGES LAKESIDE**

*1 London Circuit, Canberra*

Over the last two years the area surrounding Rydges Lakeside has undergone major changes with office developments, apartments, bars and restaurants opening. Rydges Lakeside is a 15-20 minute walk to the National Convention Centre. This property has 24-hour reception, room service and two on site restaurants. All rooms have balconies and offer high speed internet (for a fee), pay per view movies, mini bar, hairdryer, iron and ironing board.

Note: This hotel has an absolute no-smoking policy.

Standard Room: **\$249** per night single/twin/double

## **CLIFTON SUITES**

*100 Northbourne Avenue*

Quality Clifton Suites is approximately a 30 minute walk from the Convention Centre and is located on Northbourne Avenue. The property has an onsite pool, gymnasium and restaurant. All the rooms have reverse cycle heating and air conditioning, fully equipped kitchen, movies on demand, washing machine, dryer and a private balcony.

One bedroom apartment: **\$240** per night single/twin/double

## **COACH TRANSFERS**

### **Welcome Reception and Exhibition Opening Sunday 16 June 2013**

Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 4:45 pm. The return coaches will depart at 7:00 pm.

### **Daily Shuttles to and from the National Convention Centre**

A shuttle service between all General Assembly hotels (except Crowne Plaza Canberra) and the National Convention Centre will operate between 8:00 am and 8:30 am. Return shuttles will depart the National Convention Centre at 5:30 pm.

### **Buffet Dinner • National Convention Centre Monday 17 June 2013**

Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 6:45 pm. A return shuttle service will commence at 10:15 pm.

### **General Assembly Annual Dinner Parliament House • Tuesday 18 June 2013**

Coaches will collect delegates from all General Assembly hotels (INCLUDING Crowne Plaza Canberra) at approximately 6:45 pm. A return shuttle service will operate between 10:30 pm and 11:45 pm.

## **CAR PARKING**

Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$16.00 per day. Alternatively, voucher public parking is available across the road at a cost of approximately \$13.00 per day. The voucher machines are coin operated.

# Registration Form

REGISTER ONLINE [www.alga.asn.au](http://www.alga.asn.au)

Multiple delegates > photocopy form  
Register online [www.alga.asn.au](http://www.alga.asn.au)  
or download PDF or return this form to:  
Conference Co-ordinators  
PO Box 139 CALWELL ACT 2905  
Phone (02) 6292 9000  
Fax (02) 6292 9002  
Email [conference@confco.com.au](mailto:conference@confco.com.au)  
By submitting your registration you agree to the terms and conditions of the cancellation policy

## PERSONAL DETAILS

TITLE NAME SURNAME

(Cr/Ald/Mayor/Other)

POSITION

COUNCIL/ORGANISATION

ADDRESS

SUBURB STATE POSTCODE

PHONE MOBILE FAX

EMAIL

NAME FOR BADGE

HOW DID YOU FIND OUT ABOUT THE GENERAL ASSEMBLY?  ALGA  STATE/TERRITORY ASSOCIATION  COUNCIL  OTHER:

(Please Specify)

### PRIVACY DISCLOSURE

- I DO consent to my name appearing in the 2013 General Assembly List of Participants booklet (name, organisation & state only disclosed) as outlined in the privacy disclosure on page 11.  
 I DO consent to ALGA disclosing my personal contact information as outlined in the privacy disclosure on page 11.

## REGISTRATION FEES

### GENERAL ASSEMBLY REGISTRATION FEES

PLEASE NOTE registration does NOT include attendance at the Regional Cooperation and Development Forum

<b>EARLY BIRD</b> Registration Fees (payment received on or before 22 April 2013)		\$899.00	<input type="checkbox"/>
<b>STANDARD</b> Registration Fees (payment received on or before 31 May 2013)		\$999.00	<input type="checkbox"/>
<b>LATE</b> Registration Fees (payment received after 31 May 2013)		\$1,200.00	<input type="checkbox"/>
<b>DAY</b> Registration Fees	Monday 17 June \$470.00 <input type="checkbox"/>	Tuesday 18 June \$470.00 <input type="checkbox"/>	Wednesday 19 June \$260.00 <input type="checkbox"/>

### REGIONAL CO-OPERATION AND DEVELOPMENT FORUM REGISTRATION FEES

<b>REGIONAL DEVELOPMENT FORUM ONLY</b> Registration Fee	\$395.00	<input type="checkbox"/>
<b>GENERAL ASSEMBLY DELEGATE</b> Registration Fee	\$195.00	<input type="checkbox"/>
<b>STATE OF THE REGIONS REPORT 2013-14</b> (Single licence)	\$250.00	<input type="checkbox"/>
<b>STATE OF THE REGIONS REPORT 2013-14</b> (Organisational licence)	\$700.00	<input type="checkbox"/>

### ACCOMPANYING PARTNERS REGISTRATION FEES

**REGISTERED ACCOMPANYING PARTNER'S** name for lapel badge: \_\_\_\_\_ \$240.00

## SOCIAL FUNCTIONS INCLUDED IN FEES

One ticket to each of the following functions is included in the full General Assembly registration and/or accompanying partners registration fee. Please confirm if you will be attending by placing a tick in the appropriate boxes. To purchase additional tickets to any of the following functions please indicate the number required and complete the total amount payable.

### REGISTERED DELEGATES AND PARTNERS

**WELCOME RECEPTION AND EXHIBITION OPENING** (Sunday 16 June 2013)

I/we will attend: Delegate  Partner  Number of additional tickets  @ \$44.00 each Total \$

### REGISTERED PARTNERS

**DAY 1 • MANNING CLARK HOUSE AND 'TURNER FROM THE TATE'** (Monday 17 June 2013)

I will attend: Partner  Number of additional tickets  @ \$100.00 each Total \$

**DAY 2 • FROM GARDENS AND FLOWERS TO ENDANGERED FORESTS** (Tuesday 18 June 2013)

I will attend: Partner  Number of additional tickets  @ \$100.00 each Total \$

Registration form continues over the page





Item No: **14.6**

Subject: **APPOINTMENT TO AUDIT COMMITTEE**

Date: 12 March 2013

Written By: General Manager Corporate Services

General Manager: Corporate Services, Mr I Walker

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## **SUMMARY**

Council's Audit Committee comprises two Elected Members, plus three independent members. The Elected Members have been appointed to the Audit Committee by Council for the term of Council. Independent Members have been appointed by Council for 3 year terms, expiring at different times to provide a measure of continuity.

Mr Kosonen's term expires on 23 March 2013, advertisements were placed in public newspapers during January and February 2013 inviting expressions of interest from suitably qualified people for appointment to the Audit Committee. This report seeks Council's endorsement of a new member to the Audit Committee.

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## **RECOMMENDATION**

- 1. That Council appoint Mr John Wood as independent member of the Audit Committee for a term of 3 years expiring on 23 March 2016.**
  - 2. That Council extends its appreciation to Mr Mike Kosonen for his service on the Audit Committee.**
- 

## **COMMUNITY PLAN**

A Place that Provides Value for Money

## **COUNCIL POLICY**

Audit Committee Terms of Reference

## **STATUTORY PROVISIONS**

Local Government Act 1999, Section 126

**BACKGROUND**

Council's Audit Committee comprises two Elected Members (Councillors Looker and Roe), plus three independent members (Ms Vicki Brown, Mr Andrew Neville and Mr Mike Kosonen).

Elected Members have been appointed to the Audit Committee by Council for the term of Council. Independent Members have been appointed by Council for 3 year terms, expiring at different times to provide a measure of continuity.

**REPORT**

Mr Kosonen's term expires on 23 March 2013. Advertisements were placed in public newspapers during January and February 2013 inviting expressions of interest from suitably qualified people for appointment to the Audit Committee.

All expressions of interest were reviewed by a panel comprising Councillors Looker and Roe, and General Manager Corporate Services. Councillor Looker and Roe also interviewed a candidate, Mr John Wood, and recommend his appointment.

Mr Wood is a resident of Holdfast Bay, now retired, with a long background in finance including CPA qualifications. Mr Wood has worked in the Australian Public Service and in the tertiary education sector and has had experience as a member of various boards.

It is also appropriate that Council express its appreciation to Mr Kosonen for his valuable service on the Audit Committee over the past 3 years.

**BUDGET**

There are no implications for Council's budget.

**LIFE CYCLE COSTS**

There are no full life cycle cost implications.

Item No: **14.7**

Subject: **APPOINTMENT OF TWO ELECTED MEMBERS TO THE ASSESSMENT PANEL FOR THE BRIGHTON CARAVAN PARK MANAGEMENT EXPRESSION OF INTEREST**

Date: 12 March 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

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### **SUMMARY**

This report seeks nomination of two elected members to an assessment panel for tenderers seeking to be appointed manager of the Brighton Caravan Park for the next 3-5 years.

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### **RECOMMENDATION**

**That Council nominates \_\_\_\_\_ and \_\_\_\_\_ to the Assessment Panel for the Brighton Caravan Park Management Expressions of Interest.**

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### **COMMUNITY PLAN**

A Place to do Business  
A Place that Welcomes Visitors  
A Place that Provides Value for Money  
A Place that Provides Choices and Enhances Life

### **COUNCIL POLICY**

Procurement (Contracts and Tendering)

### **STATUTORY PROVISIONS**

Local Government Act, 1999

### **BACKGROUND**

Council received a report on 12 February 2013 regarding the Expression of Interest process for selecting a new manager for the Brighton Caravan Park. Council resolved (C120213/810) *“that*

*the report was to be noted and that two elected members were to be included in the assessment panel.”*

## **REPORT**

On 19 February 2013 the Expressions of Interest (EOI) was placed on the Tenders SA website and will run for 2 weeks.

In accordance with the motion passed by council on 12 February 2013, two councillors will be a part of the assessment panel and need to be nominated. The assessment panel will evaluate submissions from the EOI to manage the upgraded caravan park and subsequently the detailed Request for Proposal.

## **BUDGET**

Costs for the Expression of Interest and Request for Proposal will be met out of current budget.

## **LIFE CYCLE COSTS**

The life cycle cost for the long term management of the park will be agreed through the negotiations with the successful tenderer.