

Council Meeting Agenda & Reports

6 June 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

2 June 2022

To all Members of the Council

NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 6 June 2022, commencing at 7.00pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 9 MAY 2022**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **QUESTIONS WITHOUT NOTICE**
7. **QUESTIONS WITH NOTICE**
Nil
8. **DEPUTATIONS**
Nil
9. **PETITIONS**
Nil
10. **WRITTEN NOTICES OF MOTION**

10.1 PORTRUSH ROAD/MAGILL ROAD INTERSECTION – DELEGATION FOR ACQUISITION OF LAND – SUBMITTED BY CR EVONNE MOORE

NOTICE OF MOTION: Portrush Road/Magill Road Intersection – Delegation for Acquisition of Land
SUBMITTED BY: Cr Evonne Moore
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Evonne Moore.

NOTICE OF MOTION

That the resolution of the Council made at its meeting held on 2 May 2022 as follows:

That the Council sends an urgent delegation to the new Minister of Transport to ask for a grant of some land at the newly widened intersection of Portrush Road and Magill Road, to allow Council to establish a pocket park or two and to plant trees.

be amended to read as follows:

That the Council sends an urgent delegation to the new Minister of Transport to discuss the State Government's intentions regarding the surplus land at the intersection of Magill Road and Portrush Road with a view to requesting a grant of some land to the Council to allow the Council to establish a pocket park or alternative measures to reduce the level of noise associated with traffic and to enhance this intersection.

REASONS IN SUPPORT OF MOTION

The following Reasons in Support of the Motion were provided to the Council at its meeting held on 2 May 2022:

The widening of this intersection necessitated the removal of some 50 homes and business and the cutting down of at least 60 trees, most of which were Council street trees. This intersection now looks very bare and ugly and presents a hot and unattractive streetscape for pedestrians, cyclists and motorists in summer.

Many local residents were shocked and devastated by this intersection widening and the forcing of people out of their homes and businesses.

Land is now available as not all the property purchased by the previous government was needed for the intersection widening. This land will, undoubtedly, be sold to the highest bidder if Council does not take swift action to try to secure some of the land.

Council has already prepared draft landscaping plans before we approached the Transport Department some time ago but our efforts to secure departmental support for attractive landscaping of the intersection were unsuccessful then. Our delegation to the new Transport Minister should take these plans to show him.

The new State Government is claiming greater green credentials than the previous government and now is an appropriate time to ask it to fund the greening of this barren intersection.

Following the Council's decision, some residents have indicated that they are opposed to a pocket park as they believe new buildings near their property will provide better protection to them from the noise of motor vehicles using Portrush Road.

It may therefore be prudent to consider other measures to reduce the level of noise and enhance this location rather than restrict the Council to the establishment of a pocket park.

STAFF COMMENT
PREPARED BY GENERAL MANAGER, GOVERNANCE & COMMUNITY AFFAIRS

Arrangements for the meeting with the Minister for Infrastructure and Transport have not been finalised to date (given the recent State Election), and therefore any changes to the resolution can be discussed with the new Minister, as requested via the Notice of Motion.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance
Reports

11.1 MONTHLY FINANCIAL REPORT – APRIL 2022

REPORT AUTHOR: Manager, Finance
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA78171
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended April 2022.

BACKGROUND

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$471,000 for the 2021-2022 Financial Year. This report is based upon the proposed Third Budget review which forecasts an Operating Surplus of \$1.356 million. The Third Budget Review as proposed saw an increase to the Operating Surplus of \$1.171 million due largely to Operating Projects being carry forward into the 2022-2023 Financial Year and the advance payment an additional quarter of Financial Assistance Grants by the Federal Government which was greater than anticipated in the 2021-2022 Budget.

For the period ended April 2022, the Council's Operating Surplus is \$2.946 million against a budgeted Operating Surplus of \$2.336 million resulting in a favourable variance of \$609,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable.

DISCUSSION

For the period ended April 2022, the Council's Operating Surplus is \$2.946 million against a budgeted Operating Surplus of \$2.336 million resulting in a favourable variance of \$609,000. The favourable variance is largely the result of expenditure being favourable to the Budget.

The primary drivers behind the variances in expenditure are:

- Energy Expenses are \$69,000 (14%) favourable to budget due to timing related issues with the Council's provider issuing adjustment notes against various facilities. It is anticipated that this timing difference will continue to decrease however, the installation of the solar system at the Norwood Town Hall, which was completed in 2021, has also generated a greater reduction in energy costs than was first anticipated.
- Materials, Parts and Consumables combined are \$155,000 (13%) favourable to budget. There are no individually significant underspends across these budget lines however, many small variances which in part are the result of issues associated with the delivery of services across the organisation with reduced staffing due to COVID-19. It is anticipated that there will be some increased expenditure in the last quarter of the financial year as staffing levels return to normal.
- Finance costs is \$113,000 favourable to the budget as there was an allowance for costs associated with borrowings to fund capital works which as yet have not been drawn down due to sufficient cash reserves to fund expenditure needs.
- Employee Expenses are \$287,000 favourable to the budget which is driven by the combination of staff vacancies which are being covered with existing staffing resources, timing of leave being taken compared to budget and variances in the rate of pay being paid to new staff members compared to budget.

Total income is in line with the budget expectations however, the following variances are highlighted:

- User Charges are \$190,000 (6%) unfavourable to the budget, which is due primarily a decrease in income at the St Peters Child Care Centre and Preschool (\$99,000) as a result of room closures due to COVID-19 exposures and the gap fee above the Government Subsidy being waived, combined with a number of smaller timing differences across the Councils facilities for hire.
- Grant income is \$83,000 favourable due to a number of small variances across a several of programs.

The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the April 2022 Monthly Financial Report be received and noted.

Attachments – Item 11.1

Attachment A

Monthly Financial Report April 2022

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

Financial Performance for the period ended 30 April 2022					
LYTD Actual		YTD Actual	YTD Revised	Var	Var %
\$'000		\$'000	Budget \$'000	\$'000	
	Revenue				
30,231	Rates Revenue	31,588	31,575	13	0%
1,397	Statutory Charges	1,557	1,560	(3)	(0%)
2,956	User Charges	2,958	3,148	(190)	(6%)
1,775	Grants, Subsidies and Contributions	3,338	3,255	83	3%
17	Investment Income	16	38	(22)	(58%)
639	Other	512	478	34	7%
51	Reimbursements	6	-	6	
37,065	Total Revenue	39,975	40,054	(79)	(0%)
	Expenses				
13,484	Employee Expenses	13,634	13,921	287	2%
8,478	Contracted Services	8,447	8,359	(88)	(1%)
486	Energy	433	503	69	14%
609	Insurance	663	618	(45)	(7%)
358	Legal expense	660	572	(88)	(15%)
326	Materials	382	447	65	14%
637	Parts, Accessories and Consumables	631	721	91	13%
442	Water	267	368	101	28%
3,428	Sundry	3,573	3,670	97	3%
7,301	Depreciation, Amortisation and Impairment	7,894	7,980	86	1%
511	Finance Costs	445	558	113	20%
36,060	Total Expenses	37,029	37,718	689	2%
1,005	Operating Surplus/(Deficit)	2,946	2,336	609	26%

Summary of Net Cost of Divisions for the period				
Division	YTD Actual	YTD Budget	Var	Var %
	\$'000	\$'000	\$'000	
Chief Executive Office	(3,302)	(3,328)	26	1%
Corporate Services	(11,535)	(11,398)	(137)	-1%
Governance and Community Affairs	(1,225)	(1,275)	50	4%
Urban Planning and Environment	(2,003)	(2,043)	40	2%
Urban Services	(10,578)	(11,194)	616	6%
Operating Surplus/(Deficit) (before Rate Revenue)	(28,643)	(29,239)	596	2%

Rate Revenue	31,588	31,575	13	0%
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Operating Surplus/(Deficit)	2,946	2,336	609	26%
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Mid-Year Budget Update Operating Surplus

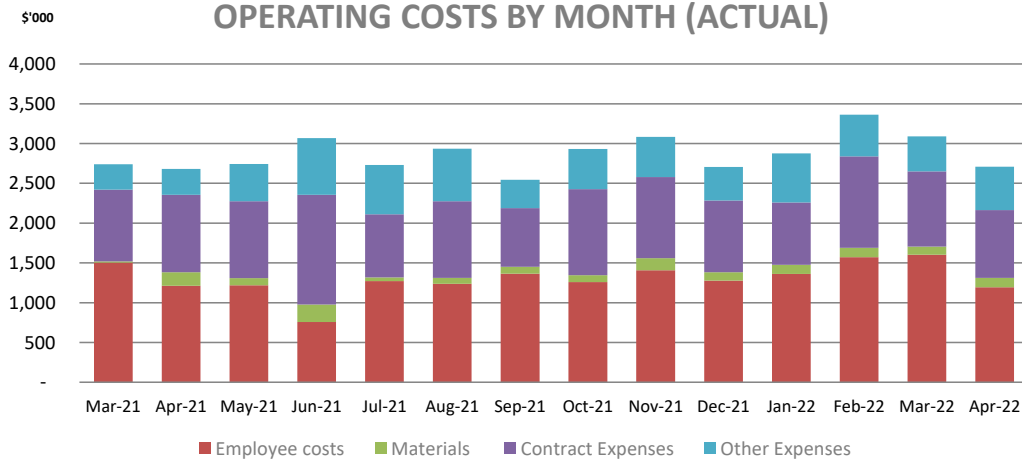
- Variances in Recurrent Operating Budget

		185
- Increased advance of Financial Assistance Grant	533	
- Adjustment to Rate Rebate, Capping and Searches	160	
- Savings in administrative costs and interest	116	
- reduction in Home Support payments to contractors	50	
- Increase to Legal Expenses for George Street finalisation	(100)	
- Operating project adjustments as identified as part of development of 2022-2023 Draft Budget	377	
- other minor adjustments	35	1,171

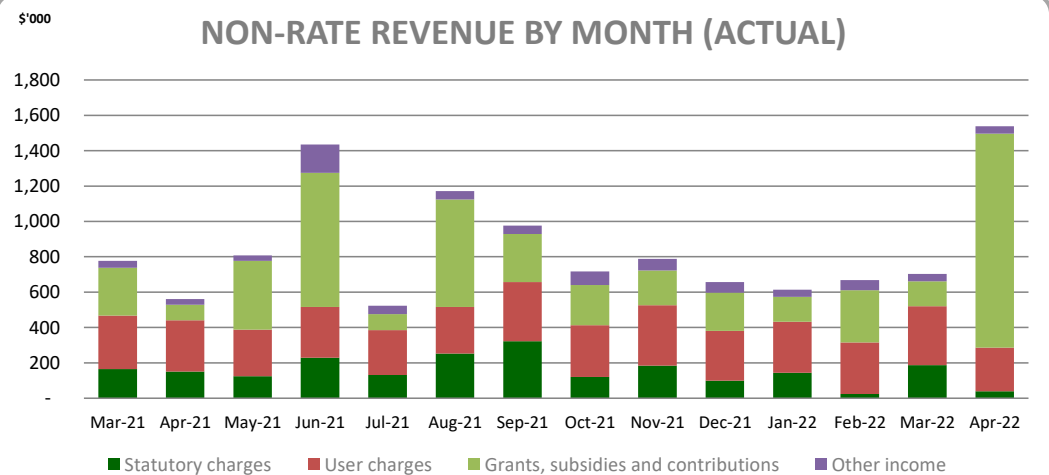
Third Budget Update Operating Surplus

1,356

OPERATING COSTS BY MONTH (ACTUAL)



NON-RATE REVENUE BY MONTH (ACTUAL)



CITY OF NORWOOD PAYNEHAM & ST PETERS

Project Summary for period ended 30 April 2022

	YTD Actual	YTD Budget	Remaining Budget
	\$'000	\$'000	\$'000
Operating Projects			
Income			
Social Equity	362	362	-
Environmental Sustainability	4	-	56
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
Total Income	367	362	56
Expenses			
Social Equity	304	437	134
Environmental Sustainability	84	165	81
Cultural Vitality	44	17	(26)
Economic Prosperity	72	72	0
Corporate Management	70	68	(2)
Total Expenses	573	760	187

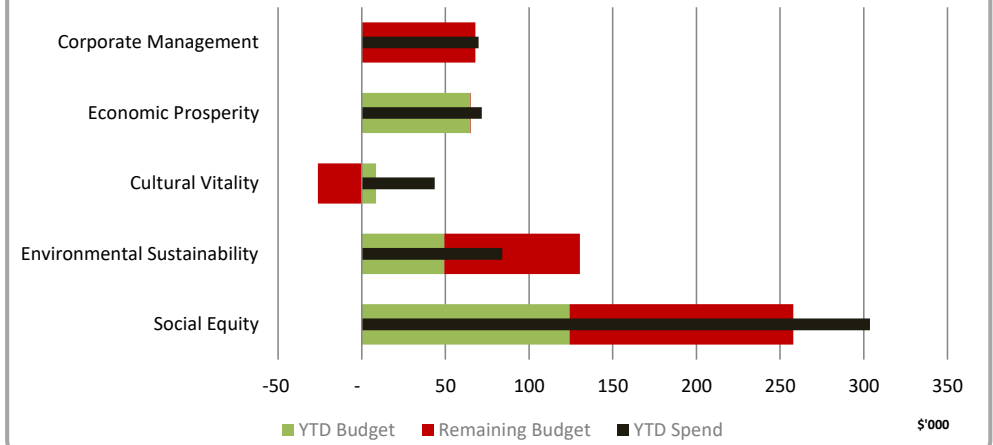
Net Cost of Operating Projects	(206)	(397)	(131)
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Capital Projects			
Income			
Social Equity	(27)	(27)	(500)
Environmental Sustainability	(468)	(468)	(344)
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
Total Income	(494)	(494)	(844)
Expenses			
Social Equity	6,076	5,491	4,607
Environmental Sustainability	4,049	1,023	1,135
Cultural Vitality	70	14	53
Economic Prosperity	299	12	-
Corporate Management	10	8	10
Total Expenses	10,504	6,548	5,804

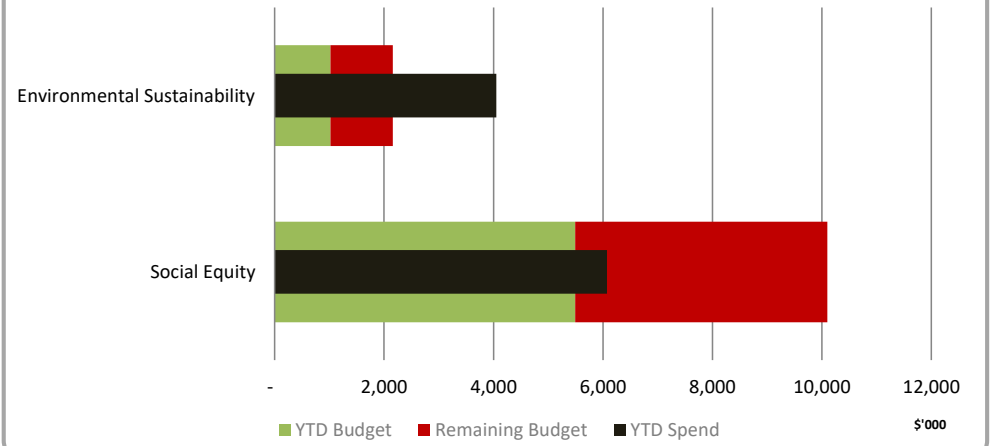
Net Cost of Capital Projects	(10,998)	(7,043)	(6,648)
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Key areas to highlight:

SERVICE INITIATIVES (inc. Carry Forwards)



NEW ASSETS & RENEWALS (inc. Carry Forwards)

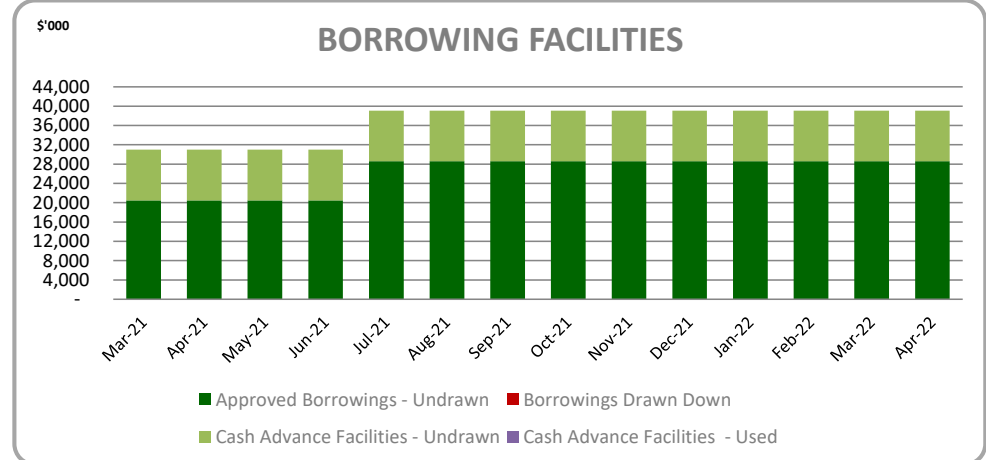
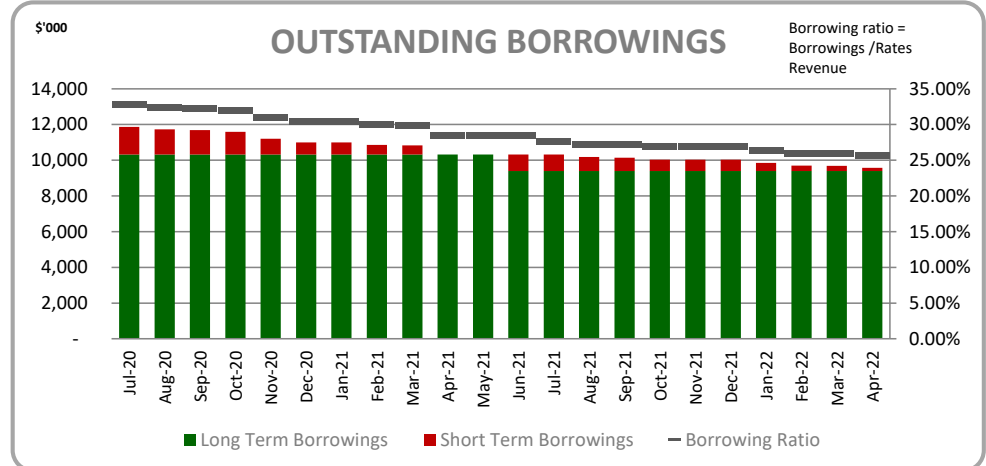
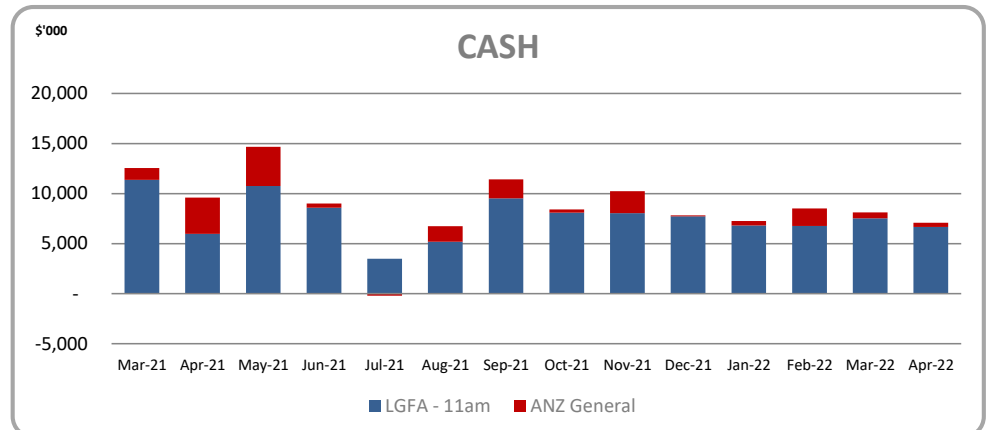


CITY OF NORWOOD PAYNEHAM & ST PETERS

Statement of Financial position as at 30 April 2022

	Apr-22	Mar-22	Movement	June 2021
	Actual	Actual		
	\$'000	\$'000	\$'000	\$'000
ASSETS				
Current Assets				
Bank and Cash	7,078	8,126	(1,048)	7,071
Accounts receivables	9,854	10,953	(1,099)	4,152
Less : Provision for Bad Debts	(349)	(349)	-	(349)
Total Current Assets	16,583	18,730	(2,147)	10,874
Non-current Assets				
Financial Assets	-	-	-	-
Investments in Joint Ventures	2,496	2,496	-	2,207
Infrastructure, Property, Plant and Equipment	497,794	496,327	1,467	510,414
Total Non-current Assets	500,290	498,822	1,467	512,621
Total Assets	516,873	517,553	(680)	523,495
LIABILITIES				
Current Liabilities				
Trade and Other Payables	13,192	15,719	(2,527)	8,006
Borrowings	188	299	(111)	972
Provisions	1,526	1,566	(40)	3,326
Total Current Liabilities	14,906	16,653	(2,677)	12,304
Non-current Liabilities				
Borrowings	9,392	9,392	-	9,392
Provisions	2,912	2,912	-	1,328
Investments in Joint Ventures	1,348	1,348	-	1,164
Total Non-current Liabilities	13,653	14,584	-	11,884
Total Liabilities	28,559	31,237	(2,677)	24,188
NET ASSETS	488,313	486,316	1,997	499,306
EQUITY				
Accumulated Surplus	61,152	59,154	1,997	60,099
Asset Revaluation Reserves	427,162	427,162	-	439,208
TOTAL EQUITY	488,313	486,316	1,997	499,306

Key areas to highlight YTD :



11.2 2021-2022 THIRD BUDGET REVIEW

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA80300/A405266
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2021, following the Third Budget Review. The forecast is based on the year-to-date March 2022 results.

BACKGROUND

Pursuant to Section 123 (13) of the *Local Government Act 1999*, the Council must, as required by the Regulations reconsider its annual business plan or its budget during the course of a financial year and, if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* (“the Regulations”) comprises two (2) types of reports, namely:

1. the Budget Update; and
2. the Mid-year Budget Review.

Budget Update

The Budget Update Report sets out the revised forecast of the Council’s Operating and Capital investment activities compared with the estimates for those activities set out in the Adopted Budget. The Budget Update is required to be presented in a manner consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations requires a Budget Update Report to include a revised forecast of the Council’s operating and capital investment activities compared with estimates set out in the Adopted Budget, however it is recommended by the Local Government Association that the Budget Update Report should also include at a summary level:

- the year-to- date result;
- any variances sought to the Adopted Budget or the most recent Revised Budget for the financial year; and
- a revised end of year forecast for the financial year.

Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (inclusive) in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. The Mid-Year Budget Review Report must also include revised forecasts for the relevant financial year of the Council’s Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*. The Mid-year Budget Review is a comprehensive review of the Council’s Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year-to-date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Long Term Strategic directions are set out in *City Plan 2030 – Shaping our Future*.

The Council's Long Term Financial Plan (LTFP), is a key document in the Councils Planning Framework. It is the primary financial management tool which links the Council's Strategic Plan, *City Plan 2030 – Shaping our Future*, Whole-of-Life Assets Management Plans, the Annual Business Plan and Budget.

The *2021-2022 Annual Business Plan* and Budget, sets out the proposed services, programs and initiatives for the 2021-2022 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the financial year. The 2021-2022 Adopted Budget estimated an Operating Surplus of \$471,000. The Operating Surplus was decreased as part of the Mid-Year Budget Review to \$185,300.

FINANCIAL AND BUDGET IMPLICATIONS

The Third Budget Review, provides the opportunity to reflect any changes in projections based on the actual year-to-date results to March 2022 and forecast the 2021-2022 Operating result.

Details of material movements in the forecast from the Adopted Budget are contained in the Discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2022 and has no direct external economic impacts.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

COVID-19 IMPLICATIONS

Since the re-opening of the South Australian border on 23 November 2021 and the emergence of the Omicron variant of COVID-19, a number of businesses have been impacted by the increase in the number of COVID-19 cases and capacity restrictions introduced by State Government. To support the local businesses, a Financial Assistance Package was approved by the Council at its Meeting held on 17 January 2022. The financial impact of the Financial Assistance Package, was taken into account as part of the Mid-Year Budget review that was endorsed by the Council at its meeting held on 7 March 2022.

CONSULTATION

- **Elected Members**

The Council considered the First Budget Update and the Mid-year Budget review at its meetings held on 6 December 2021 and 7 March 2022 respectively.

- **Audit Committee**

The Audit Committee at its meeting held on 23 May 2022 considered the Third Budget Review and recommend to the Council that the Financial Statements contained in **Attachment B**, which reflected the proposed budget adjustments set out in this report, be adopted.

- **Community**

Not Applicable.

- **Staff**

Responsible Officers and General Managers.

- **Other Agencies**

Not Applicable.

DISCUSSION

Budget Review

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing services, programs and facilities (Recurrent Operating Budget), which encompass the basic responsibilities, which the Council is required to provide under the *Local Government Act* and other relevant legislation, plus ongoing services and programs as a result of community needs and expectations.

Such on-going services include regulatory services, such as animal management and parking management, street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements associated with the introduction of new services or the enhancement to existing services (Operating Projects).

The 2021-2022 Adopted Operating Budget, projected an Operating Surplus of \$471,000. At the Council meeting held on 7 March 2022, the Council endorsed the Mid-Year Budget Update, which reported a forecast Operating Surplus of \$185,000.

Following the Third Budget Review, the Operating Surplus has increased to \$1.356 million.

The material movements in the components that make up the Operating Surplus following the Third Budget Review are detailed below.

A. Recurrent Operating Budget

B.

For 2021-2022, the Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$1.064 million. Following the First Budget Update and the Mid-Year Budget Review, the Recurrent Operating Budget Surplus was reduced to \$933,500.

As a result of the Third Budget Update, the Recurrent Operating Surplus has increased to \$1.663 million. The major reasons for the movement in Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRENT OPERATING BUDGET – THIRD BUDGET REVIEW

	Favourable/ (Unfavourable) \$
As part of the 2022-2023 Federal Budget, the Federal Government announced that it is advancing 75% of the 2022-2023 Financial Assistance Grants. Past practice has been for the Federal Government to advance 50% of future years Financial Assistance Grants. The additional 25% cash advance is aimed at providing Councils immediate access to funds to help manage the cumulative impacts of floods and the COVID-19 pandemic.	533,000
Adjustment to Rate Rebates and Rate Capping expenses to the level calculated as part of the annual Rates Notice generation process.	140,000
Following a review of the cash position and the review of the Capital Works Program, it is anticipated that no new long-term borrowings will be drawn down prior to 30 June 2022, therefore, finance costs have been reduced to reflect the interest payable on existing loans only.	60,000
Reduction in payments to external service providers of Home Support Services to anticipated payments for the remainder of the financial year.	50,000
General savings across administration costs such as printing & stationary, cash collection and postage.	56,000
Given the increase in property sales, the number of Rate & Property Searches has increased. The Rate Search Income has been increased to reflect anticipated activity for the remainder of the year.	20,000
Legal expenses has been increased to reflect the actual expenditure on legal proceedings and settlement costs associated with to the scramble crossing at the intersection of the Parade and George Street, Norwood.	(100,000)

C. Operating Projects

The Adopted Budget includes an estimate of operating project expenditure for the year under review and;

- previously approved and carried forward projects from the prior budget years; less
- an allowance for current year approved projects projected to be carried forward to subsequent budget years.

Carried Forward estimates (from prior financial years) are reviewed upon finalisation of the Annual Financial Statements. Additional expenditure required to finalise Operating Projects not completed at the end of the Financial Year, is incorporated in the Budget as part of First Budget Update.

Taking into account the Carried Forward Operating Project expenditure and new projects which have been endorsed by the Council, the 2021-2022 Adopted Operating Projects Budget forecast a cost to the Council of \$955,000, inclusive of carry forward project expenditure of \$203,000.

Following the First Budget Update, the value of carried forward expenditure was increased to \$510,000. The increase in the Carried Forward Budget, is due to projects not progressing as anticipated or the commencement of some projects being deferred.

The Mid-Year Budget Update forecast the cost of Operating Projects to be \$1.170 million. The Third Budget Update is estimating that the cost of Operating Projects to be finalised by June 30 to be \$760,000, a decrease of \$410,000.

The reduction reflects the Operating Projects not expected to be finalised by 30 June 2022, coupled with completed projects being delivered under budget.

The Operating Projects, and expenditure not expected to be incurred in the 2021-2022 is detailed in Table 2 below.

TABLE 2: OPERATING PROJECTS NOT EXPECTED TO BE COMPLETED IN 2021-2022

Service Initiative	\$
Authority Content Migration to Councils EDMS, Objective ECM is proposed to be deferred to 2023-2024 due to other priorities and resourcing of the IT and Corporate Records Units.	58,400
The development of the <i>City-wide Parking Policy</i> was delivered under budget. Excess funds were carried forward to implement any necessary changes emanating from the review. A review of how parking controls are enforced is being undertaken in-house, with \$10,000 from the savings to be carried forward to the 2022-2023 Financial Year.	53,870
Ehive - Cultural Heritage Collections Project – the digitisation of the Council’s Cultural Heritage collection is being deferred, with delivery proposed to be undertaken in 2023-2024.	52,570
Due to the current planting program, \$50,000 of the Additional Street tree planting program will be carried forward to the 2022-2023 financial year, with the trees to be planted in July 2022.	50,000
Initial investigations on the feasibility assessment of additional level on the Webbe Street Parking has commenced however the full investigations are not anticipated to be finalised by 30 June 2022.	50,000
Development of the <i>People, Place and Activation Strategy</i> has commenced with the work undertaken to date being delivered by internal resources. The Budget allocation relates to cost associate with consultation and finalisation of the documentation which is not anticipated to be completed by 30 June 2022.	30,000
Review of the <i>Public Art Strategy</i>	30,000
Development of the <i>Tree Management Policy & Strategy</i> was delivered under budget. Excess funds have been carried forward to the 2022-2023 financial year to implement the year one actions set out in the Strategy.	20,000
The project of <i>Age Friendly Wayfinding Strategy</i> has commenced; however the installation of signage will not be installed prior to 30 June 2022	20,000
Resilient East Project	13,000
TOTAL OPERATING PROJECTS NOT EXPECTED TO BE INCURRED IN 2021-2022	377,840

A status report on the endorsed Operating Projects is contained in **Attachment A**.

C. Capital Projects

The Council adopted a Capital Budget of \$26.972 million for 2021-2022, which comprised funding allocations for New Capital Projects involving new or the upgrading of existing assets (\$8.081 million), the renewal/replacement of existing assets (\$14.089 million) and Carried Forward Projects from 2020-2021 (\$4.801million).

The First Budget Update forecast the cost of Capital Projects to be \$30.594 million. The increase is predominately due to a number of projects which were initially anticipated to be completed by 30 June 2021 being delayed or still being in progress as at 30 June 2021. Following the Mid-Year Budget Review, the Capital Project expenditure is forecast to increase by \$289,952 to \$30.884 million. Following a review of the status of the Capital Works Program, the Capital projects to be completed by 30 June 2022 is anticipated to be \$16.197 million, with project expenditure of \$14.687million to be carried forward to future years. Details of Projects to be carried forward to be undertaken in the 2022-2023 Financial Year are detailed in Table 3 below.

TABLE 3: PROJECTS TO BE CARRIED FORWARD TO 2022-2023

Capital Project	Increase/ (Decrease) \$
River Torrens Linear Park Path Upgrade - The reconstruction of the shared path along the River Torrens Linear Park between the intersection of Battams Road/Ninth Street Royston Park and Twelftree Reserve, College Park, encompassing a section of the path that passes through Dunstan Adventure Playground. \$1.350 million of grant funding will also be carried forward.	1,945,000
St Peters Street Streetscape Upgrade - As previously advised, works have commenced with the project due to be completed by 31 December 2022.	700,000
The Parade Master Plan was endorsed by the Council in May 2019. Stage 2 encompasses the design development for the Parade between Fullarton Road and Portrush road, and detail design and construction documentation for George Street between the intersection of The Parade and Webbe Street. Funds carried forward relate to the George Street Construction and finalisation of Stage 1 detailed design	889,000
Burchell Reserve Upgrade - Burchell Reserve will be redeveloped to improve the amenity of the Reserve through new community tennis courts, seating, refurbished toilets and landscaping that would create a gathering point for the community and encourage social interaction. Construction works scheduled to commence in September 2022 and to be completed by June 2023.	2,060,000
Payneham Memorial Swimming Centre - The redevelopment of the Payneham Memorial Swimming Centre, as per the Council's Swimming Centres Strategy and endorsed concept plans, with carried forward funds being carried forward to completed detailed design.	2,500,000
Quadrennial Art Project - Work has commenced, however the installation of the Major artwork is scheduled to be completed in August 2022.	146,800
Norwood Library Strategic Review & Concept Plan - preliminary investigation has commenced; however final concepts are not anticipated to be delivered prior to 30 June 2022.	100,000
Borthwick Park Creek improvements have commenced, however the works are not anticipated to be completed by 30 June 2022.	400,000
Building Works Program	728,500
<ul style="list-style-type: none"> • Solar installation at the St Peters Library, St Peters Childcare Centre & Pre-school and the Glynde Depot (\$208,550). Works have been tendered and awarded however works will not be completed by 30 June 2022. • Norwood Town Hall Airconditioning upgrade (\$520,000). Due to the lead times for the delivery of the air-conditioning units, works will not be completed by 30 June 2022. 	
Civil Infrastructure Works Program - Awaiting final designs, which are subject to traffic review and drainage designs.	1,134,761
Design and construction of the traffic management devices along Langman Grove to address traffic management issues associated with Langman Grove, Briar Road and Turner Street, Felixstow, as per the recommendation from the Council's Traffic Management & Road Safety Committee. The final design for the proposed solution are not anticipated to be completed by 30 June 2022.	148,000
Minor Projects	253,740

In addition, the following Capital Projects set out in Table 4 below will be deferred to be undertaken in future Financial Years.

TABLE 4: CAPITAL PROJECTS TO BE CARRIED FORWARD TO FUTURE YEARS

Capital Project	\$
Following a review of the Stormwater Drainage Program, the Trinity Valley Stormwater Drainage Upgrade – Stage 1, is now scheduled to be undertaken in the 2024-2025 Financial Year.	1,950,000
Stephen Street (Norwood) Improvements – commencement of works is dependent on the completion of the private development (Norwood Green). Following discussions with the developers, due to on-going construction and site access by heavy vehicles occurring via Stephen Street, works have been deferred to the 2024-2025 financial year.	250,000
To ensure that the proposed upgrades reflects current trends and delivers on the needs and expectation at the time of delivery, the commencement of the following two (2) Master Plans have been deferred, as the delivery of the projects have been reprioritised as part of the recently endorsed Long Term Financial Plan: <ul style="list-style-type: none"> • \$50,000 for Adey Reserve Master Plan; • \$50,000 for Hannaford Reserve Master Plan. 	100,000
Concept Design for Norwood Swimming Centre – The redevelopment of the Norwood Swimming Centre are not scheduled to commence until 2026-2027 as per the LTFP. Given the timespan between the development of the Masterplan and the delivery of works, to ensure that the proposed concept reflects current technologies and delivers on the needs and expectations at the time of delivery, it is recommended that the preparation of the Masterplan be deferred.	47,075
Minor Projects	60,710

A status report on the endorsed Capital Projects is contained in **Attachment A**.

Regulation 9 (1) (b) of the Regulations states the Council must consider:

“between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.”

Further Regulation 9 (2) of the Regulations states the Council must consider:

“revised forecasts for the relevant financial year of the council’s operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.”

The revised Budgeted Financial Statements and Financial Indicators as a result of the Mid-Year Budget Update are included in **Attachment B**.

OPTIONS

The Council has the following options in respect to this issue:

1. Adopt the Third Budget Review as recommended; or
2. Amend the Third Budget Review as it sees fit.

The Third Budget Review is forecasting an Operating Surplus, adjusted for the additional advance of the Financial Assistance Grant funding, that is in line with the Adopted Budget. In addition, the proposed amendments to the Operating and Capital Projects budgets are consistent with decisions made by the Council since the adoption of the 2021-2022 Annual Budget and decision made with the “in-principle” adoption of the Draft 2022-2023 Budget.

The Audit Committee at its meeting held on 23 May 2022 considered the Third Budget Review, as presented in this report and endorsed the following recommendation, which is reflected in the Minutes of the Audit Committee.

*That the Audit Committee recommends to the Council that pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within **Attachment A** be adopted.*

Therefore Option 1 is recommended.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Third Budget Update Report be received and noted.
2. That project progress report contained in **Attachment A**, be received and noted.
3. That Pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within **Attachment B**, be adopted.

Attachments – Item 11.2

Attachment A

2021 – 2022 Third Budget Review

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City of
**Norwood
Payneham
& St Peters**

FINANCIAL YEAR 2021-2022 THIRD BUDGET REVIEW OPERATING PROJECTS PROGRESS

Project Description	2021-2022 Adopted Budget	Mid-Year Budget Update	Third Budget Review Adjustments	Third Budget Update	YTD Spending by March 2022	Has Project Commenced? (Y/N)	Comments	Has Project Completed (Y/N)?	Forecasted Completion Date
TOUR DOWN UNDER	105,000	0	6,000	6,000	5,447		Cancelled due to COVID-19		
RESILIENT EAST PROJECT	7,000	13,000	-13,000	-	0	N	Carried Forward to 2022-2023 Budget	N	Dec-22
OPEN SPACE ASSETS CONDITION AUDIT & VALUATION	50,000	50,000	0	50,000	0	Y		N	Jun-22
COMMUNITY SURVEY	30,000	30,000	0	30,000	25,391	Y		Y	
CHILDREN BOOKWEEK PROGRAM	2,500	2,500	0	2,500	2,588	Y		Y	
CITY WIDE PARKING REVIEW	0	53,870	-53,870	-	0	Y	Completed under budget, \$10,000 carried forward to 2022-2023 Budget	Y	
PEOPLE PLACE & ACTIVITY STRATEGY	20,000	30,000	-30,000	-	0	Y	Carried Forward to 2022-2023 Budget	N	Jun-23
FLY BARS COMPLIANCE REVIEW	0	10,000	-10,000	-	0	N		N	Jun-22
CITY WIDE BUSINESS AWARDS	37,000	37,000	0	37,000	16,597	Y		N	Jun-22
AGE FRIENDLY WAYFINDING STRATEGY	20,000	20,000	-20,000	-	0	N	Budget Carried Forward to 2022-2023	N	Aug-22
CIVIL INFRA. CONDITION AUDIT & VALUATION	0	24,865	-19,865	5,000	3,500	Y		Y	
COMMUNITY EVENTS	0	8,956	0	8,956	0	Y		N	Jun-22
STREET TREE PLANTING	100,000	100,000	-50,000	50,000	18,201	Y	Carried Forward to 2022-2023 Budget	N	Jul-22
CULTURE & BUSINESS EXCELLENCE DEVELOPMENT	13,000	13,000	0	13,000	8,441	Y		Y	
ADDITIONAL LEVEL ON THE WEBBE ST PARKING	50,000	50,000	-50,000	-	861	Y	50% carried forward to 2022-2023 Budget	N	Jul-22
WORK HEALTH & SAFETY INITIATIVES	0	9,000	-4,000	5,000	0	Y		N	May-22
FELIXSTOW RESERVE MAINTENANCE WORK	0	0	5,000	5,000	5,323	Y		Y	
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM OPERATING	0	77,900	-58,400	19,500	53,078	Y	Deferred as part of 2022-2023 Budget	N	
THE PARADE & GEORGE ST SCRAMBLE CROSSING	83,272	0	0	-	820	Y		Y	
STREET LIGHTING RENEWAL & UPGRADE	40,000	40,000	0	40,000	26,518	Y		N	Jun-22
TRANSITION TO SA PLANNING PORTAL	20,000	40,000	0	40,000	37,990	Y		N	Jun-22
SMART CITY TECHNOLOGY PLAN	15,000	15,000	0	15,000	3,000	Y		N	Jun-22
FOOTPATH DEFECT AUDIT	100,000	100,000	0	100,000	26,222	Y		N	Jun-22
DOG & CAT MANAGEMENT PLAN EDUCATION CAMPAIGN	30,000	30,000	-10,000	20,000	9,060	Y		N	Jun-22
EHIVE - CULTURAL HERITAGE COLLECTIONS PROJECT	0	52,574	-52,574	-	0	Y	Deferred as part of 2022-2023 Budget	N	Jun-22
RAISING THE BAR ADELAIDE	35,000	35,000	0	35,000	35,851	Y		Y	
CITY WIDE CYCLING PLAN REVIEW & CROSSING UPGRADE	5,000	5,000	0	5,000	255	Y		N	Jun-22
TREE MANAGEMENT POLICY AND STRATEGY	40,000	40,000	-20,000	20,000	310	Y	Budget Carried Forward to 2022-2023	N	Jun-23
ASSET MANAGEMENT	0	27,583	0	27,583	0	Y		N	Jun-22
EMISSIONS REDUCTION PLAN	0	26,895	0	26,895	24,034	Y		Y	
TRAFFIC & INTERGRATED TRANSPORT INVESTIGATIONS	0	5,778	0	5,778	387	Y		N	Jun-22
CORPORATE UNIFORM	0	10,394	0	10,394	60	Y		N	Mar-22
SPEED LIMIT IMPLEMENTATION	25,000	25,000	0	25,000	2,050	Y		N	Jun-22
TRAFFIC STUDY	15,000	15,000	0	15,000	0	Y		N	Jun-22
YOUTH STRATEGY	44,000	64,000	0	64,000	22,745	Y		N	Jun-22
ENERGY & WATER AUDITS	11,000	11,000	0	11,000	11,500	Y		Y	
URBAN GREENING PROGRAM 2021	12,500	22,100	0	22,100	11,846	Y		N	Jun-22
GREENING OF VERGES PROGRAM	25,000	25,000	0	25,000	5,564	Y		N	Jun-22
DIGITISATION OF COUNCIL CIVIL & BUILDING PLANS	20,000	20,000	0	20,000	0	Y		N	Jun-22
PUBLIC ART STRATEGY	0	30,000	-30,000	-	0	N	Budget Carried Forward to 2022-2023	N	Jun-22
Total	955,272	1,170,415	-410,709	759,706	357,639				

FINANCIAL YEAR 2021-2022 THIRD BUDGET REVIEW CAPITAL PROJECTS PROGRESS

Project Description	2021-2022 Approved Budget	Mid-Year Budget Update	Third Budget Adjustment	Budget Transfer	Third Budget Update	Work-in-Progress at 30 June 2021	Total Project Budget	YTD Actuals by March 2022	Has Project Commenced ? (Y/N)	Comments	Has Project Completed (Y/N)?	Forecasted Completion Date
ANNUAL ACQUISITION OF LIBRARY BOOKS	209,013	209,013	-	-	209,013	-	209,013	45,475	Y		N	Jun-22
MAJOR PUBLIC ART FUNDING PROJECT - YEAR 1-3	146,762	146,762	(146,762)	-	-	-	146,762	11,000	Y		N	Aug-22
PARADE MEDIAN STREETSCAPE UPGRADE	300,000	300,000	-	(300,000)	-	-	300,000	-		Budget transferred to Parade Master Plan Project		
PLANT REPLACEMENT	245,000	245,000	-	-	245,000	-	245,000	149,942	Y		N	Jun-22
REC & OPEN SPACE INF WORKS PROGRAME	513,548	662,940	-	-	662,940	107,077	662,988	270,528	Y		N	Jun-22
CAPITALISATION OF PROJECT MANAGEMENT ON-COST	1,035,728	1,035,728	-	-	1,035,728	-	1,035,728	34,644				Jun-22
PAYNEHAM SWIMMING CENTRE	3,000,000	3,000,000	(2,500,000)	-	500,000	464,596	3,000,000	3,552	Y	Budget Carried forward as part of 2022-2023 Project	N	Oct-23
AUTHORITY VERSION UPGRADE	12,035	12,035	(12,035)	-	-	-	12,035	-	Y	Deferred as part of 2022-2023 Budget		Jun-23
NPSP WEBSITE DEVELOPMENT	10,000	10,000	-	-	10,000	-	10,000	10,110	Y		Y	
ADEY RESERVE MASTER PLAN	50,000	50,000	(50,000)	-	-	-	50,000	-	N	Deferred as part of 2022-2023 Budget	N	
"ALL THINGS ARE ONE" INSTALLATION	0	49,250	-	-	49,250	3,761	50,000	-	Y		N	Aug-22
LINEAR PARK PATH UPGRADE	2,148,267	2,148,267	(1,943,918)	-	204,349	-	2,148,267	98,894	Y	Budget Carried forward as part of 2022-2023 Budget	N	Jun-23
ST PETERS STREET STREETSCAPE	2,304,858	2,316,042	(1,046,042)	21,343	1,291,343	120,812	2,419,858	68,130	Y	Budget Carried forward as part of 2022-2023 Project	N	Dec-22
BUTTERY RESERVE TENNIS CLUB COURT UPGRADE	-	24,107	-	-	24,107	-	24,107	25,741	Y		Y	May-22
NORWOOD OVAL MEMEBER FACILITY	-	0	0	0	0	0	0	91,675				
CITY INTERACTIVE MAP	-	39,210	(39,210)	-	-	-	39,210	-	Y	Deferred as part of 2022-2023 Budget	N	
ERA WATER RESERVE CONNECTIONS	-	21,343	-	(21,343)	-	8,657	30,000	-		Connections undertaken as part of the St Peters Street Streetscape Upgrade		
SPCC PABX UPGRADE	-	16,000	(16,000)	-	-	-	16,000	-	N	Deferred as part of 2022-2023 Budget	N	
COUNCIL-WIDE BUSINESS WEBSITE	-	12,400	-	-	12,400	2,600	15,000	6,635	Y		N	Jun-22
PAYNEHAM OVAL WOMEN FACILITY	-	-	-	-	-	-	-	1,823			N	Jul-22
BUILDING WORKS PROGRAM 2018-2019	-	62,960	-	-	62,960	-	62,960	-	Y		N	Jun-22
MASTER PLAN CONCEPT DESIGN FOR SWIMMING CENTRES	-	47,075	(47,075)	-	-	52,925	100,000	142,691	Y	Deferred finalisation of Norwood Swimming centre Concept Plan as part of the 2022-2023 Budget		
BURCHELL RESERVE UPGRADE	2,176,000	2,176,000	(2,026,000)	-	150,000	28,044	2,176,000	32,891	Y	Budget Carried forward as part of 2022-2023 Budget	N	Dec-22
STANDBY POWER FOR ST PETERS LIBRARY	78,550	78,550	(78,550)	-	-	1,450	80,000	-	Y	Budget Carried forward as part of 2022-2023 Budget	N	Sep-22
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM	60,000	60,000	(60,000)	-	-	-	-	-	Y	Project outcomes delivered through utilisation of internal staff		

FINANCIAL YEAR 2021-2022 THIRD BUDGET REVIEW CAPITAL PROJECTS PROGRESS

Project Description	2021-2022 Approved Budget	Mid-Year Budget Update	Third Budget Adjustment	Budget Transfer	Third Budget Update	Work-in-Progress at 30 June 2021	Total Project Budget	YTD Actuals by March 2022	Has Project Commenced? (Y/N)	Comments	Has Project Completed (Y/N)?	Forecasted Completion Date
PRIVATE LANEWAY	220,650	220,650	(190,000)	-	30,650	-	220,650	3,527	Y	Construction Works to be carried forward	N	Jun-23
CAPITAL WORK PROGRAM TRAFFIC CONTROL	408,562	408,562	-	-	408,562	-	408,562	-	Y		N	Jun-22
KENT TOWN STREETScape UPGRADE	163,000	246,765	-	-	246,765	114,486	361,251	179,942	Y		Y	
THE PARADE & GEORGE ST SCRAMBLE CROSSING	10,000	-	-	-	-	4,347	4,347	-	Y		Y	
WILLOW BEND PARK UPGRADE	17,000	17,000	-	-	17,000	-	17,000	2,640	Y		N	Jun-22
OSMOND TERRACE WAR MEMORIAL	-	36,000	-	-	36,000	-	36,000	39,270	Y		Y	
CAPITAL WORKS PROGRAM ROAD RESEALING	3,773,142	3,830,785	(1,082,203)	-	2,748,582	16,950	3,830,785	630,254	Y	Some works to be carried forward as part of the 2022-2023 Budget	N	Jun-22
CAPITAL WORKS PROGRAM KERB	1,439,484	1,599,391	(35,322)	-	1,564,069	-	1,599,391	1,102,059	Y	Some works to be carried forward as part of the 2022-2023 Budget	N	Jun-22
CAPITAL WORKS PROGRAM FOOTPATH	799,643	866,878	(17,235)	-	849,643	-	866,878	444,595	Y	Some works to be carried forward as part of the 2022-2023 Budget	N	Jun-22
STORMWATER DRAINAGE PROGRAM	4,264,682	4,330,139	(2,162,557)	-	2,167,582	370,876	4,630,139	1,240,971	Y	Trinity Valley Stormwater Project Stage 1 deferred to 2024-2025	N	Jun-22
BUILDING WORKS PROGRAM	1,032,500	1,185,880	(650,000)	-	535,880	15,531	1,185,880	423,478	Y		N	Sep-22
PAYNEHAM OVAL PRECINCT PARKING	-	236,095	-	-	236,095	27,145	263,240	157,901	Y		Y	Jan-22
SECOND CREEK OUTLET UPGRADE	950,000	1,254,525	-	-	1,254,525	145,475	1,400,000	1,784,308	Y		Y	Jan-22
BORTHWICH PARK CREEK IMPROVEMENTS DESIGN & CONST.	100,000	412,571	(400,000)	-	12,571	7,429	120,000	11,939	Y	Budget Carried forward as part of 2022-2023 Budget	N	Aug-22
STEPHEN STREET (NORWOOD) IMPROVEMENTS	250,000	233,750	(233,750)	-	-	46,250	233,750	-	Y	Works deferred to correspond with completion of Norwood Green Development	N	Jun-24
NORWOOD LIBRARY STRATEGIC REVIEW & CONCEPT PLAN	100,000	100,000	(100,000)	-	-	-	100,000	-	N	Budget Carried forward as part of 2022-2023 Budget	N	Jun-23
GEORGE STREET UPGRADE	800,000	800,000	(800,000)	-	-	-	800,000	-	Y	Budget Carried forward as part of 2022-2023 Budget	N	Feb-23
HANNAFORD RESERVE MASTERPLAN	35,000	50,000	(50,000)	-	-	-	50,000	2,321	Y	Deferred as part of 2022-2023 Budget		
DON PYATT COMMUNITY HALL CHAIRS	-	20,000	-	-	20,000	-	20,000	-	Y		Y	
LANGMAN GROVE ROAD RECONSTRUCTION	-	1,299,781	-	-	1,299,781	280,219	1,580,000	1,378,480	Y		Y	
CYCLING PLAN IMPLEMENTATION 2021-2026	20,000	20,000	-	-	20,000	-	20,000	3,640	Y		N	Jun-22
MEETING ROOMS UPGRADE	48,440	48,440	(38,740)	-	9,700	-	48,440	-	N	Budget Carried forward as part of 2022-2023 Budget	N	Jun-22
DUNSTAN ADVERTURE PLAYGROUND REDEVELOPMENT	100,000	100,000	-	-	100,000	8,639	100,000	12,748	Y	Budget Carried forward as part of 2022-2023 Budget	N	Jun-23

FINANCIAL YEAR 2021-2022 THIRD BUDGET REVIEW CAPITAL PROJECTS PROGRESS

Project Description	2021-2022 Approved Budget	Mid-Year Budget Update	Third Budget Adjustment	Budget Transfer	Third Budget Update	Work-in-Progress at 30 June 2021	Total Project Budget	YTD Actuals by March 2022	Has Project Commenced ? (Y/N)	Comments	Has Project Completed (Y/N)?	Forecasted Completion Date
FLOAT FOR NORWOOD CHRISTMAS PAGEANT	-	25,000	(25,000)	-	-	-	-	-	N	Budget Carried forward as part of 2022-2023 Budget	N	Sep-22
THE PARADE MASTER PLAN	150,000	664,215	(488,241)	300,000	475,974	260,207	964,215	189,451	Y	Budget Carried forward as part of 2022-2023 Budget	N	Jun-23
LANGMAN GROVE TRAFFIC MANAGEMENT CONTROL	-	155,000	(148,000)	-	7,000	-	155,000	5,590	Y	Budget Carried forward as part of 2022-2023 Budget	N	
Total	26,971,864	30,884,109	(14,386,640)	-	16,497,469	2,087,475	31,848,454	8,687,412				

Attachment B

2021 – 2022 Third Budget Review

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**



STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Variance	Actual YTD March 2022
\$	\$		\$			
		INCOME				
36,181,201	36,287,820	Rates	37,810,867	37,931,000	120,133	28,422,817
1,595,430	1,751,114	Statutory charges	1,865,875	1,821,875	(44,000)	1,517,623
3,408,253	3,505,662	User charges	3,910,411	3,764,666	(145,745)	2,711,578
2,958,655	2,921,485	Grants, subsidies and contributions	2,883,167	3,496,495	613,328	2,127,309
87,981	18,786	Investment income	110,500	45,500	(65,000)	12,978
1,526,956	771,114	Other revenues	498,126	577,126	79,000	478,143
27,605	217,074	Net gain - joint ventures & associates	2,288	-		
45,786,081	45,473,055	Total Revenues	47,081,234	47,636,662	557,716	35,270,448
		EXPENSES				
14,050,351	14,447,559	Employee costs	16,115,712	15,682,087	(433,625)	12,440,195
18,936,897	19,165,311	Materials, contracts & other expenses	18,920,993	19,044,026	123,033	13,706,764
404,968	454,465	Finance costs	730,000	670,000	(60,000)	311,101
9,503,233	9,968,299	Depreciation, amortisation & impairment	10,640,005	10,640,005	-	7,893,753
515,399	327,202	Net loss joint ventures and associates	203,305	244,908	41,603	-
43,410,847	44,362,836	Total Expenses	46,610,015	46,281,026	(328,989)	34,351,813
2,375,234	1,110,219	OPERATING SURPLUS / (DEFICIT)	471,219	1,355,636	884,417	918,635
(1,529,255)	(1,145,242)	Net gain (loss) on disposal or revaluation of assets	25,000	25,000	-	-
-	-	Non-operating items - joint ventures and associates	-	-	-	-
744,208	3,303,447	Amounts specifically for new or upgraded assets	5,540,707	2,044,718	(3,495,989)	-
-	-	Physical resources received free of charge	-	-	-	-
1,590,187	3,268,424	NET SURPLUS (DEFICIT)	6,036,926	3,425,354	(2,611,572)	918,635
3,542,270	12,045,839	Changes in revaluation Surplus- infrastructure, property, plant & equipment	2,000,000	2,000,000	-	-
12,526	5,388	Share of Other comprehensive Income - joint ventures and associates	-	-	-	-
3,554,796	12,051,227	TOTAL OTHER COMPREHENSIVE INCOME	2,000,000	2,000,000	-	-
5,144,982	15,319,651	TOTAL COMPREHENSIVE INCOME	8,036,926	5,425,354	(2,611,572)	918,635



City of
Norwood
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STATEMENT OF FINANCIAL POSITION
as at 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Variance	Actual YTD March 2022
\$	\$		\$	\$		
		ASSETS				
		Current Assets				
9,177,369	7,070,828	Cash and cash equivalents	3,662,327	8,749,116	5,086,789	8,127,168
2,889,164	3,699,322	Trade & other receivables	2,799,096	2,799,096	-	10,481,067
12,066,533	10,770,150	Total Current Assets	6,461,424	11,548,213	5,086,789	18,608,234
		Non-current Assets				
104,780	104,044	Financial Assets	104,044	104,044	-	104,044
2,463,297	2,207,035	Equity accounted investments in Council businesses	2,290,037	2,246,146	(43,891)	2,207,035
476,469,020	507,904,397	Infrastructure, Property, Plant & Equipment	528,705,097	512,930,702	(15,774,395)	500,010,644
17,891,485	2,509,203	Other Non-current Assets	-	-	-	10,291,511
496,928,582	512,724,679	Total Non-current Assets	531,099,178	515,280,892	(15,818,286)	512,613,234
508,995,115	523,494,829	Total Assets	537,560,602	526,829,105	(10,731,497)	531,221,468
		LIABILITIES				
		Current Liabilities				
7,309,501	8,006,434	Trade & Other Payables	7,195,916	7,195,916	-	15,583,429
1,651,032	971,642	Borrowings	931,098	931,098	-	339,129
3,134,785	3,325,976	Short-term Provisions	2,948,347	2,948,347	-	3,189,498
12,095,318	12,304,052	Total Current Liabilities	11,075,361	11,075,361	-	19,112,056
		Non-current Liabilities				
10,356,769	9,391,818	Long-term Borrowings	16,580,645	8,460,720	-	9,391,818
1,159,734	1,328,251	Long-term Provisions	1,193,655	1,193,655	-	1,328,251
1,396,501	1,164,265	Liability - Equity accounted Council businesses	1,367,570	1,367,570	-	1,164,265
12,913,004	11,884,334	Total Non-current Liabilities	19,141,870	11,021,945	-	11,884,334
25,008,322	24,188,386	Total Liabilities	30,217,231	22,097,306	-	30,996,390
483,986,793	499,306,443	NET ASSETS	507,343,371	504,731,799	(10,731,497)	500,225,078
		EQUITY				
56,825,014	60,098,826	Accumulated Surplus	66,135,751	63,524,180	(2,611,571)	61,017,461
427,161,779	439,207,617	Asset Revaluation Reserve	441,207,620	441,207,618	-	439,207,617
483,986,793	499,306,443	TOTAL EQUITY	507,343,371	504,731,798	(2,611,571)	500,225,078



City of
Norwood
Payneham
& St Peters

STATEMENT OF CHANGES IN EQUITY
for the year ended 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Variance	Actual YTD March 2022
\$	\$			\$		
ACCUMULATED SURPLUS						
55,222,301	56,825,014	Balance at end of previous reporting period	60,098,825	60,098,826	-	60,098,826
1,590,187	3,268,424	Net Result for Year	6,036,926	3,425,354	(2,611,572)	918,635
-	-	Other Comprehensive Income	-	-	-	-
12,526	5,388	Share of other Comprehensive income - joint ventures and associates	-	-	-	-
56,825,014	60,098,826	Balance at end of period	66,135,751	63,524,180	(2,611,572)	61,017,461
ASSET REVALUATION RESERVE						
423,619,509	427,161,779	Balance at end of previous reporting period	439,207,620	439,207,618	-	439,207,618
3,542,270	12,045,839	Gain on revaluation of infrastructure, property, plant & equipment	2,000,000	2,000,000	-	-
427,161,779	439,207,618	Balance at end of period	441,207,620	441,207,618	-	439,207,618
483,986,793	499,306,444	TOTAL EQUITY AT END OF REPORTING PERIOD	507,343,371	504,731,798	(2,611,572)	500,225,079



City of
Norwood
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& St Peters

STATEMENT OF CASH FLOWS
for the year ended 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Variance	Actual YTD March 2022
		CASH FLOWS FROM OPERATING ACTIVITIES	\$			
		<u>Receipts</u>				
46,202,352	42,414,473	Operating receipts	47,868,672	48,491,388	622,716	35,257,470
87,981	2,755,845	Investment receipts	110,500	45,500	(65,000)	12,978
		<u>Payments</u>				
(32,515,736)	(32,620,886)	Operating payments to suppliers & employees	(36,359,448)	(36,048,856)	310,592	(27,631,737)
(406,609)	(447,160)	Finance Payments	(730,000)	(670,000)	60,000	(311,101)
13,367,988	12,102,272	Net Cash provided by (or used in) Operating Activities	10,889,723	11,818,031	928,308	7,327,610
		CASH FLOWS FROM INVESTING ACTIVITIES				
		<u>Receipts</u>				
1,164,734	2,625,998	Grants specifically for new or upgraded assets	5,540,707	2,044,718	(3,495,989)	-
50,739	25,659	Sale of replaced assets	25,000	25,000	-	-
43,077	21,190	Repayments of loans by community groups	-	-	-	-
7,179	11,040	Capital contributed to associated entities	-	-	-	-
		<u>Payments</u>				
(8,919,370)	(9,651,815)	Expenditure on renewal/replacement of assets	(11,653,096)	(7,506,347)	4,146,749	(4,277,104)
(13,174,690)	(5,507,612)	Expenditure on new/upgraded assets	(15,318,948)	(3,691,302)	11,627,646	(3,239,601)
-	-	Loans made to community groups	-	-	-	-
(80,714)	(80,714)	Capital contributed to associated entities	(80,714)	(80,714)	-	-
(20,909,045)	(12,556,254)	Net Cash provided by (or used in) Investing Activities	(21,487,051)	(9,208,645)	12,278,406	(7,516,705)
		CASH FLOWS FROM FINANCING ACTIVITIES				
		<u>Receipts</u>				
6,500,000	-	Proceeds from Borrowings	8,119,925	-	-	-
		<u>Payments</u>				
(1,933,691)	(1,652,559)	Repayments of Borrowings	(931,098)	(931,098)	-	(632,513)
4,566,309	(1,652,559)	Net Cash provided by (or used in) Financing Activities	7,188,827	(931,098)	-	(632,513)
(2,974,748)	(2,106,541)	Net Increase (Decrease) in cash held	(3,408,501)	1,678,288	5,086,789	(821,608)
12,152,118	9,177,369	Cash & cash equivalents at beginning of period	7,070,829	7,070,829	-	7,070,829
9,177,370	7,070,828	Cash & cash equivalents at end of period	3,662,328	8,749,117	5,086,789	6,249,221



City of
Norwood
Payneham
& St Peters

UNIFORM PRESENTATION OF FINANCES
for the year ended 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Variance	Actual YTD March 2022
45,786,081	45,473,055	Income	47,081,234	47,636,662	555,428	35,270,448
(43,410,847)	(44,362,836)	less Expenses	(46,610,015)	(46,281,026)	328,989	(34,351,813)
2,375,234	1,110,219	Operating Surplus / (Deficit)	471,219	1,355,636	884,417	918,635
		<i>less Net Outlays on Existing Assets</i>				
8,919,370	9,651,815	Capital Expenditure on renewal and replacement of Existing Assets	11,653,096	7,506,347	(4,146,749)	4,277,104
(9,503,233)	(9,968,299)	less Depreciation, Amortisation and Impairment	(10,640,005)	(10,640,005)	-	(7,893,753)
(50,739)	(25,659)	less Proceeds from Sale of Replaced Assets	(25,000)	(25,000)	-	-
(634,602)	(342,143)		988,091	(3,158,658)	(4,146,749)	(3,616,649)
		<i>less Net Outlays on New and Upgraded Assets</i>				
13,174,690	5,507,612	Capital Expenditure on New and Upgraded Assets	15,318,948	3,691,302	(11,627,646)	3,239,601
(1,164,734)	(2,625,998)	less Amounts received specifically for New and Upgraded Assets	(5,540,707)	(2,044,718)	3,495,989	-
(7,179)	(11,040)	Proceeds from Sale of Surplus Assets				
12,002,777	2,870,574		9,778,241	1,646,584	(8,131,657)	3,239,601
(8,992,942)	(1,418,212)	Net Lending / (Borrowing) for Financial Year	(10,295,113)	2,867,710	13,162,823	1,295,683



City of
Norwood
Payneham
& St Peters

FINANCIAL RATIOS
for the year ended 30 June 2022

Actual 2019-2020	Actual 2020-2021		Adopted Budget 2021-2022	Revised Budget 2021-2022	Actual YTD March 2022
		Operating Ratio			
5%	2%	<u>Operating Result</u>	1%	3%	3%
		Total Operating Revenue			
		Net Financial Liabilities Ratio			
28%	29%	<u>Net Financial Liabilities</u>	50%	22%	35%
		Total Operating Revenue			
		Asset Sustainability Ratio			
113%	124%	<u>Net Asset Renewals</u>	140%	90%	na
		Infrastructure & Asset Management Plan required expenditure			
		<i>Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets.</i>			
		Recommended for disclosure by Local Government Association			
		Operating Surplus/(Deficit)	471,219	1,355,636	918,635
2,375,234	1,110,219	<i>Being the operating surplus (deficit) before capital amounts .</i>			
		Net Financial Liabilities	23,651,763	10,445,049	12,284,112
12,837,009	13,314,192	<i>Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in</i>			
		Interest Cover Ratio			
1%	1%	<u>Net Interest Expense</u>	2%	1%	1%
		Total Operating Revenue less Investment Income			
		Asset Consumption Ratio			
61%	55%	<u>Carrying value of depreciable assets</u>	60%	58%	57%
		Gross value of depreciable assets			
		<i>Total carrying value of depreciable assets divided by total reported value of depreciable assets before</i>			
		Requested by Council			
		Debt Repayment to Rate Revenue Ratio			
6%	6%	<u>Debt Servicing</u>	4%	4%	3%
		Rate Revenue			

11.3 ERA WATER REVISED DRAFT 2022-2023 BUDGET

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA87866/A397638
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the ERA Water revised draft 2022-2023 Budget for endorsement.

BACKGROUND

ERA Water is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the primary purpose of implementing the Waterproofing Eastern Adelaide Project (the Scheme), which involves the establishment of wetland bio-filters, aquifer recharge and recovery, pipeline installations and water storage facilities. ERA Water manage the Scheme on behalf of the Constituent Councils and provide recycled stormwater for the irrigation of parks and reserves to Constituent Councils. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of ERA Water.

Pursuant to Clause 5.1.1 of the ERA Water Charter (the Charter), prior to 31 March of each year, ERA Water must prepare and submit the ERA Water Draft Budget to the Constituent Councils for approval.

The Draft Budget can only be adopted by the ERA Water Board, following unanimous approval of the Constituent Councils.

Upon completion of the Draft Budget, pursuant to Clause 6.1 of the Charter, ERA Water must prepare and provide the draft Annual Business Plan to Constituent Councils. The Annual Business Plan can only be adopted by the ERA Water Board, once absolute majority is provided by the Constituent Councils.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The revised Draft 2022-2023 Budget is forecasting an Operating Deficit of \$803,000 an increase of \$324,000 on the original draft Budget. This Councils share of the Operating Deficit, which will be required to be included in the Councils 2022-2023 Budget, will increase by \$108,000 to \$267,667. The reason for this variation on the Draft Budget considered by the Council at its meeting held on 13 April 2022, is discussed further in the Discussion Section of this report.

The initial draft ERA Budget was based on the Constituent Councils accepting the recapitalisation proposal, which comprises of a capital injection of \$3 million to be contributed in line with the ownership share (i.e. \$1 million per Constituent Council) plus a water security charge of \$1.250 million to be paid over five (5) years, with the contribution per Constituent Council being based on the take or pay water allocation.

The revised draft Budget is now based on a year one capital contribution for each Constituent Council being \$200,000. The total capital contribution for each Constituent Council remains at \$1 million, however the timing of when the balance of the capital contribution is required, has not yet been determined. The original request for the City of Norwood Payneham & St Peters and the City of Burnside to make the capital contribution upfront and in full was based on the respective Council's capacity to pay. The Town of Walkerville advised that it did not have the financial capacity to fund its share of the capital contribution up-front, as such it was agreed that their contribution would be paid over five (5) years, at \$200,000 per annum.

For the City of Norwood Payneham & St Peters, the total contribution which has been requested as part of the recapitalisation proposal remains at \$1.475 million, which is made up of a \$1 million capital contribution and an annual water security charge of \$95,000, payable for five years.

The Draft Budget includes water sales to this Council of \$220,477 which is based on water consumption of 76.67ML. The Council's Draft 2022-2023 Budget includes a budget estimate of \$380,000, which includes water sourced from SA Water and ERA Water for the Councils reserves, parks, medians and sporting grounds, the water security charge of \$95,000 and the capital contribution of \$1 million.

The Councils Draft 2022-2023 Budget will be amended to reflect the increase in the share of the Operating Deficit and the lower capital contribution, which will reduce the Council's cash needs by \$800,000 for the 2022-2023 Financial Year.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

At the Special Council Meeting held on 13 April 2022, the Council considered and endorsed the ERA Water draft 2022-2023 Budget, which was based on a recapitalisation proposal comprising of a capital injection of \$3 million to be contributed in line with the ownership share plus a water security charge of \$1.250 million to be paid over five (5) years, with the contribution per Constituent Council being based on the take or pay water allocation.

The recapitalisation funds will be utilised to:

- expand the network and the number of connections to build scale over a five (5) year period, so that ERA Water has an operating cash break-even position;
- invest in assets to increase and or improve the reliability of supply;
- meet operating cash deficits over the five (5) year period; and
- pay down debt.

For the City of Norwood Payneham & St Peters, the total contribution requested as part of the recapitalisation proposal is \$1.475 million, which is made up of a \$1 million capital contribution and an annual water security charge of \$95,000, payable for five years.

The capital contribution from the City of Burnside, as part of the recapitalisation proposal, was set at \$1 million to be paid in the 2022-2023 Financial year plus the applicable annual water security charge, with the Town of Walkerville making a contribution of \$200,000 per year over a five-year timeframe, plus the applicable annual water security charge, commencing in the 2022-2023 Financial year.

As a result of the reduction in the capital contribution being requested, it is likely that ERA Water will exceed the \$15 million debt cap before the end of the financial year. Should this be the case, the Constituents Councils may be required to make a further capital contribution to ensure the continued operations of ERA Water.

CONSULTATION

- **Elected Members**

Cr John Minney is a Member of the ERA Water Board and is aware of this issue.

Elected Members considered and endorsed the initial Draft 2022-2023 ERA Water Budget at its meeting held on 13 April 2022.

- **Audit Committee**

The Audit Committee at its meeting held on 23 May 2022, considered the ERA Water revised budget. At that meeting the Audit Committee resolved to recommend to the Council;

1. *That the ERA Water revised 2022-2023 Draft Budget be approved.*
2. *The that Council seek clarification from the City of Burnside regarding its change of position on the re-capitalisation of ERA Water.*

- **Community**

Not Applicable.

- **Staff**

Nil

- **Other Agencies**

Not Applicable.

DISCUSSION

As Elected Members are aware, the ERA Water Charter requires the ERA Water Board (the Board), prior to it adopting its Draft Budget, to obtain unanimous approval of its Draft Budget from all Constituent Councils.

At its Special Council Meeting held on the 13 April 2022, the Council considered a report on the ERA Water Draft 2022-2023 Budget and unanimously endorsed the Draft 2022-2023 Budget as presented. The Draft 2022-2023 Budget considered by the Council is contained in **Attachment A**.

Following feedback from the City of Burnside regarding the draft budget, the Board reviewed its draft budget to ensure that it would receive unanimous approval from all Constituent Councils.

The main change from the draft Budget which was endorsed by the Council at the Special Council meeting held on the 13 April 2022 is a reduction in the capital injection required from this Council and the City of Burnside from \$1 million to \$200,000 for the 2022-2023 financial year.

This amendment brings the capital contribution in-line with the proposal which was agreed to with the Town of Walkerville given its financial circumstances and capacity. It should be noted, that the total capital contribution by the three (3) Constituent Councils, to be paid as part of the recapitalisation of ERA Water still remains at \$3 million. It is unknown at this stage as to the timing of future contributions, (i.e. future capital contributions for this Council and the City of Burnside may be in-line with the original five (5) payment schedule set for the Town of Walkerville or there may be a request that balance of \$800,000 be made in 2023-2024 financial year).

As a result of the proposed reduced capital injection:

- the forecast debt as at 30 June 2023, will increase from \$13.839 million to \$15.270 million, which while still within the debt cap of \$15.3 million (as set by the Constituent Councils), does not allow for any contingency should the assumptions, upon which the budget is predicated on, do not hold true;
- the increased debt levels, coupled with a change in the interest rate on the Cash Advance Debenture facility, will increase the interest expense by \$31,000 to \$358,000; and
- the provision for Capital works will decrease from \$850,000 to \$350,000. To address this, it is proposed that the capital works undertaken during the year will be funded based on a business case and feasibility assessment, as such a provision of \$300,000 has been allowed for in the Operating Budget to engage consultants to assist with the development of the business and feasibility assessment for capital projects.

The revised ERA Water draft 2022-2023 Budget continues to forecast a small cash surplus however, due to the reduction of the total aggregate capital contribution from \$2.2 million to \$600,000 (down by \$1.6 million), ERA Water is not in a position to repay borrowings which were originally set at \$1.355 million.

A copy of the amended Draft 2022-2023 Budget is contained in **Attachment B**.

OPTIONS

The Council can choose not to endorse the revised Draft 2022-2023 Budget, however, given that the revised Budget has been developed on the same principles as the initial budget, albeit with a lower capital injection from the Constituent Councils, there are no specific issues or activities which present a financial or risk management issue for this Council to take this course of action.

In addition, the Audit Committee considered the revised draft Budget at its meeting held on 23 May 2022 and recommended to the Council that the revised Draft 2022-2023 Budget be endorsed.

CONCLUSION

As with any forecast, the financial projections contained within the Budget are meant to provide an indication of the ERA Water's direction and financial capacity based on a set of assumptions. The achievement of the financial forecast is dependent on the assumptions holding true. The key assumption, in which ERA Water has limited influence on, is the level of rainfall which is received.

As the City of Burnside has formally resolved to reduce its capital contribution from \$1.0 million to \$200,000 (i.e. in line with the capital contribution which will be made by the Town of Walkerville). There is no reason why this Council would continue to provide its capital contribution of \$1.0 million. At this stage for the purpose of achieving a unanimous agreement of the draft Budget, it is recommended that the Council also adjust its capital contribution of \$200,000. However in accordance with the recommendation which has been made by the Council's Audit Committee, clarification will be sought from the City of Burnside in respect to why it has resolved to reduce its capital contribution given ERA Water's financial strategy.

COMMENTS

Nil

RECOMMENDATION

That ERA Water be advised that pursuant to Clause 5.1.1 of the Charter, the Council has considered and hereby approves the revised Draft 2022-2023 Budget, as contained in **Attachment B**.

Attachments – Item 11.3

Attachment A

ERA Water Revised Draft 2022-2023 Budget

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

ERA Water Draft Budget 2022-23

1. INTRODUCTION

This budget had been prepared to meet the specific requirements of the ERA Water Charter which requires ERA Water to prepare and submit a draft budget to the Constituent Councils for the ensuing financial year by no later than 31 March.

The budget must be adopted by 30 June of each year by unanimous approval of the Constituent Councils.

This document sets out the range of assumptions that have informed the budget with the resulting budgeted financial statements shown in Attachment A.

2. WATER SUPPLY AND DEMAND ASSUMPTIONS

2.1 WATER SUPPLY

With five of the six injection bores connected, the maximum injection capacity of the Scheme is approximately 66l/s compared to a design capacity of 80l/s. During the injection season, actual injection rates can be constrained by:

- Pressure in the aquifer during periods of high injection;
- The condition of the filters within the UV unit which can become stained and slow the rates at which water must flow through the UV unit to ensure water is treated to an appropriate standard prior to injection into the aquifer; and
- Performance of the wetlands and biofilters.

The amount of water that can be captured during a season is dependent on:

- the injection capacity and the above noted constraints;
- the number of flow days, i.e. the amount of water flowing down the creeks and over the ERA Water collection inlets; and
- the average number of hours per day of operation during flow days ranging from a lower bound of 14.5 hours per day to an upper bound of 22.5 hours per day which is dependent on the reliability and efficiency of the scheme.

The budget assumes that 352ML of new water will be captured and available for sale in FY2022 based on a 52.8 l/s injection rate, an average number of flow days for the year and 18.5 average hours per day of operating time during each flow day which is the midpoint of the upper and lower estimate.

Based on a number of changes to the regulatory framework and ERA Water's injection performance since commissioning, ERA Water has established a water balance credit of 450ML. This represents the "bank" of additional water than can be supplied over the amount injected in any given year based on the current licensing framework.

It is expected that there will be sufficient water available to meet connected demand during the 2022/23 extraction season.

2.2 WATER DEMAND

Constituent Councils have entered into 'take or pay' water supply arrangements with ERA Water based on the following volumes.

City of Burnside	100 ML
City of Norwood Payneham & St Peters	76.7 ML
Town of Walkerville	28 ML
Total volume sold to ERA Water Councils	204.7 ML

ERA Water has also connected three external customers to the network with a total anticipated demand of 38ML per annum and is budgeting for the City of Burnside to take approximately 10ML more than its committed take or pay volumes.

Total connected demand is assumed in the budget at 252.7ML.

ERA Water is currently investigating opportunities to connect additional Constituent Council reserves and new external customers to the ERA Water scheme. To be conservative, the budget does not assume any additional connections will be made during the 2023 financial year, although it is strongly ERA Water's intention to pursue and connect further reserves that exist within and in the immediate vicinity of the irrigation network.

ERA Water are specifically targeting:

- Reserves on the proposed Linde Loop pipeline network (a section of which is funded by the City of Norwood Payneham St Peters in conjunction with the upgrade of St Peters Street)
- Department of Education sites within the existing network
- Kensington Gardens Bowling and Tennis Club.

2.3 CLIMATIC CONDITIONS

2.3.1 Based on the latest weather outlook dated 8 March 2022 from the Bureau of Meteorology, there is a 51% chance of above median rainfall between April to June 2022, an 18% chance of it being unusually wet and a 11% chance of it being unusually dry.

2.3.2 We have interpreted this information to mean that there is an expectation of slightly above average rainfall for the start of the 2022 injection season. Whilst this is a positive outlook, actual rainfall and the length of rainfall events (eg intense short duration events vs longer steady rainfall events) will impact harvesting yields.

3. INCOME

3.1 Water pricing

The selling price of water is tied to the lower of the SA Water Price and the price calculated under the principles of 'full cost recovery'. ERA Water will not achieve full cost recovery at a water price which is less than SA Water in FY2023.

Our budget assumes that the water price is based on the current SA Water price, increasing by a CPI factor, assumed to be 2.5% in FY2023 (1.1% in FY2022). The actual water price charged will be adjusted to the announced FY2023 SA Water price which is usually available on or around 1 July each year.

The budget assumes that Constituent Councils are charged the full SA Water price for their Take or Pay consumption, and that Constituent Councils' consumption in excess of their Take or Pay and external customers are charged a discount to the SA Water price as mechanism to encourage external connections to the scheme.

3.2 Water Supply Charge

A supply charge of \$281 per constituent council connection per annum has been included in the budget which is based on the current SA Water connection charge inflated by 2.50%.

Due to the uncertainty surrounding the number of external connections and whether a supply charge should be levied on those connections, no water supply charge has been included in the budget in relation to external customers. Connection costs from the ERA Water network are built into the pricing for external customers or are paid for up front by the external customer.

3.3 Grants and Investments

There is no forecast income expected from either grants or investments for FY2023. ERA Water may receive a member distribution from the LGFA or LGA Mutual Liability Scheme however such as distribution has not been budgeted.

Grant opportunities such as the Federal Off Farm Efficiency Grants Program will be actively pursued to support the cost of capital works which align with the grant program criteria.

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3.4 INCOME SUMMARY

The forecast income from water sales is shown below in Table 1.

TABLE 1: INCOME FROM WATER SALES

CONSTITUENT COUNCIL	REVENUE
City of Norwood, Payneham & St Peters (Take or Pay)	\$220,477
Town of Walkerville (Take or Pay)	\$80,519
City of Burnside (Take or Pay)	\$287,566
Constituent Council Supply charge	\$14,062
Other sales	\$117,327
Total Income	\$719,951

The budget assumes that water sales to Constituent Councils under the current take or pay arrangements are prepaid in the first month of the financial year. This assumption may be revisited if the recapitalisation proposal is progressed.

4. EXPENSES

4.1 EMPLOYEE COSTS

TABLE 2: Employee Costs

ITEM	AMOUNT	KEY ASSUMPTIONS
General Manager	\$101,475	Cost for the position of General Manager on a part time basis.
Principal Operator	\$150,000	Contracted cost for Principal Operator
Admin and Board Secretarial Support	\$nil	Assumes no paid support for the GM.
Total Employee Costs	\$251,475	

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4.2 Materials, Contract & Other Expenses

TABLE 3: Fixed operating Expenses

ITEM	AMOUNT	KEY ASSUMPTIONS
Audit and Accounting	\$8,000	\$8,000 for external auditing and other accounting work.
Governance	\$17,000	Chairman plus provision for two independent audit committee members.
Bank Charges	\$500	Provision for bank charges.
ICT	\$500	Provision for miscellaneous IT and software costs.
Insurances	\$46,000	Based on FY2022 actual costs with an allowance for a 10% increase in premiums as advised by LGA Mutual Liability and provision for new cyber security coverage.
Office Expenses	\$500	Provision
Premises	\$0	NPSP providing premises to ERA Water for \$nil rent.
Professional Services	\$50,000	Financial and strategic management support - \$20,000 Provision for legal services and other engineering support regarding scheme extensions and new connections.
Staff Amenities and Development	\$2,500	Provision
General Expenses	\$2,500	Provision
Total Fixed Operating Expenses	\$127,500	

TABLE 4: Operating Expenses

ITEM	AMOUNT	KEY ASSUMPTIONS
Engineering and support services	\$60,000	Technical support to the GM and Principal Operator
Scheme maintenance and landscaping	\$25,000	Support to the Principal Operator to allow for maintenance tasks requiring 3 rd party contractors.
General maintenance	\$25,000	Provision for unexpected maintenance issues.
Electricity	\$110,000	Slight increase in expected electricity consumption as a result of increase injection and extraction activity.
Licensing and testing	\$15,000	\$4,000 provision for EPA Licence and \$11,000 for development of MARART and other licensing and testing requirements.
Telecoms & SCADA	\$20,000	Assumption based on FY2022 Telstra charges.
Total Operating Expenses	\$255,000	

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4.3 DEPRECIATION AND AMORTISATION

Depreciation for FY2023 has been calculated at \$487,537 with reference to the useful life estimates by asset class shown in Table 5.

TABLE 5: Asset Useful Lives

Asset Class	Sub Asset Class	Years	Depn Rate
Civil Assets	CA - Biofilters and Wetlands	50	2.0%
	CA - Bores (excluding pumps)	70	1.4%
	CA - Buildings (including foundations)	50	2.0%
	CA - Earthworks	70	1.4%
	CA - Fencing	30	3.3%
	CA - Landscaping and Plantings	10	10.0%
	CA - Pipelines and Pipework	70	1.4%
	CA - Roadways and Paving	50	2.0%
	CA - Stormwater Structures	50	2.0%
	CA - Tanks / Chambers / Manholes	50	2.0%
Electrical Assets	EA - Electrical conduits / cables / pits	70	1.4%
	EA - Switchboards and Transformers	25	4.0%
Instrumentation and Control Assets	IA - Flow Meters and Water meters	15	6.7%
	IA - Online instrumentation	15	6.7%
	IA - SCADA System and PLC's	15	6.7%
	IA - Security and fire detection equipment	15	6.7%
	IA - Telemetry equipment	15	6.7%
ICT Assets	IT - Computer Hardware	5	20.0%
	IT - Computer Software	5	20.0%
Mechanical Assets	MA - Pumps and pump sets	20	5.0%
	MA - Valves	20	5.0%
Sunk Costs	SC - Sunk Costs	70	1.4%
Specialised Water Treatment Equipment	WT - UV disinfection systems	20	5.0%

At the end of the financial year, ERA Water will undertake an asset reconciliation and calculate a refined depreciation estimate based on actual new asset data. The difference between the current depreciation estimate and the actual depreciation calculated at the end of the financial year is not expected to be material.

4.4 FINANCE COSTS

Interest expense is forecast to be \$327,724. This is calculated using the following assumptions:

- \$5.0 million fixed rate facility at 2.90% per annum (maturing July 2024);
- \$5.0 million fixed rate facility at 1.66% per annum (maturing August 2023);
- Remaining debt facilities at the current CAD rate of 2.05%
- A \$25k contingency for additional interest expense to cover the risk of increases to interest rates during the year.

5. CASH AND CAPITAL

5.1 Capital Expenditure

A capital provision of \$850k has been included in the FY2023 budget, which is contingent upon the recapitalisation proposal..

ERA Water is currently undertaking a comparative assessment of a number of capital expenditure options to determine the most efficient use of capital to progress our strategic objectives of both increasing scheme demand and supply over the coming 12 months. The assessment will also consider the impacts and opportunities created by the Water Allocation Plan for the Adelaide Plains and how this might influence our future requirements for network expansion.

The capital projects which are being assessed and are currently under consideration include:

- Connection of the sixth injection bore;
- Purchase of a second UV unit to increase injection capacity and reduce the risk of future injection downtime due to failure of the single unit;
- Contributions towards the Linde Loop or other scheme extensions that add to the connected demand;
- Upgrades to the SCADA system to improve the ability to remotely monitor and enhance the system;
- Increasing above ground balancing storage; and
- Activation and utilisation of the Langman Reserve bore for groundwater extraction.

Where commercially viable, ERA Water will seek to on charge the cost of connections to new customers either in the form of upfront payments or through a short term increase in water prices.

5.2 RECAPITALISATION

At the time of writing, ERA Water is currently in discussions with the Constituent Councils in relation to a recapitalisation proposal.

ERA Water's preferred recapitalisation proposal has been included in the draft budget which includes total capital contributions of \$2.20 million and a water security charge of \$0.25 million in FY2023. Table 6 summarises the proposed financial contributions from the Constituent Councils over the next five years based on the current recapitalisation proposal:

TABLE 6: Recapitalisation proposal summary

Recapitalisation Proposal									
	Capital contribution			Water security charge			Total		
	CoB	NPSP	ToW	CoB	NPSP	ToW	CoB	NPSP	ToW
FY2023	1,000,000	1,000,000	200,000	122,000	95,000	33,000	1,122,000	1,095,000	233,000
FY2024	-	-	200,000	122,000	95,000	33,000	122,000	95,000	233,000
FY2025			200,000	122,000	95,000	33,000	122,000	95,000	233,000
FY2026			200,000	122,000	95,000	33,000	122,000	95,000	233,000
FY2027			200,000	122,000	95,000	33,000	122,000	95,000	233,000
Total	1,000,000	1,000,000	1,000,000	610,000	475,000	165,000	1,610,000	1,475,000	1,165,000
% contribution							37.9%	34.7%	27.4%

The recapitalisation funds will be applied to:

- Expand the ERA Water network and the number of connections with an objective of reaching a level of scale over a five year period where revenue can meet ERA Water’s cash costs;
- Invest in assets to increase and/or improve the reliability of supply in step with additional demand requirements;
- Meet operating cash deficits over the recapitalisation period; and
- Pay down debt.

The proportions of the recapitalisation funds applied to each category are still being investigated by ERA Water and will depend largely on the capital required by ERA Water to progress network expansion opportunities.

5.3 CASH

Net cash from operating activities is forecast to be \$8,340 (which includes a \$0.25 million water security charge).

Net cash from investing activities is forecast to be (\$0.85 million) on account of budgeted capital expenditure.

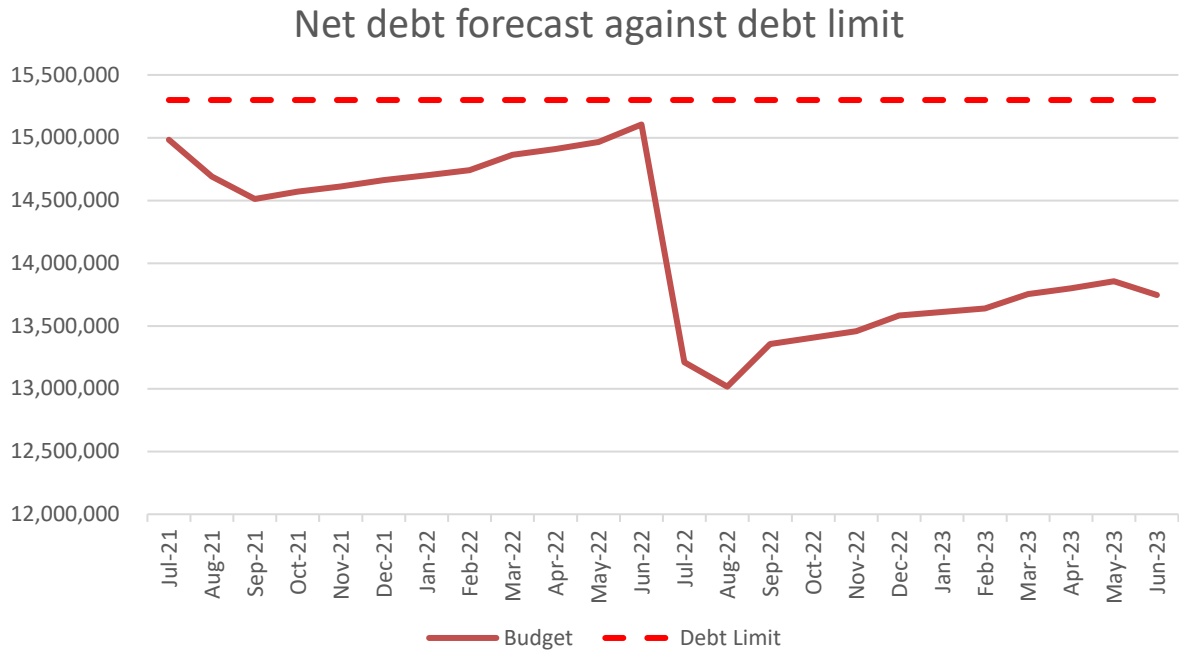
Net cash from financial activities is forecast to be \$0.845 million which includes a \$2.2 million equity contribution and an assumed repayment of \$1.355 million of existing debt.

The forecast closing debt level is \$13.839 million which is \$1.461 million below the existing debt cap of \$15.300 million.

Chart 1 shows the forecast closing net debt position assuming the recapitalisation proposal proceeds as planned.

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CHART 1: Forecast closing cash position (assumes recapitalisation)



Should the recapitalisation proposal not proceed, ERA Water would need to:

1. request the prepayment of FY2023 water charges from the Constituent Councils; and
2. defer non urgent capital upgrades and other expenditure.

Following this, ERA Water would be unlikely to have cash facilities within the debt cap to trade post the end of December 2022 before an increase in the debt cap or a capital contribution would be required.

5.4 EQUITY

Contributed equity is assumed to increase by \$2.2 million on account of the recapitalisation proposal.

Historical accumulated surpluses have been derived from the grant funding received from the Federal Government to fund the construction of the scheme. Net Surplus / Deficit represents the movement in the Operating Statement for the budget year.

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ATTACHMENT A: Financial Statements

Statement of Comprehensive Income

\$	Jun-22 Budget	Jun-23 Fcst
Income		
User Charges		
Net Water Sales ERA Councils	622,413	602,624
Water Sales Other Customers	59,614	117,327
Grants, Subsidies and Contributions	-	250,000
Investment Income	-	-
Total Income	682,027	969,951
Expenses		
Employee Costs	240,000	251,475
Materials, Contracts & Other Expenses	322,500	382,500
Depreciation & Amortisation	466,534	487,357
Finance Costs	320,486	327,575
Total Expenses	1,349,520	1,448,907
Operating Surplus / (Deficit)	(667,493)	(478,956)
Amounts Received Specifically for New or Upgraded Assets	-	-
Net Surplus / (Deficit)	(667,493)	(478,956)
Other Comprehensive Income		
Amounts which will not be reclassified to operating result	-	-
Impairment expense	-	-
Total Comprehensive Income	(667,493)	(478,956)

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Balance Sheet

\$	Jun-22 Budget	Jun-23 Fcst
Assets		
Current Assets		
Cash & cash equivalents	89,323	92,724
Trade & Other Receivables	61,495	61,495
Total Current Assets	150,818	154,219
Non-current Assets		
Financial assets	-	-
Infrastructure, property, plant & equipment	20,147,648	20,510,291
Total Non-current Assets	20,147,648	20,510,291
Total Assets	20,298,465	20,664,510
Liabilities		
Current Liabilities		
Trade & Other Payables	217,909	217,909
Provisions	1,231	1,231
Borrowings	-	-
Total Current Liabilities	219,140	219,140
Non-current Liabilities		
Trade & Other Payables	-	-
Borrowings	15,194,502	13,839,502
Total Non-current Liabilities	15,194,502	13,839,502
Total Liabilities	15,413,642	14,058,642
NET ASSETS	4,884,824	6,605,868
Equity		
Accumulated Surplus	4,884,824	6,605,868
Asset Revaluation Reserves	-	-
TOTAL EQUITY	4,884,824	6,605,868
Net Debt	15,105,179	13,746,778

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Statement of Cash Flows

\$	Jun-22 Budget	Jun-23 Fcst
Cash Flows from Operating Activities		
Receipts		
Water Sales ERA Councils	546,328	602,624
Water Sales ERA Councils - Annual True-Up	-	-
Net Water Sales ERA Councils	546,328	602,624
Water Sales Other Customers	58,782	117,327
Other receipts	-	250,000
Investment Income	-	-
Payments		
Employee costs	(237,165)	(251,475)
Materials, contracts & other expenses		
Fixed Operating Costs	(84,256)	(127,500)
Operational Costs	(227,259)	(255,000)
Finance Payments	(160,222)	(327,575)
Net cash provided by (or used in) Operating Activities	(103,793)	8,401
Cash Flows from Investing Activities		
Receipts		
Amounts Received Specifically for New Assets	-	2,200,000
Payments		
Expenditure on new/upgraded Assets	(52,560)	(850,000)
Net cash provided by (or used in) Investing Activities	(52,560)	1,350,000
Cash Flows from Financing Activities		
Receipts		
Proceeds from Borrowings	139,470	-
Payments		
Repayment of borrowings	-	(1,355,000)
Net cash provided by (or used in) Financing Activities	139,470	(1,355,000)
Net Increase (Decrease) in cash held	(16,882)	3,401
Cash and cash equivalents at beginning of period	106,205	89,323
Cash and cash equivalents at end of period	89,323	92,724

Attachment B

ERA Water Revised Draft 2022-2023 Budget

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters



DRAFT VERSION 2 FY2023 Revised Draft Budget for Constituent Council Approval

1. INTRODUCTION

The ERA Water Board is required by its Charter to submit a draft budget to Constituent Councils by 31 March in each year for the ensuing financial year. For the 2022 – 2023 year, the Board adopted a draft budget on 16 March 2022 which was submitted to the Constituent Councils by the due date of 31 March 2022.

Unanimous approval of all Constituent Councils is required for the Board to adopt a budget which must occur before 30 June. Feedback from the Constituent Councils suggests that changes are required to the original budget to obtain unanimous approval.

This revised draft budget version 2 takes account of feedback from the Constituent Councils and has been drafted to allow a period of consolidation for ERA Water's activities and to prepare for the coming years under circumstances that differ considerably from when the stormwater harvesting scheme was originally conceived.

This document sets out the range of assumptions that have informed the budget with the resulting budgeted financial statements shown in Attachment A.

2. WATER SUPPLY AND DEMAND ASSUMPTIONS

2.1 Water Supply

With five of the six injection bores connected, the maximum injection capacity of the Scheme is approximately 66l/s compared to a design capacity of 80l/s. During the injection season, actual injection rates can be constrained by:

- Pressure in the aquifer during periods of high injection;
- The condition of the filters within the UV unit which can become stained and slow the rates at which water must flow through the UV unit to ensure water is treated to an appropriate standard prior to injection into the aquifer; and
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ERA Water are specifically targeting:

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- Department of Education sites within the existing network
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2.3 Climatic conditions

Based on the latest weather outlook dated 5 May 2022 from the Bureau of Meteorology, there is an 85% chance of above median rainfall between Junel to August 2022, a 57% chance of it being unusually wet and a 1% chance of it being unusually dry.

We have interpreted this information to mean that there is an expectation of above average rainfall for the start of the 2022 injection season. Whilst this is a positive outlook, actual rainfall and the length of rainfall events (e.g. intense short duration events vs longer steady rainfall events) will impact harvesting yields.



Income

2.4 Water pricing

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The budget assumes that Constituent Councils are charged the full SA Water price for water purchased within the existing take or pay arrangements, and that external customers and water sold to Constituent Councils above the take of pay arrangements are charged a discount to the SA Water price.

2.5 Water Supply Charge

A supply charge of \$281 per Constituent Council connection per annum has been included in the budget which is based on the current SA Water connection charge inflated by 2.50%.

Due to the uncertainty surrounding the number of external connections and whether a supply charge should be levied on those connections, no water supply charge has been included in the budget in relation to external customers. Connection costs from the ERA Water network are built into the pricing for external customers or are paid for up front by the external customer.

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3. EXPENSES

3.1 Employee Costs

Table 2: Employee Costs

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Principal Operator	\$150,000	Contracted cost for Principal Operator
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Total Employee Costs	\$251,475	



3.2 Materials, Contract & Other Expenses

Table 3: Fixed operating Expenses

ITEM	AMOUNT	KEY ASSUMPTIONS
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Insurances	\$46,000	Based on FY2022 actual costs with an allowance for a 10% increase in premiums as advised by LGA Mutual and provision for new cyber security coverage.
Office Expenses	\$500	Provision
Premises	\$0	NPSP providing premises to ERA Water for \$nil rent.
Professional Services	\$350,000	\$300,000 provision for feasibility and design work in relation to expansion opportunities. Financial and strategic management support - \$20,000 Provision for legal services and other engineering support regarding scheme extensions and new connections.
Staff Amenities and Development	\$2,500	Provision
General Expenses	\$2,500	Provision
Total Fixed Operating Expenses	\$427,500	

TABLE 4: Operating Expenses

ITEM	AMOUNT	KEY ASSUMPTIONS
Engineering and support services	\$60,000	Technical support to the GM and Principal Operator
Scheme maintenance and landscaping	\$25,000	Support to the Principal Operator to allow for maintenance tasks requiring 3 rd party contractors.
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Licencing and testing	\$15,000	\$4,000 provision for EPA Licence and \$11,000 for development of MARART and other licencing and testing requirements.
Telecoms & SCADA	\$20,000	Assumption based on FY2022 Telstra charges.



Total Expenses	Operating	\$255,000	
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3.3 Depreciation and Amortisation

Depreciation for FY2023 has been calculated at \$480,680 with reference to the useful life estimates by asset class shown in Table 5.

TABLE 5: Asset Useful Lives

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	CA - Earthworks	70	1.4%
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	CA - Stormwater Structures	50	2.0%
	CA - Tanks / Chambers / Manholes	50	2.0%
Electrical Assets	EA - Electrical conduits / cables / pits	70	1.4%
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	IA - Online instrumentation	15	6.7%
	IA - SCADA System and PLC's	15	6.7%
	IA - Security and fire detection equipment	15	6.7%
ICT Assets	IA - Telemetry equipment	15	6.7%
	IT - Computer Hardware	5	20.0%
Mechanical Assets	IT - Computer Software	5	20.0%
	MA - Pumps and pump sets	20	5.0%
	MA - Valves	20	5.0%
Sunk Costs	SC - Sunk Costs	70	1.4%
Specialised Water Treatment Equipment	WT - UV disinfection systems	20	5.0%

At the end of the financial year, ERA Water will undertake an asset reconciliation and calculate a refined depreciation estimate based on actual new asset data. The difference between the current depreciation estimate and the actual depreciation calculated at the end of the financial year is not expected to be material.

3.4 Finance Costs

Interest expense is forecast to be \$358,342. This is calculated using the following assumptions:

- \$5.0 million fixed rate facility at 2.90% per annum (maturing July 2024);
- \$5.0 million fixed rate facility at 1.66% per annum (maturing August 2023);
- Remaining debt facilities at an assumed CAD rate of 2.75%. The current CAD rate as at 5 May 2022 is 2.30%; the selected assumption provides some scope for interest rate increases during the financial year.



4. CASH AND CAPITAL

4.1 Capital Expenditure

Capital expenditure of \$350,000 has been assumed for FY2023, consisting of:

- \$50,000 for general capital renewal provision;
- \$50,000 for upgrades to the SCADA system; and
- \$250,000 to commence initial capital projects that seek to increase current demand and supply.

ERA Water is currently undertaking a comparative assessment of a number of options to progress our strategic objective of increasing both scheme demand and supply over the short to medium term. The assessment, which will inform potential investment and operating decisions, will also consider the impacts and opportunities created by the Adelaide Plains Water Allocation Plan and how this might influence our future requirements for network expansion.

The capital projects which are being assessed include:

- Connection of the sixth injection bore.
- Purchase of a second UV unit to increase injection capacity and reduce the risk of future injection downtime due to failure of the single unit.
- Contributions towards the Linde Loop or other scheme extensions that add to the connected demand.
- Increasing above ground balancing storage.
- Activation and utilisation of the Langman Reserve bore for groundwater extraction.

Where commercially viable, ERA Water will seek to on charge the cost of connections to new customers either in the form of upfront payments or through a short term increase in water prices.



4.2 Recapitalisation

Based on feedback received from the Constituent Councils from the original proposed draft budget, ERA Water is now seeking \$600k (\$200k from each Constituent Council) as a capital contribution and a water security charge of \$250k in FY2023.

This funding will be applied to meet:

- forecast operating deficits in FY2023;
- scoping and planning works to understand the relative merits of the various opportunities for scheme enhancements;
- commence initial capital works in accordance with the scoping work undertaken if timing and funding allows.

4.3 Cash

Net cash from operating activities is forecast to be \$(322,366) (which includes a \$0.25 million water security charge).

Net cash from investing activities is forecast to be (\$0.350 million) on account of budgeted capital expenditure.

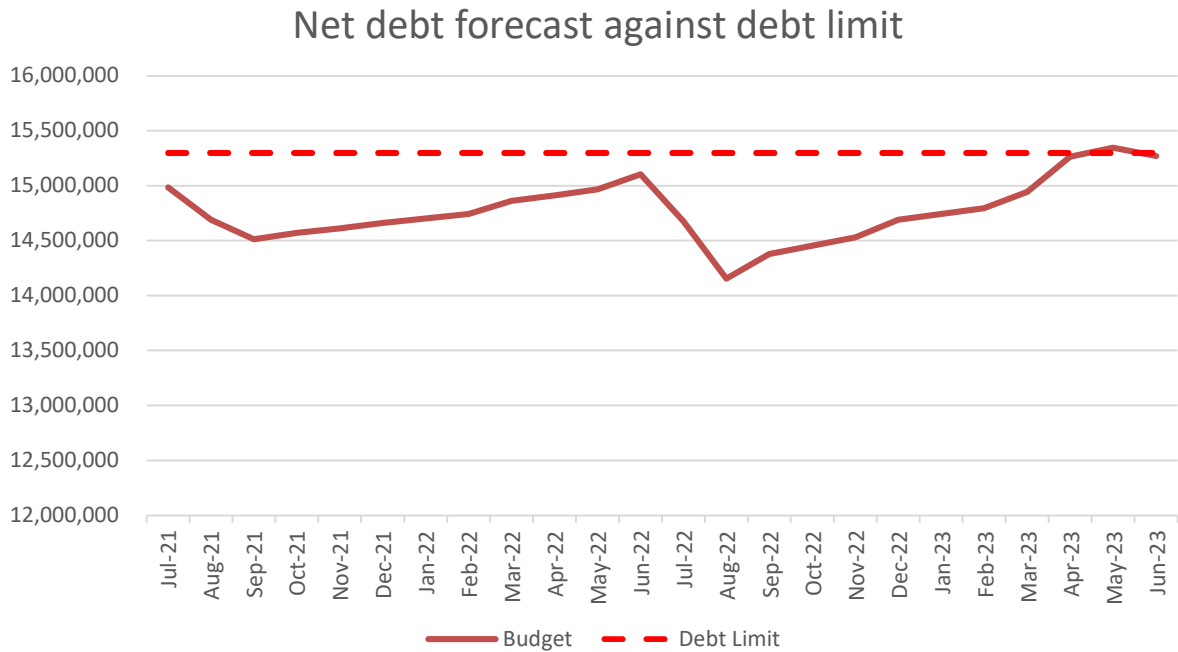
Net cash from financial activities is forecast to be \$0.676 million which includes a \$0.6 million equity contribution.

The forecast closing debt level is \$15.270 million which is \$0.030 million below the existing debt cap of \$15.300 million.

Chart 1 shows the forecast closing net debt position. Towards the end of the financial year, ERA Water will approach its debt limit and will need to manage cashflow (including potentially deferring capital projects) unless additional funding can be secured.



Chart 1: Forecast closing cash position



4.4 Equity

Contributed equity is assumed to increase by \$0.6 million on account of the recapitalisation proposal.

Historical accumulated surpluses have been derived from the grant funding received from the Federal Government to fund the construction of the scheme. Net Surplus / Deficit represents the movement in the Operating Statement for the budget year.



ATTACHMENT A: Financial Statements

Statement of Comprehensive Income

\$	Jun-22 Budget	Jun-23 Fcst
Income		
User Charges		
Net Water Sales ERA Councils	622,413	602,624
Water Sales Other Customers	59,614	117,327
Grants, Subsidies and Contributions	-	250,000
Investment Income	-	-
Total Income	682,027	969,951
Expenses		
Employee Costs	240,000	251,475
Materials, Contracts & Other Expenses	322,500	682,500
Depreciation & Amortisation	466,534	480,680
Finance Costs	320,486	358,342
Total Expenses	1,349,520	1,772,997
Operating Surplus / (Deficit)	(667,493)	(803,046)
Amounts Received Specifically for New or Upgraded Assets	-	-
Net Surplus / (Deficit)	(667,493)	(803,046)
Other Comprehensive Income		
Amounts which will not be reclassified to operating result	-	-
Impairment expense	-	-
Total Comprehensive Income	(667,493)	(803,046)



Balance Sheet

\$	Jun-22 Budget	Jun-23 Fcst
Assets		
Current Assets		
Cash & cash equivalents	89,323	92,957
Trade & Other Receivables	61,495	61,495
Total Current Assets	150,818	154,452
Non-current Assets		
Financial assets	-	-
Infrastructure, property, plant & equipment	20,147,648	20,016,967
Total Non-current Assets	20,147,648	20,016,967
Total Assets	20,298,465	20,171,419
Liabilities		
Current Liabilities		
Trade & Other Payables	217,909	217,909
Provisions	1,231	1,231
Borrowings	-	-
Total Current Liabilities	219,140	219,140
Non-current Liabilities		
Trade & Other Payables	-	-
Borrowings	15,194,502	15,270,502
Total Non-current Liabilities	15,194,502	15,270,502
Total Liabilities	15,413,642	15,489,642
NET ASSETS	4,884,824	4,681,778
Equity		
Accumulated Surplus	4,884,824	4,681,778
Asset Revaluation Reserves	-	-
TOTAL EQUITY	4,884,824	4,681,778



Statement of Cash Flows

\$	Jun-22 Budget	Jun-23 Fcst
Cash Flows from Operating Activities		
Receipts		
Water Sales ERA Councils	546,328	602,624
Water Sales ERA Councils - Annual True-Up	-	-
Net Water Sales ERA Councils	546,328	602,624
Water Sales Other Customers	58,782	117,327
Other receipts	-	250,000
Investment Income	-	-
Payments		
Employee costs	(237,165)	(251,475)
Materials, contracts & other expenses		
Fixed Operating Costs	(84,256)	(427,500)
Operational Costs	(227,259)	(255,000)
Finance Payments	(160,222)	(358,342)
Net cash provided by (or used in) Operating Activities	(103,793)	(322,366)
Cash Flows from Investing Activities		
Receipts		
Amounts Received Specifically for New Assets	-	600,000
Payments		
Expenditure on new/upgraded Assets	(52,560)	(350,000)
Net cash provided by (or used in) Investing Activities	(52,560)	250,000
Cash Flows from Financing Activities		
Receipts		
Proceeds from Borrowings	139,470	76,000
Payments		
Repayment of borrowings	-	-
Net cash provided by (or used in) Financing Activities	139,470	76,000
Net Increase (Decrease) in cash held	(16,882)	3,634
Cash and cash equivalents at beginning of period	106,205	89,323
Cash and cash equivalents at end of period	89,323	92,957

11.4 Highbury Landfill Authority Draft 2022-2023 Budget & 2021-2022 Budget Review

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA88244/A407425
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council the Draft 2022-2023 Highbury Landfill Budget and the 2021-2022 Budget Review for endorsement.

BACKGROUND

The Highbury Landfill Authority (the Authority) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of facilitating the closure and post closure management of the former Highbury Landfill site. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of the Authority.

Pursuant to Clause 4.4 of the Authority's Charter (the Charter), the Authority must prepare an Annual Budget.

Pursuant to Schedule 2 Clause 25 (3) of the *Local Government Act 1999* a subsidiary, may with the approval of the Constituent Councils, amend its adopted budget at any time prior to the completion of the financial year.

The Draft Budget must be adopted by the Authority's Board by 30 June.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The financial implications for the Council associated with the Draft Budget relate to the cash which is required to fund the required post-closure works and management of the former landfill and the recognition of the Authority's Operating Result within the Council's Statement of Comprehensive Income.

Adoption of the Authority's Draft 2022-2023 Budget, for this Council, has resulted in a capital contribution of \$81,000 to fund the Post-Closure Provision expenditure, which includes monitoring and site maintenance costs and the Councils Share (40.4%) of the Authority's projected Operating Surplus of \$13,000 with this Council's share of the deficit being \$5,250.

Upon approval by the Council and adoption by the Authority's Board, the Council's Draft 2022-2023 Budget will be updated accordingly.

The approval of the 2021-2022 Budget review, will result in an increase in the Councils profit from Regional Subsidiaries by \$62,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

As an owner, the Council is responsible to meet the liabilities of the Authority, should the Authority not be in a position to meet those liabilities. The extent of the Council's exposure is however limited to its ownership share, which is currently 40.4%.

CONSULTATION

- **Elected Members**
Cr Minney is this Council's appointee on the Authorities Board and is aware of the contents of the 2022-2023 Draft Budget and 2021-2022 Budget Review.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Draft 2022-2023 Budget

The Authority is required to oversee the management of the landfill until a steady state of conditions in respect to the gas emissions is maintained, which could be more than 25 years.

The Authority's Draft Budget includes expenditure items associated with the post-closure requirements which include:

- monthly monitoring of landfill gas and annual monitoring of ground water across the landfill site;
- site maintenance, which includes ongoing maintenance for fire control, fencing and access track maintenance; and
- administration costs such as insurance, utilities, Council rates and general administration of the Authority.

The Authority is required to oversee the management of the landfill until a steady state of conditions in respect to the gas emissions is maintained, which could be more than 25 years. The Authority is twelve (12) years into the post-closure period.

The Post-Closure Provision, relates to anticipated future liability to manage the post closure of the landfill. The Authority will require a Capital Contribution of \$200,000 from the Constituent Councils to fund the Post-Closure Provision expenditure, which includes monitoring and site maintenance costs.

The Authority is reporting an Operating Surplus of \$13,000, which incorporates, after the post closure expenditure, an anticipated improvement in the Post-Closure Provision of \$18,000.

2021-2022 Budget Review

The adoption of the Authority's 2021-2022 Budget, for this Council, resulted in a capital contribution of \$80,800 to fund the Post-Closure Provision expenditure, which includes monitoring and site maintenance costs and the Councils Share (40.4%) of the Authority's projected Operating Deficit of \$2,072 with this Council's share of the deficit being \$1,000.

Following a review of the Post-Closure Provision, the Authority is reporting a reduction in anticipated future liability to manage the post closure of the landfill. The reduction in the required balance of the Post-Closure Provision has resulted in the Authority now forecasting an Operating Surplus of \$151,000 compared to the budgeted deficit of \$2,100.

In preparing the 2021-2022 Budget, the Authority anticipated an opening balance of the Post-Closure Provision of \$3.153 million. Following a review of the Post-Closure Provision, undertaken as part of the finalisation of the 2020-2021 Financial Statements, the opening balance of the Post-Closure Provision was \$2.981 million, a reduction of \$172,000. Given the reduced opening provision balance and a review of the closing Post-Closure Provision, which takes into account the post-closure expenditure and the Commonwealth Bond Interest Rates, the Authority is forecasting the net present value of the post closure provision to be \$2.639 million, resulting in a Post-Closure Provision income of \$156,000.

The Council's share of the Net surplus is \$61,000, an increase in the Council's profit from Regional Subsidiaries to \$62,000.

A copy of the Draft 2022-2023 Budget and the 2021-2022 Budget Review is contained in **Attachment A**.

OPTIONS

The Council can choose to endorse or not to endorse the Authority's Draft 2022-2023 Budget and the 2021-2022 Budget Review. There are no specific issues or activities which present a financial or risk management issue for this Council, and as such it is recommended that the Council endorse the Authority's Draft 2022-2023 Budget and 2021-2022 Budget Review.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Highbury Landfill Authority be advised that pursuant to Clause 4.4 of the Charter, the Council has considered and hereby approves the Authority's Draft 2022-2023 Budget.
2. That the Highbury Landfill Authority be advised that pursuant to Schedule 2 Clause 25 (3) of the *Local Government Act 1999*, the Council has considered and hereby approves the Authority's 2021-2022 Budget Review.

Attachments – Item 11.4

Attachment A

Highbury Landfill Authority Draft 2022-2023 Budget & 2021-2022 Budget Review

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

HIGHBURY LANDFILL AUTHORITY

Member Councils: • City of Burnside • City of Norwood, Payneham & St Peters • Corporation of the Town of Walkerville

Memorandum

To: CEOs of HLA Member Councils
Chris Cowley
Mario Barone
Scott Reardon

CC: Board and Audit Committee of HLA
John Minney
Ben Clark
Corinne Garrett

From: Trevor Hockley, Executive Officer

Date: 20th May 2022

RE: Draft Budget 22/23

The Board of HLA has reviewed the draft Budget 2022/2023 and agreed to refer it to Member Councils for their approval pursuant to Clause 4.4 of the HLA Charter.

Member Councils are required to approve the draft Budget prior to the Board formally adopting the Budget by the 30th June 2022. The draft Budget is attached at Appendix 1 and the working spreadsheet is also enclosed as requested by the board to provide further information on the financial status of the Highbury Landfill Authority (HLA).

The Highbury Landfill

The Highbury landfill is 12 years into its 25-year post closure period and continues to be managed in accordance with the approved risk management plan formulated as part of the closure plan. The landfill still generates around 300 m³ per hour of landfill gas which is flared on site and managed under contract by Biogas as a subcontractor to McMahon Services.

The Board of HLA still wishes to explore opportunities to generate revenue from the 10 Ha site such as solar energy. Negotiations continue with the adjacent landfill owner Suez Recycling which is now owned by Veolia. This passive option for the site will be pursued during the year.

There continues to be interest from adjoining landowners to rezone adjacent land for residential development. In response to these inquiries the SA EPA requested additional environmental monitoring information from HLA and is yet to respond on whether it will require any further monitoring to be undertaken on the site. The budget has been framed on continuing the existing monitoring regime.

HIGHBURY LANDFILL AUTHORITY

Member Councils: • City of Burnside • City of Norwood, Payneham & St Peters • Corporation of the Town of Walkerville

Provision

The 25 year forward projections that make up the calculation for the provision in the Balance Sheet for HLA is provided with the draft Budget. The draft budget to June 2023 is in line with the projected expenditure in the audited provision calculation for the year ending June 2021. The audit committee has recommended that the assumptions contained in the provision spreadsheet should be independently reviewed every 3 years and this work was undertaken as part of the audit for the June 2021 Financial Statements.

Member Councils currently fund the provision each year in their equity proportions based on the projected expenditure. The 22/23 contributions have remained the same as last year and are:

Burnside:	\$100,812
Norwood, Payneham & St Peters	\$80,714
Walkerville	\$18,474

To allow Member Councils the opportunity to better manage their cash flow in the coming financial year these contributions will again be invoiced in 4 instalments during the financial year.

Expenditure allowed for in the Budget

Landfill Gas Management

McMahon Services continues to manage the gasfield under contract with HLA. The Board has agreed to negotiate a new contract with the existing subcontractor Biogas Systems Australia Pty Ltd for a further three year term. As part of this negotiation HLA is assessing whether it would be beneficial to upgrade the existing flare on site so that it could still combust landfill gas at lower volumes and methane concentrations. This upgrade would extend the life of the flare and is estimated to cost in the vicinity of \$100,000. If approved by the board the money would be borrowed from the LGFA subject to Member Council approval.

The Highbury Landfill Authority continues to monitor the site. The budget includes expenditure for groundwater monitoring and landfill gas monitoring.

Site Maintenance.

The site requires ongoing maintenance for fire control, weeds, fencing and access track maintenance. An allowance is also be made to upgrade the above ground infrastructure for the landfill gas collection system.

Management and Administration

The existing management and administration model is maintained. Costs such as insurance, Council rates, SA Water, Power etc. are also budgeted.

Should you require any further information then do not hesitate to contact the undersigned. I look forward to your Council approving the draft Budget in time to allow the board of HLA to adopt the budget prior to 30 June 2022.

Regards,

Trevor Hockley
Executive Officer

UNIFORM PRESENTATION OF FINANCE JULY - MARCH 2022

	July - March 2022	Projected June 2022	Budget 2022	Variance	Comments	Budget 2023
	\$	\$	\$	\$		\$
OPERATING ACTIVITIES:						
Operating Income	-	20,010	20,050	- 40		20,050
less Operating Expenses	149,882	130,722	22,122	- 152,844		7,088
Operating Surplus / (Deficit)	- 149,882	150,732	- 2,072	- 152,844		12,962
CAPITAL ACTIVITIES:						
Net Outlay on Existing Assets						
Capital Expenditure on renewal & replacement of Existing Assets						
less Depreciation, Amortisation & Impairment	18,914	25,218	25,218	-		25,218
less Proceeds from Sale of Replaced Assets						
Net Outlay on Existing Assets	18,914	25,218	25,218	-		25,218
Net Outlay on New & Upgraded Assets						
Capital Expenditure on New & Upgraded Assets	-	-	-	-		-
less Amounts received specifically for New & Upgraded Assets	-	-	-	-		-
less Proceeds from Sale of Surplus Assets	-	-	-	-		-
Net Outlay on New & Upgraded Assets	-	-	-	-		-
Net Lending / (Borrowing)	- 168,796	125,514	- 27,290	152,804		12,256

INCOME STATEMENT BUDGET REVIEW JULY - MARCH 2022

	July - March 2022	Projected June 2022	Budget 2022	Variance	Comments	Budget 2023
	\$	\$	\$	\$		\$
INCOME						
Sundry Income	-	20,000	20,000	-		20,000
LGFA Bonus Received						
Interest Received	-	10	50	(40)		50
Total Revenues	-	20,010	20,050	(40)		20,050
EXPENSES						
Depreciation	18,914	25,218	25,218	-		25,218
					Movements to the provision are recorded at year-end only. The movement as at 31.03.22 accounts for expenditure to date with no provision adjustment made.	
Movement in Provision	130,969	- 155,940	- 3,096	(152,844)		-
Total Expenses	149,882	(130,722)	22,122	(152,844)		7,088
NET SURPLUS/(DEFICIT)	(149,882)	150,732	(2,072)	152,804		12,962

FY 2022 provision was calculated using a "projected closing FY2021 provision" as the opening figure and adjusted for budgeted expenditure using the RBA rates available at the time.

The projected FY2022 & the FY23 Budget provision is calculated with RBA rates remaining unchanged as at 30.06.2021.

The variances are reconciled below:

	PROJECTED	BUDGET FY22	VARIANCE	BUDGET FY23
Projected FY2021 Provision used to open Budget provision calculation 2022		3,153,149		
Actual FY2021 Provision as per Financial Statements	2,981,022			
Projected FY2022 Provision used to open Budget provision calculation 2023				2,639,121
Budgeted FY2022 expenditure		204,750		-
Projected FY2022 expenditure as at 30.06.2022	185,960			
Budgeted FY2023 expenditure				207,212
Budgeted FY2022 Provision required		2,945,303		-
Projected FY 2022 Provision required	2,639,121			
Projected FY 2023 Provision required				2,413,779
Movement in Provision	155,940	3,096	-	152,844
				18,130

BALANCE SHEET BUDGET REVIEW JULY - MARCH 2022

	July - March 2022	Projected June 2022	Budget 2022	Variance	Comments	Budget 2023
	\$	\$	\$	\$		
ASSETS						
Current Assets						
Cash and Cash Equivalents	60,985	135,280	57,306	77,974		128,957
Trade and Other Receivables	66,698	5,000	5,000	-		5,000
Total Current Assets	127,682	140,280	62,306	77,974		133,957
Non-Current Assets						
Monitoring Stations & Flare	117,382	105,532	105,532	-		80,314
Total Non-Current Assets	117,382	105,532	105,532	-		80,314
Total Assets	245,064	245,812	167,838	77,974		214,271
LIABILITIES						
Current Liabilities						
Trade and other payables	1,177	6,608	15,000	(8,392)		15,000
LGFA Loan	13,398	27,554	27,554	-		28,596
Provision for Closure Costs	244,703	208,930	208,930	-	Provision as at 31.03.22 is kept inline with financial statement 30.06.21 as no adjustment is made until year end.	258,348
Total Current Liabilities	259,277	243,092	251,484	- 8,392		301,945
Non-Current Liabilities						
LGFA Loan	132,467	104,913	104,913	-		76,317
Provision for Closure Costs	2,736,319	2,430,191	2,736,373	(306,182)		2,155,431
Total Non-Current Liabilities	2,868,786	2,535,104	2,841,286	(306,182)		2,231,748
Total Liabilities	3,128,063	2,778,196	3,092,770	(314,574)		2,533,692
NET ASSETS	(2,882,998)	(2,532,384)	(2,924,931)	392,547		(2,319,421)
EQUITY						
Accumulated surplus	(2,882,998)	(2,532,384)	(2,924,931)	392,547		(2,319,421)
Total Equity	(2,882,998)	(2,532,384)	(2,924,931)	392,547		(2,319,421)

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STATEMENT OF CHANGES IN EQUITY BUDGET REVIEW JULY - MARCH 2022

	Projected June 2022	Budget 2022	Variance	Comments	Budget 2023
	\$	\$	\$		
ACCUMULATED SURPLUS					
Balance at beginning of the year	(2,883,116)	(3,122,859)	239,743	Budget 2023 is based on the projected closing balance 2022	(2,532,384)
Change in financial position resulting from operations	150,732	(2,072)	152,804		12,962
Funds from Member Councils	200,000	200,000	-		200,000
TOTAL EQUITY	(2,532,384)	(2,924,931)	392,547		(2,319,421)

STATEMENT OF CASH FLOWS BUDGET REVIEW JULY - MARCH 2022

	July - March 2022	Projected June 2022	Budget 2022	Variance	Comments	Budget 2023
	\$	\$	\$	\$		\$
CASH FLOWS FROM OPERATING ACTIVITIES						
<u>Receipts</u>						
Bank Interest & Sundry	19,935	20,000	20,000	-	Bank Interest & Suez	20,050
Other Revenue	9,261	15,000	15,000		ATO reimbursements	15,000
<u>Payments</u>						
Finance payments	(13,151)	(26,549)	(26,549)			(27,554)
Net Cash provided by (or used in) Operating Activities	16,045	8,451	8,451	(0)		7,497
CASH FLOWS FROM INVESTING ACTIVITIES						
Flare - Bio Filter	-	-				
Payments from Provision	(152,602)	(180,244)	(237,971)	(57,727)		(213,820)
Net Cash paid for Investing Activities	(152,602)	(180,244)	(237,971)	57,727		(213,820)
CASH FLOWS FROM FINANCING ACTIVITIES						
LGFA Loan	-	-				
Funds paid by Member Councils	89,465	200,000	200,000			200,000
Net Cash provided by (or used in) Financing Activities	89,465	200,000	200,000	-		200,000
Net Increase (Decrease) in cash held	(47,093)	28,207	(29,520)	57,727		(6,323)
Cash and cash equivalents at beginning of period	107,073	107,073	86,826	20,247	The opening balance for the Budget 2022 was based on the Projected closing balance FY2021.	135,280
Cash and cash equivalents at end of period	59,980	135,280	57,306	77,974		128,957
Total Cash and cash equivalents at end of period	59,980	135,280	57,306	77,974		128,957

11.5 ENDORSEMENT OF THE DRAFT 2022-2023 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN

REPORT AUTHOR: Economic Development Coordinator
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4616
FILE REFERENCE: qA85811
ATTACHMENTS: A – C

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the final *Draft of the 2022-2023 Annual Business Plan*, for approval.

BACKGROUND

At its meeting held on 15 February 2022, the Norwood Parade Precinct Committee (NPPC) resolved the following:

That the Draft 2022-2023 Norwood Parade Precinct Annual Business Plan be endorsed as being suitable to present to the Council for its endorsement and approval to be released for consultation with The Parade Precinct business community for a period of twenty-one (21) days.

The *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* was presented and endorsed by the Council at its March 2022 meeting and was subsequently released for consultation with The Parade Precinct business community for a period of twenty-one (21) days from Friday 1 April until Thursday 21 April 2022. Comments were invited via email and in writing. In response one (1) submission has been received. A copy of the submission is contained in **Attachment A**. The summary of the submission and a response to the issues raised in the submission are contained in **Attachment B**.

The draft Plan is based on collecting \$215,000 in revenue through The Parade Separate Rate in 2022-2023. In accordance with the Council's resolution to extend the Separate Rate, this amount of revenue will also be collected for the 2023-2024 financial year, however a new Annual Business Plan will be developed for the 2023-2024 financial year to determine the allocation of the revenue.

A copy of the final *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* is contained in **Attachment C**.

The report setting out the results of the consultation was prepared and included in the Norwood Parade Precinct Agenda for the meeting scheduled for Tuesday 10 May 2022. Due to a lack of quorum the meeting was cancelled. The Norwood Parade Precinct Committee meeting was then re-scheduled for Tuesday 17 May 2022. This meeting also received a number of apologies, which again resulted in a lack of quorum for the second time and was also subsequently cancelled.

The Committee considered and endorsed the consultation draft of the *2022-2023 Norwood Parade Precinct Annual Business Plan* and made no changes prior to the document being released for consultation. Given that only one (1) submission has been lodged, which did not impact directly on the contents within the draft Annual Business Plan, or the proposed distribution of the budget and that the Annual Business Plan is used to inform the Council's Budget, a decision was made to present the final *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* directly to the Council for final endorsement.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Objectives and Strategies contained in *CityPlan 2030* are outlined below:

Outcome 3: Economic Prosperity

A dynamic and thriving centre for business and services.

- **Objective 3.1 A diverse range of businesses and services.**
 - Strategy 3.1.1 - Support and encourage local small, specialty, independent and family-owned businesses.
- **Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.**
 - Strategy 3.2.1 - Retain, enhance and promote the unique character of all our City's business precincts.
 - Strategy 3.2.3 - Promote the City as a tourist destination.
- **Objective 3.5 A local economy supporting and supported by its community.**
 - Strategy 3.5.1 - Support opportunities for people to collaborate and interact in business precincts.
 - Strategy 3.5.2 - Retail accessible local shopping and services.

The relevant Strategies contained in the *2021-2026 Economic Development Strategy* are outlined below:

Dynamic & Diverse City

Outcome: A City with thriving and resilient business sectors that drive employment and deliver growth.

Objective: Support the growth and viability of the City's business sectors based on their competitive strength and strategic priority.

- Strategy 1.1 - Focus on the support and growth of the City's priority sectors
- Strategy 1.3 - Identify emerging trends and support opportunities for economic growth
- Strategy 1.4 - Promote opportunity and collaboration across the sectors
- Strategy 1.5 - Identify and promote local competitive advantage

Destination City

Outcome: A destination with dynamic, cultural, vibrant and attractive precincts.

Objective: Increase the number of people who live, work and visit the City and enhance the community well-being of existing residents, workers and visitors.

- Strategy 2.1 - Showcase and promote the City's attractions and events to facilitate growth in visitation and spending.
- Strategy 2.2 - Support the City's vibrant mainstreet precincts.
- Strategy 2.3 - Facilitate the activation of key spaces and precincts in the City.
- Strategy 2.4 - Work with local business operators to strengthen the viability of precincts and enhance the customer experience.

Innovative City

Outcome: An innovative City that supports business and attracts investment.

Objective: Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.

- Strategy 3.2 - Recognise businesses and business sectors that make a significant contribution to the City.
- Strategy 3.3 - Facilitate communication, education and networking programs to support businesses.
- Strategy 3.5 - Encourage sustainable working methods in all aspects of business.

Business Friendly City

Outcome: A City that understands the needs of business.

Objective: Remove barriers and make it easy for business owners to start, run and grow a business.

- *Strategy 4.1 - Ensure that Council processes are business friendly and contribute to a well-functioning City.*

FINANCIAL AND BUDGET IMPLICATIONS

The *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* is based on a total budget of \$215,000, which is the total amount that the Council will receive from The Separate Rate.

The total cost incurred in placing the *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* on consultation totalled \$1,886. This amount has been deducted from the 2021-2022 Norwood Parade Precinct Budget. This cost related to the:

- letter distribution to The Parade Precinct business and property owners;
- printing of posters and postcards; and
- the notice placed in *The Advertiser*.

EXTERNAL ECONOMIC IMPLICATIONS

The *Draft 2022-2023 Parade Precinct Annual Business Plan*, includes strategies and initiatives which are intended to improve the economy of the Norwood Parade Precinct in areas including, but not limited to:

- increasing diversity of businesses and services;
- prosperity and development of The Parade Precinct;
- attracting investment and business opportunities to the area;
- increasing local employment opportunities;
- development and support of appropriate industry clusters;
- building community support;
- attracting tourism visitors to The Parade; and
- creating a cohesive brand for The Parade.

The success of the *2022-2023 Parade Precinct Annual Business Plan* may be impacted upon by the broader economic environment such as the long-lasting effects on businesses as a result of the COVID-19 Pandemic. Whilst the Annual Business Plan does not make specific reference to the Pandemic, the affects on business will be considered during the development and implementation stages of programs and initiatives. The Annual Business Plan is a high-level document and to remain flexible and be able to respond to external economic issues as they arise, the budget allocations set out in the document are fluid and funds can be re-allocated at the Committee's discretion.

SOCIAL ISSUES

The future development of key business precincts such as The Parade, Norwood impacts positively on the City. A vibrant local economy contributes significantly to creating a vibrant local community and assists in developing social capital.

CULTURAL ISSUES

Many of the initiatives highlighted as part of the *2022-2023 Norwood Parade Precinct Annual Business Plan* aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* is reliant upon the collection of the Separate Rate, and its implementation will be undertaken by the Council's Economic Development Team with input and involvement from other Council Staff and external contractors as required.

CONSULTATION

- **Elected Members**

Mayor Robert Bria and Councillors Sue Whittington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the Norwood Parade Precinct Committee and have considered the draft *2022-2023 Norwood Parade Precinct Annual Business Plan* prior to its release for consultation.

- **Business Community**

The *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* was released for consultation on Friday 1 April, with comments sought in writing by no later than 5.00pm, Thursday 21 April 2022.

A letter was sent to all businesses and property owners on The Parade advising of the Draft Plan and the consultation process. Posters and postcards were placed at the Norwood Town Hall Customer Service Centre and a notice was also placed in *The Advertiser* on the first day of the consultation period. In addition information was published on the Council and The Parade websites and an Electronic Direct Marketing (EDM) advising The Parade traders of the consultation was also distributed. Copies of the Draft Plan were made available at the Norwood Town Hall.

One (1) submission has been received by the Council during the consultation period for the *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan*. The focus of the comment in the submission is in relation to activating the section of The Parade between Osmond Terrace and Fullarton Road.

- **Staff**

General Manager, Corporate Services
Financial Services Manager
Manager, Economic Development & Strategic Projects
Economic Development Officer

- **Other Agencies**

Not Applicable

DISCUSSION

The one (1) submission which was received during the consultation period, raises the following issues:

- greater efforts should be made to promote the precinct as a whole; and
- the Council should host and promote events and activations west of Osmond Terrace.

A summary of the submission and a response to the issues raised in the submission are contained in **Attachment B**. Given that the focus of the submission is based on the delivery of events and initiatives, with no focus on the draft Annual Business Plan and how the Committee has recommended that the \$215,000 should be allocated. it is recommended that no changes be made to the draft Annual Business Plan and on the allocation of the funds.

Pursuant to the Terms of Reference, which have been set by the Council, the Norwood Parade Precinct Committee is required to prepare an Annual Business Plan prior to each financial year, to guide its programmes and initiatives for the ensuing financial year and to assist in determining the funding requirements for consideration and approval by the Council. Whilst the Committee has not endorsed the final draft, which is being presented to the Council, it did consider and endorse the draft which was released for consultation.

A summary of how the Committee proposes to allocate the revenue received from The Separate Rate is outlined in Table 1 below. The allocation has been based on the 2021-2022 allocations and the patterns of spend by the Committee.

TABLE 1: NORWOOD PARADE PRECINCT COMMITTEE 2022-2023 ANNUAL BUSINESS PLAN

Strategies	Budget
Events & Activations	
<i>Events & Activations</i>	\$40,000
	\$40,000
Marketing & Communication	
<i>Website</i>	\$4,000
<i>Social Media</i>	\$5,000
<i>Advertising</i>	\$50,000
	\$59,000
Identity & Brand	
<i>Sponsorship</i>	\$7,500
<i>Signage & Street Decorations</i>	\$50,000
<i>Merchandise</i>	\$1,000
<i>Competitions & Promotions</i>	\$50,000
	\$108,500
Business Development	
<i>Networking</i>	\$3,000
<i>Business Training</i>	\$3,000
	\$6,000
Administration	
<i>Catering</i>	\$1,000
<i>Print, Post & Distribution</i>	\$500
	\$1,500
TOTAL	\$215,000

OPTIONS

The Council can approve the *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* contained in **Attachment C**. Alternatively, the Council can amend or delete strategies and respective budget allocations.

CONCLUSION

A response will be provided to the property owner who has made a submission.

COMMENTS

Nil.

RECOMMENDATION

That the *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan*, as contained in **Attachment C**, be approved.

Attachments – Item 11.5

Attachment A

Endorsement of the Draft 2022-2023 Norwood Parade Precinct Annual Business Plan

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

[Redacted]

From: [Redacted]
Sent: Thursday, 14 April 2022 1:48 PM
To: Townhall
Cc: [Redacted]
Subject: NORWOOD PARADE PRECINCT CONSULTATION

Dear NPSP

Thank you for the invitation to comment on the Annual Business plan 2022-2023.
As a part owner of a prominent site at 85-89 The Parade Norwood, I would firstly like to thank you for all you do for the precinct.
It has a great future and is certainly one of the best precincts in Adelaide.
I do strongly believe however, there is so much more you can do and with more consideration to the precinct as a whole.

We were personally smashed by Covid and lost 2 long standing tenants whom had between them occupied 3 of our shops.
The equivalent of 300sqm of retail space with prominent street frontage has been vacant for two long years.
We have found it difficult to lease these empty tenancies as we fall just outside of the "dynamic" strip where so much of the NPSP promotional energy is focussed.
We are a family concern and we are very proud of our property and have complete pride in owning a small part of the precinct.
We would however like to see more Council effort to host and promote events and activation West of the Osmond terrace intersection.

It is an attractive area, it boasts heritage streetscape and the beloved Norwood oval.
The businesses based in this section of The Parade would welcome your support and your attention.
I strongly feel this has been lacking over many years.
Greater assistance would help stop the increasing rate of vacancies which of late have alarmingly continued.

Can you please advise what you have in mind and planned for activation on The Parade between Osmond Terrace and Sydenham Road?
I am concerned there is very little other than football.
When I read your glossy business plan there are not even pictorial representations of this area and there is certainly no mention to activate the precinct as a whole.

I look forward to hearing from you
Warm regards

[Redacted signature block]

Attachment B

Endorsement of the Draft 2022-2023 Norwood Parade Precinct Annual Business Plan

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
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City of
Norwood
Payneham
& St Peters

2022-2023 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN – CONSULTATION SUMMARY OF SUBMISSIONS

Submission Number	Property Owner/ Business Owner (if known)	Comments	Response	Action for Annual Business Plan
01	Property Owner	Would like to see more Council effort to host and promote events and activations west of the Osmond Terrace intersection.	<p>Noted. The Council is currently progressing with the implementing The Parade Masterplan, which will deliver an upgraded streetscape along the full length of The Parade. The upgrade of The Parade will significantly improve the amenity of The Parade, which will be achieved through improved footpaths for pedestrians, additional seating and landscaping.</p> <p>Council Staff have investigated several locations west of Osmond Terrace to host events, but unfortunately the existing infrastructure does not support large activations.</p> <p>During the 2021-2022 financial year, the Norwood Parade Precinct Committee has focussed efforts on improving the west section of The Parade by installing promotional material, such as bin decals on existing street assets.</p> <p>The Norwood Parade Precinct Committee will continue to consider ways and initiatives to activate The Parade west of the Osmond Terrace intersection.</p>	No action required.
01	Property Owner	Glossy business plan does not have a pictorial representation of the area west of Osmond Terrace.	Noted.	Amend the Annual Business Plan to include some pictorial representation of the western section of The Parade.

Attachment C

Endorsement of the Draft 2022-2023 Norwood Parade Precinct Annual Business Plan

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

DRAFT 2022-2023
ANNUAL BUSINESS PLAN
NORWOOD PARADE PRECINCT COMMITTEE



TASTE
STYLE
SHOP
LIVE
PLAY
VISIT





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EVENTS & ACTIVATIONS	11
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IDENTITY & BRAND	13
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OVERVIEW

The City of Norwood Payneham & St Peters established the Norwood Parade Precinct Committee pursuant to Section 41 of the *Local Government Act 1999*. The Norwood Parade Precinct Committee is governed by Terms of Reference, which were adopted by the Council on the 2 November 2020.

The Norwood Parade Precinct Committee is responsible for delivering exciting initiatives to develop and promote The Parade, Norwood as a vibrant cultural and leisure tourism destination for businesses, residents and visitors.

The Committee consists of the Mayor, four Elected Members and eight independent members who represent the interests of commercial landlords and business owners trading within the Norwood Parade Precinct.

The key role of the Committee is to develop and recommend to the Council an Annual Business Plan and Budget for The Parade Precinct, while overseeing its implementation once approved by the Council.

The Committee also facilitates networking and communication between The Parade business community and the Council.

PURPOSE

The purpose of the 2022-2023 Annual Business Plan is to promote and capitalise on the current retail and commercial activity generated within The Parade Precinct to ensure future growth and the potential of the Precinct.

This Business Plan focuses on developing marketing and promotional activities to stimulate visitation, activate the area and encourage retail, services, leisure and dining patronage to The Parade.

The Business Plan outlines a series of objectives and strategies that will achieve The Parade's overall vision.



A VIBRANT MEETING
PLACE AND BUSINESS
PRECINCT WHERE RESIDENTS
AND VISITORS CAN
EXPERIENCE AND ENJOY
A PLACE TO EAT, MEET,
SHOP AND DO BUSINESS.

OBJECTIVES

The objectives of the 2022-2023 Annual Business Plan are to:

- Attract new customers.
- Promote the Precinct.
- Build on the Precinct's unique atmosphere, culture and 'sense of place'.
- Strengthen relationships amongst businesses and provide support.

BUDGET

The total budget for the 2022-2023 Annual Business Plan is **\$215,000** which is the amount the Council will collect through the Separate Rate.





ALLOCATED SPEND



ITEM NUMBER	STRATEGY	ALLOCATED FUNDS
1.1	Events & Activations	\$40,000
2.1	Website	\$4,000
2.2	Social Media	\$5,000
2.3	Advertising	\$50,000
3.1	Sponsorship	\$7,500
3.2	Signage & Street Decorations	\$50,000
3.3	Merchandise	\$1,000
3.4	Competitions & Promotions	\$50,000
4.1	Networking	\$3,000
4.2	Business Training	\$3,000
5.1	Catering	\$1,000
5.2	Print, Post & Distribution	\$500
	TOTAL	\$215,000



EVENTS & ACTIVATIONS

01



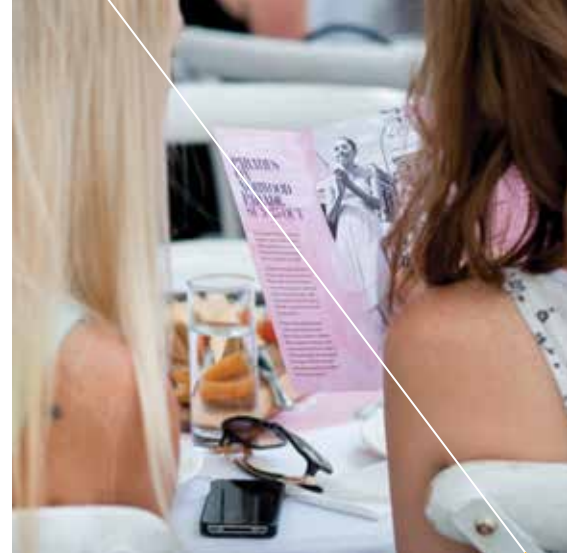
Develop, support and implement events and activations on The Parade to attract customers, provide a unique experience and grow the Precinct's reputation as a leading cultural Precinct.

1.1 EVENTS & ACTIVATIONS

Support the Council's current major events held on The Parade including; Tour Down Under, Norwood Christmas Pageant and an annual fashion event and investigate options to host smaller events and activations throughout the year.

BUDGET — \$40,000

MARKETING & COMMUNICATION



Implement a range of marketing initiatives that communicate and promote the positive strengths of The Parade to all markets.

2.1 WEBSITE

Regularly maintain and promote The Parade's website and improve functionality. Ensure that all businesses within the Precinct have a presence on the website and continue to update their information and utilise the 'offers' page to advise customers of any special promotions in store.

BUDGET — \$4,000

2.2 SOCIAL MEDIA

Develop a social media strategy to maximise effectiveness of current social media channels, increase engagement with current followers and attract new ones.

BUDGET — \$5,000

2.3 ADVERTISING

Develop and implement advertising campaigns promoting The Parade across a wide variety of mediums to increase visitation from the wider Adelaide region.

BUDGET — \$50,000

IDENTITY & BRAND

03



Further develop The Parade's brand and implement initiatives that define and communicate The Parade's identity and raise the community's appreciation of the Precinct.

3.1 SPONSORSHIP

Provide targeted sponsorship to external events and activities aimed at increasing patronage to The Parade for the benefit of all businesses in the Precinct.

BUDGET — \$7,500

3.2 SIGNAGE & STREET DECORATIONS

Implement signage and street decorations to promote specific campaigns, events and activities associated with the Precinct, in particular during the Christmas period.

BUDGET — \$50,000

3.4 COMPETITIONS & PROMOTIONS

Coordinate a major competition for The Parade that engages businesses and encourages community participation.

BUDGET — \$50,000

3.3 MERCHANDISE

Investigate options and purchase appropriate branded merchandise and distribute to businesses.

BUDGET — \$1,000

BUSINESS DEVELOPMENT

04



Foster improved business presentation, appearance and cooperation and support business capability and sustainability through education, training and networking.

4.1 NETWORKING

Host networking forums for Parade businesses and property owners to build and strengthen relationships. Focus on increasing numbers through the use of informative speakers, topics and venues.

BUDGET — \$3,000

4.2 BUSINESS TRAINING

Develop a business training and workshop program for businesses to educate traders on a range of topics such as marketing, social media and customer service.

BUDGET — \$3,000

ADMINISTRATION

05



Ensure the ongoing and effective administration of the Committee.

5.1 CATERING

Catering for Committee and special meetings.

TIMELINE — ONGOING

BUDGET — \$1,000

5.2 PRINT, POST & DISTRIBUTION

BUDGET — \$500



A nighttime photograph of the Inwood Place entrance. The entrance features a large, illuminated sign that reads "Inwood place" with a logo above it. The sign is set against a glass and metal structure. Below the sign, a large crowd of people is gathered, some looking towards the entrance. The scene is lit with warm, yellow lights, and the sky is dark blue. The overall atmosphere is lively and festive.

MEASUREMENT

In order to assess the success of the 2022-2023 Annual Business Plan, the various Strategies need to be measured. Methods of measurement may include:

- Recording attendance numbers at events.
- Analysing data from competition entries.
- Conducting feedback surveys.
- Evaluating the performance of businesses after a major activity or event.
- Website and social media reports.

City of Norwood Payneham & St Peters

Economic Development & Strategic Projects Unit
175 The Parade, Norwood SA 5067

Stacey Evreniadis

Economic Development Coordinator
T: 08 8366 4616
E: sevreniadis@npsp.sa.gov.au

Tyson McLean

Economic Development & Strategic Projects Officer
T: 08 8366 4512
E: tmclean@npsp.sa.gov.au

www.theparadenorwood.com



#ParadeNorwood

@ParadeNorwood

/TheParadeNorwood



11.6 SCIENCE ALIVE! – REQUEST FOR SPONSORSHIP

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59716
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request which has been received from the organisers of *Science Alive!* seeking the Council's support for the event which is scheduled to be held in July 2022.

BACKGROUND

The organisers of *Science Alive!* have approached the Council requesting sponsorship and support of the event which is scheduled to be held in the Norwood Concert Hall in 2022.

Science Alive! is proposed to be held for the second time in the City of Norwood Payneham & St Peters in the October 2022 school holidays. Mr Haddy, the organiser, has managed science events and activities around Australia, is passionate about sustainability and has been the Event Director of *Science Alive!* since the inaugural event in 2006.

Through the Youth Development program, the Council supported the 2021 Event which was held in the City for the first time in 2021.

A summary of the 2021 event (provided by Mr Haddy), is contained in **Attachment A**.

The organisers have once again approached the Council requesting that the Council provide sponsorship of the Event by waiving the hire fee of the Norwood Concert Hall for the 2022 event.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant objectives contained in CityPlan 2030 are:

Outcome 2: Cultural Vitality

2.1 An artistic, creative, cultural and visually interesting community

2.1.1 Use the arts to enliven the public realm and create a 'sense of place'.

2.1.2 Provide opportunities and places for creative expression for all people.

2.1.3 Attract and support cultural and creative organisations, businesses and individuals.

The relevant objectives contained in Youth Development Strategy 2019-2022 are:

Objective 1. Young people are connected, included and welcome in the life of the community

Strategy: Continue to offer arts and culture focused programs and events

In addition to the objectives, the Council's Youth Development Strategy focuses on four (4) key areas which includes Arts and Culture.

FINANCIAL AND BUDGET IMPLICATIONS

The costs to hire the Norwood Concert Hall for each event would be \$2,475.00 per day, with the hire of the Don Pyatt Hall at \$360 per day.

Whilst the organisers have requested that the hire fees be waived, they would be required to meet the following costs:

- \$60 per hour for labour (Fire Warden/COVID Marshall/First Aid/Supervisor/Room Set up);
- \$70 per hour for technician/electrician; and
- \$300 per day for cleaning.

The *Science Alive!* organisers charge an admission fee for children (adults are free to enter). This fee covers the associated costs of the activations and equipment required for the children to participate in the science activities during the event.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The Council is committed to providing opportunities for young people to contribute to the arts and participate in events which expose young people to new skills. *Science Alive!* provides a fun connection to the world of Science and Technology and children from 5 years to 16 years old.

Support for the event will demonstrate the Council's commitment to the strategies and objectives set out in the Council's *Youth Development Strategy*.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Should the Council determine to support the event, the Norwood Concert Hall Venue Manager, the Council's Event Coordinators and Communications Officer will assist with event logistics and promotional activities.

RISK MANAGEMENT

The Event Organisers will be required to provide a Risk Management Plan (which in any case is standard practice and is provided for all Council events) and the appropriate insurance arrangements.

COVID-19 IMPLICATIONS

The organisers will be required to comply with any COVID-19 restrictions which may be in place at the time the event is held.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Science Alive!

The *Science Alive!* organisers are proposing to run the Event from 14 July –15 July 2022, in the Norwood Concert Hall and Don Pyatt Hall.

A range of activities will be provided to children including:

- engaging with an electric circuit activity;
- challenging themselves at a range of hands-on exhibits from Questacon;
- interacting with a native animal or bugs n slugs display;
- attending a robotics workshop;
- viewing the night sky in an inflatable planetarium;
- having a Virtual Reality experience;
- making a creation at the 'science craft' table;
- learning more about dinosaurs; and
- attending '*Spectacular Science*' shows.

The organisers of *Science Alive!* is asking the Council to provide assistance by waiving the hire fee associated with the use the Norwood Concert Hall and the Don Pyatt Hall and assisting with the promotion of the event.

The organisers are requesting assistance with the 2022 event given the hardship which has been experienced by the events industry over the last two years.

OPTIONS

The Council can choose to:

- support the 2022 *Science Alive!* event; or
- not to support the event.

On the basis that this event aligns with the Council's *Youth Development Strategy*, is specifically for young people and will provide a unique opportunity for young people within the City of Norwood Payneham & St Peters to develop skills and knowledge in the areas of science, technology and music, it is recommended that the Council supports this Event.

Waiving the fees for the use of the Norwood Concert Hall will provide the assistance that the organisation needs as part of the post COVID recovery process and therefore will provide a significant benefit to the organisers to ensure that these events can proceed.

As the Council supported the 2021 *Science Alive!* event, it is recommended that the Council agrees to waive the fees by 50% for the 2022 event.

CONCLUSION

From a youth development perspective, the Council's *Youth Development Strategy* sets out that the Council has committed to offering *arts and culture focused programs and events* for young people. In this regard, the *Science Alive!* event aligns with the Council's *Youth Development Strategy*.

COMMENTS

Nil.

RECOMMENDATION

That the Council agrees to support the 2022 *Science Alive!* event and waive 50% of the fees associated with the hire of the Norwood Concert Hall and Don Pyatt Hall.

Attachments – Item 11.6

Attachment A

Science Alive! Request for Sponsorship

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

STEMmania@Norwood

October 2021

THE SCIENCE COLLECTIVE
STEM-mania!

Norwood Town Hall
October 5, 6 & 7 2021
1:30pm - 4:30pm

Sensational Science shows from Nitro Nat
Bugs & Slugs
Native Animal shows from Animals Anonymous
Spectacular chemistry
Engineering make-it challenges
Electric Circuits
Dinosaurs from Dig a Dino
Robotics from Techspace Learning
Questacon exhibits and more!



City of
Norwood
Payneham
& St Peters

All tickets must be pre-purchased from
<https://www.thesciencecollective.com>



the science
collective

The Marketing Campaign:

- Sponsored posts from The Science Collective Facebook Page
- Sponsored posts from Kids in Adelaide and Play & Go Facebook pages
- Co-hosting with City of Norwood, Payneham & St Peters Council FB page
- Website addition
- OSHC/School group mail out

 **The Science Collective**
Published by Louise Borgo · September 2, 2021 ·

We are bringing science family fun to Norwood and we couldn't be more excited. Thanks to the City of Norwood, Payneham and St Peters for their support and sponsorship. Tickets are on sale now. Just click on the events tab on our website!



THESCIENCECOLLECTIVE.COM

STEMmania @ Norwood | Science Collective
Family friendly, hands-on science in the heart of Norwood. Imagine...

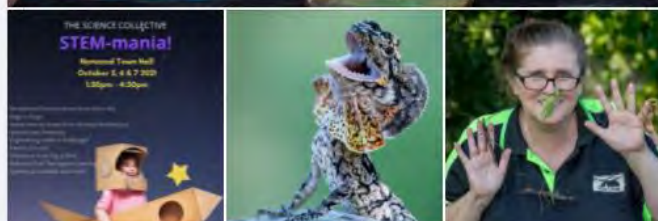
 **The Science Collective**
Published by Louise Borgo · September 8, 2021 ·

Have you booked your ticket yet? STEMmania is coming to Norwood and what better place to spend a day of your October holidays? There's great shopping, amazing food outlets and the afternoon filled with fabulous hands on experiences and shows. Just check out the talent! It's STEM-tastic fun for the whole family!



THE SCIENCE COLLECTIVE
STEM-mania!
Norwood Town Hall
October 5, 6 & 7 2021
1:30pm - 4:30pm

Sensational Science shows from Nitro Nat
Bugs n Slugs
Native Animal shows from Animals Anonymous
Spectacular chemistry
Engineering make-it challenges
Electric Circuits
Dinosaurs from Dig a Dino
Robotics from Techspace Learning
Question exhibits and more!



Kids In Adelaide

October 1, 2021 · 🌐

Attention Adelaide families!

If you've got a curious learner, a 'wannabe' scientist, a creepy-crawly obsessed little one or just a child who's bored out of their brain this school holidays, you'll want to check this out!

STEMmania is at Norwood Concert Hall from the 5th - 7th of October with an action-packed 3-hour science experience that's sure to keep both kids and parents entertained.

There'll be exhibits, animal shows, dinosaur crafts, and an awesome chemistry display, just to name a few. Imagine... all those learning opportunities that are *also* ridiculously FUN. This will impress even the 'cool' kids!

The program:

Shows included Nitro Nat's Colourful Crazy Chemistry Show, Animals Anonymous Native Animals Show and Professor Flint's Dinosaur Show

Activities included: Dig a Dino Craft, exhibits and workshops from Bugs n Slugs, Questacon exhibits, Chemistry workshops (am) and Slime workshops (pm) in the green room, Electric Circuits, Pinball machines, Paper rockets, Engineering challenge zone – marshmallow/spaghetti towers, mirror writing, bridge building.

With timetabled sessions for OSHC/Vacation Care groups in the morning and shows with free-choice activities in the afternoon, patrons were really spoilt for choice.

Most afternoon patrons (public/families) went out for lunch, for ice cream, to the bookstore or for general shopping before the session began and again, out for ice cream or beverages at its conclusion.

Due to Covid restrictions, it was a ticket-only event, with tickets available for purchase via The Science Collective website, with links available on Facebook and via Humanitix.

Session overview:

Vacation care sessions were offered from 10am – 1pm and public sessions were offered from 1.30pm – 4.30pm over the three days. This was deliberately designed to separate public patrons from school aged patrons, making the event a safer space for both groups.

Tuesday 5th October 2021

OSHC groups morning attendance:

Colonel Light Gardens Primary School (81 students)

Hawthorndene Primary School (40 students)

Parkside Primary School (40 students)

Total: 161 students

Public afternoon session:

159 adult tickets

221 children 3 – 14 tickets

15 children under 3 tickets

Totaling: 395/500



student volunteers

Wednesday 6th October 2021.

OSHC groups morning attendance:

Trinity Gardens School (80 students)

Plympton Primary School (65 students)

East Marden Primary School (50 students)

Norwood Primary School (50 students)

Total: 235 students

Public afternoon session:

178 adult tickets

239 children 3 – 14 tickets

25 children under 3 tickets

Total tickets 442/500



Slime zone in green room

Thursday 7th October 2021.

OSHC groups morning attendance:

Christian Brothers College (50 students)

Braeview R – 7 School (60 students)

Brighton Primary School (60 students)

Total: 170 students

Public afternoon session:

158 adult tickets

242 children 3 – 14 tickets

25 children under 3 tickets

Total tickets 425/500



Animals Anonymous show



Dig a Dino



Nitro Nat Show



Feedback & suggestions for improvement:

- Overwhelmingly feedback was terrific. The public enjoyed the use of the space and the central location, with shops close by for refreshments and to have a day out.
- “STEMmania was lots of fun and our students really enjoyed the variety of activities that were programmed on the day.” (East Marden)
- “Thank you for providing an engaging and interactive science excursion. WE look forward to attending again in the future.” (Braeview)

- **Suggestions for improvement:**

Better signs.

An allocated area for student bags.

A safe space for student recess break.

The issue of lifts and prams -lifts broke down so parents with prams found it difficult to navigate the stairs.



Kris from Bugs n Slugs with OSHC students

Section 3 – Governance & General Reports

11.7 NOMINATION TO EXTERNAL BODIES – LOCAL GOVERNMENT TRANSPORT ADVISORY PANEL

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2219
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia, for appointment to the Local Government Transport Advisory Panel.

Local Government Transport Advisory Panel

The Local Government Association of South Australia (LGA), is inviting nominations for appointment to the Local Government Transport Advisory Panel.

The Panel oversees the governance and operations of the Special Local Roads Program which has been in place in South Australia since 1985.

The objectives of the Special Local Roads Program are to:

- prioritise the construction and maintenance of strategic and significant local roads whose benefits exceed the boundary of the council and its community;
- support the delivery of local roads in an orderly and coordinated manner through evidence-based decisions that draw upon the best available State, Regional and Local plans; and
- demonstrate accountability and transparency in the administration of the program.

The Panel's role is to consider applications for Special Local Roads Program funding and make recommendations to the LGA Board of Directors, which are then forwarded to the South Australian Local Government Grants Commission and relevant State and Federal Ministers for approval.

A copy of the Local Government Transport Advisory Panel Terms of Reference is contained within **Attachment A**.

The current members of the Panel are:

- Mayor Keith Parkes, Alexandrina Council, (a member of the LGA Board);
- Mr Richard Dodson, Deputy CEO, Light Regional Council, (a member from a country Council);
- Mr Peter Tsokas, CEO, City of Unley, (a member from a metropolitan Council);
- Mr Lea Bacon, Director Policy, (as delegate of the LGA);
- Mr Peter Ilee, (as nominee of the Minister for Local Government); and
- Mr Andrew Excell, (as nominee of the Minister for Infrastructure and Transport).

The Terms of Reference were reviewed by the LGA Board in March 2022 and therefore, in accordance with the newly adopted Terms of Reference, the LGA is seeking nominations from suitably qualified Council representatives to fill two (2) new positions for a four (4) year term, commencing in August 2022.

Nominees are required to have relevant qualifications, experience and/or knowledge in the following:

- infrastructure planning and delivery;
- local, regional and state transport planning;
- preparation and/or evaluation of grant applications, including analysis of information of a technical and financial nature; and
- experience in an advisory board or committee that provides advice to a decision-making body.

The Panel meets at least three (3) times a year, at a location determined by the Chair. In accordance with the Terms of Reference, remuneration is not applicable for Members of the Panel.

Nominations for the Local Government Transport Advisory Panel must be forwarded to the LGA by 15 June 2022, via the Nomination form contained in Attachment B, and must include an up-to-date Resume.

A copy of the Selection Criteria and Nomination Form is contained within **Attachment B**.

The Local Government Transport Advisory Panel (the Panel) is a committee of the LGA, and whilst nominations are not required to be endorsed by the Council, it is this Council's practise to endorse any nomination (ie, Elected Member or staff nominations), for appointment to external committees.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

1. The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Local Government Transport Advisory Panel.

or

2. The Council nominates _____ to the Local Government Association for the Local Government Transport Advisory Panel.

Attachments – Item 11.7

Attachment A

Nomination to External Bodies Local Government Transport Advisory Panel

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

Local Government Transport Advisory Panel Terms of Reference

**Adopted by the LGA Board of
Directors on 17 March 2022**

Local Government Association of South Australia
Local Government Transport Advisory Panel
Terms of Reference

Adopted by the LGA Board of Directors on 17 March 2022

1. Establishment

To support the governance and operations of the Special Local Roads Program (SLRP), the Board of Directors (the Board) of the Local Government Association of South Australia (LGA) has resolved to establish a committee to operate as an independent and objective advisory committee to the Board, and to discharge the functions as determined by the Board.

2. Terms of Reference

- 2.1. These Terms of Reference set out the functions to be discharged by LGTAP.
- 2.2. The operation of the Terms of Reference may be altered by the Board either generally or in respect of specific circumstances by resolution. A resolution for the purposes of this clause 2.2 will be reported to all members of LGTAP within 7 business days of the meeting of the Board at which the resolution was passed.

3. Status

- 3.1. LGTAP is a committee of the LGA and is responsible to the Board for the discharge of its functions.

4. Objectives

- 4.1. LGTAP is responsible for providing oversight of the governance and operations of the SLRP. This includes providing strategic oversight of grant rounds, assessing applications for SLRP funding and providing recommendations to the Board regarding strategic local road projects suitable for funding in accordance with SLRP policy. LGTAP is also responsible for overseeing the management and reporting of active projects funded from the SLRP.
- 4.2. LGTAP provides advice and recommendation to the LGA Board who in turn provides advice and recommendations to the SA Local Government Grants Commission in accordance with the SLRP policies.

5. Membership

- 5.1. The membership of the LGTAP will comprise of:
 - 5.1.1. One Director from the LGA Board (**Director Member**) appointed by the Board, who shall be the Chair
 - 5.1.2. One senior representative of the LGA to provide an holistic whole of local government sector perspective as appointed by the LGA CEO

- 5.1.3. At least two and no more than four representatives of South Australian councils with requisite skills and experience in infrastructure planning and delivery, and/or grant management, and who are appointed by the Board (**Sector Members**). At least one sector member should come from a Greater Adelaide council and at least one sector member should come from a Regional council.
- 5.1.4. The Executive Officer of the SA Local Government Grants Commission as the representative of the Minister for Planning and Local Government
- 5.1.5. One representative of Minister for Infrastructure and Transport
- 5.2. Each member of LGTAP, with the exception of the Sector Members, will have a proxy member to attend meetings in their absence.
- 5.3. The term of office for members of LGTAP will be:
 - 5.3.1. Two years for the Director Member and will align with the bi-annual LGA elections of the Board. The Board may implement transitional arrangement to achieve this term, in the first instance, following the adoption of these Terms of Reference.
 - 5.3.2. Four years for the Sector Members, with appointments occurring every two years. The Board may implement transitional arrangements to achieve this term, in the first instance, following the adoption of these Terms of Reference.
 - 5.3.3. There is no term limit for the members nominated by the Minister for Planning and Local Government, Minister for Infrastructure and Transport and LGA CEO.
- 5.4. Director Member and proxy
 - 5.4.1. Appointment of the Director Member and proxy to LGTAP will be made by the LGA Board, as resolved from time to time.
 - 5.4.2. A casual vacancy in the position of a Director Member or proxy will occur if that member is no longer a Director on the LGA Board.
 - 5.4.3. The Board may resolve to re-appoint a Director Member or proxy on this Committee for up to two consecutive terms.
 - 5.4.4. The Director Member should ideally have knowledge, skills and experience in infrastructure planning and delivery, project management, local government, and governance.
 - 5.4.5. If required, training and development will be sourced and provided to the Director Member on matters/subjects within the LGTAP Terms of Reference.
- 5.5. Appointment and removal of the Sector Members will be managed by the LGA's Nominations Committee, who will facilitate an Expression of Interest (EOI) process and make recommendations to the LGA Board. The Board may appoint a Sector Member for up to two consecutive terms.
- 5.6. Members Skills and qualification
 - 5.6.1. All members will collectively bring the following knowledge, skills and experience to LGTAP:
 - sound project management, financial management and governance skills.
 - knowledge in infrastructure planning and delivery, and grant management.

- an understanding of local government and the operations of councils, and/or relationship with the local government sector.

5.7. Each member of LGTAP must:

- 5.7.1. Undertake their role as a committee member honestly and act with reasonable care and diligence in the performance and discharge of functions and duties.
- 5.7.2. Not make improper use of information acquired by virtue of their position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA or any of its controlled entities.
- 5.7.3. Not make improper use of their position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA or any of its controlled entities.
- 5.7.4. Not act in any matter where the committee member has a conflict of interest.

6. Basis of Operation

- 6.1. The LGTAP is responsible to the Board. It does not have any delegations or authority to implement actions in areas over which the Chief Executive Officer has responsibility.
- 6.2. The Committee does not have any management functions and is therefore independent of management.

7. Responsibilities

7.1. Board

- 7.1.1. The Board will receive, consider and respond to any report or recommendation provided to the Board by the LGTAP.

7.2. LGTAP

- 7.2.1. LGTAP will report the outcomes from LGTAP meetings to the Board.
- 7.2.2. LGTAP will make recommendations to the Board regarding any matter considered by the Committee.
- 7.2.3. LGTAP will fulfil its functions under these Terms of Reference in a timely, objective and professional manner.
- 7.2.4. Individual Committee members will bring their respective skills, expertise, and regulatory knowledge to assist the Committee to achieve its objectives.

7.3. Director Member

- 7.3.1. The Director Member will act as a conduit between LGTAP and the Board, and raise matters (within the scope of the LGTAP Terms of Reference) with the LGTAP, on behalf of the Board.
- 7.3.2. The Director Member will provide context for any recommendation of LGTAP.

- 7.3.3. The Director Member will provide a verbal report to the Board on key matters being considered by LGTAP at each Board meeting at which the minutes of the LGTAP are to be considered by the Board.

7.4. LGA Chief Executive

- 7.4.1. The LGA Chief Executive will make available to the LGTAP information of the LGA which is relevant to the functions of the SLRP.
- 7.4.2. The LGA Chief Executive will ensure that administrative, executive and program management support, as well as other resources are made available to LGTAP to enable the Committee to discharge its obligations under these Terms of Reference.

8. Functions of the LGTAP

- 8.1. LGTAP will assist the LGA in its role managing the SLRP for the benefit of South Australian councils and local government entities.
- 8.2. LGTAP will submit reports on the status of the SLRP to the LGA Board following each Committee Meeting.
- 8.3. LGTAP will review the SLRP policies every two years and submit any proposed changes to the LGA Board.
- 8.4. LGTAP will facilitate an annual grant round of the SLRP in accordance with the SLRP policies. As part of this role, LGTAP will assess and evaluate all applications for SLRP funding, and provide recommendations to the Board regarding strategic local road projects suitable for SLRP funding.
- 8.5. LGTAP will receive and evaluate regular progress reports from grant recipients in relation to funded projects, and report on the status of projects to the Board.
- 8.6. LGTAP may provide advice regarding the project management of funded projects, including extension requests, in accordance with SLRP policy.
- 8.7. The chairperson of the LGTAP will meet with the Audit and Risk Committee of the LGA or the LGA's external auditor on request.
- 8.8. LGTAP will ensure that the SLRP is being delivered in accordance with the LGA's policies and procedures, including the LGA's Grant Management Framework.
- 8.9. LGTAP will consider and respond to any other matter relating to the SLRP referred to the Committee by the President of the LGA or the relevant State Government Ministers.
- 8.10. The LGTAP will:
 - 8.10.1. ensure that the Board is informed of:
 - 8.10.1.1. any actual or potential breaches of the SLRP Policies and Procedures that it is aware of; and
 - 8.10.1.2. any SLRP funded project that it is aware of that has or is anticipated to materially exceed the approved project budget or time frame, or where there has been or anticipated to be a failure by a grant recipient, a breach of legislative, or any other item materially impacting the project.

- 8.10.2. make recommendations to the Board on any matter relevant to these Terms of Reference.
- 8.10.3. review these terms of reference bi-annually and make recommendations to the Board for any changes.

9. Sub-Committees

LGTAP may establish sub-committees consisting of any person with relevant experience, skill or expertise for any purpose and determine the terms of reference for such sub-committees.

10. Meetings

10.1. Resolution of the Board

Requirements under this clause 10 may be altered, supplemented or replaced by resolution of the Board.

10.2. Frequency of meetings and venue

- 10.2.1. LGTAP will meet at least three times per year at a venue and time determined by the Committee Chair;
- 10.2.2. LGTAP may meet remotely using video conferencing technology; and
- 10.2.3. The Chair of LGTAP or the Board may convene additional meetings of the LGTAP.

10.3. Chairperson

- 10.3.1. The chairperson of the LGTAP will be the Director Member, appointed by the Board; and
- 10.3.2. The representative of the LGA appointed by the LGA CEO shall act as the chairperson for the LGTAP meetings in the absence of the Chairperson.

10.4. Meeting procedure

LGTAP will adopt the LGA's meeting procedures. This includes the ability for LGTAP to discuss items in confidence in accordance with these procedures.

10.5. Attendance

- 10.5.1. Meetings of LGTAP will be closed to the public.
- 10.5.2. Relevant LGA staff may attend meetings of LGTAP on an ex officio basis; and
- 10.5.3. LGTAP may invite any person to attend its meetings.

10.6. Minutes

- 10.6.1. Minutes will be kept of all LGTAP meetings including a record of the actions of the Committee; and
- 10.6.2. Within five business days of a LGTAP meeting, the chairperson will review and confirm the draft minutes. The draft minutes will then be circulated to the LGTAP members for comment and if necessary, amendment before being certified as correct by the chairperson at the next meeting of LGTAP.

10.7. Quorum

A quorum for a LGTAP meeting is 4 members.

10.8. Out of session resolutions

- 10.8.1. The Committee may be asked to consider an item of business out of session.
- 10.8.2. When an out of session resolution is sought, Committee members will be provided with a written report and recommendation, and given five business days to respond in writing.
- 10.8.3. Out of session reports may or may not be accompanied with an out-of-session meeting to discuss the item.
- 10.8.4. Out of session resolutions will be formally noted in the minutes of the next LGTAP meeting.

11. Other

11.1. Performance assessment

The LGTAP will assess its performance against the delivery of the SLRP Policy Manual and these Terms of Reference annually.

11.2. Induction

- 11.2.1. There will be a program for inducting new members to the LGTAP.

11.3. Reporting

- 11.3.1. LGTAP will provide an annual report to the Board of Directors and the LGA Annual General Meeting summarising:
 - (a) the discharge of the LGTAP responsibilities and function under these Terms of Reference;
 - (b) the activities of the SLRP during the previous year;
 - (c) any other relevant information.

12. Access to information

- 12.1 LGTAP is entitled, acting through the Chief Executive, to access any information or discuss matters with staff of the LGA secretariat.
- 12.2 The Committee is authorised, at the LGA's expense, to obtain outside legal or other professional advice on any matter within its Terms of Reference.
- 12.3 Subject to confidentiality requirements as determined by the Board or the LGTAP, a copy of the Committee agenda, reports and minutes will be published on the LGA website for public viewing.

13. Remuneration and Expenses

- 13.1. No remuneration is payable to LGTAP members.
- 13.2. Expenses reasonably incurred in carrying out the role of a member of the LGTAP will be reimbursed by the LGA in accordance with the LGA's Board and Committee Member Allowances and Expenses Policy.



Local Government Association
of South Australia

148 Frome St
Adelaide SA 5000

GPO Box 2693
Adelaide SA 5001

T (08) 8224 2000

F (08) 8232 6336

E lgasa@lga.sa.gov.au

www.lga.sa.gov.au

Attachment B

Nomination to External Bodies Local Government Transport Advisory Panel

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

LGA Appointments Call for Nominations

Local Government Transport Advisory Panel (LGTAP)	
Governing Statute (if applicable)	Nil
Purpose/Objective	<p>The LGTAP oversees the governance and operations of the Special Local Roads Program (SLRP), a program that has been in place in South Australia since 1985.</p> <p>The LGTAP's role is to consider applications for SLRP funding and make recommendations to the LGA Board of Directors, which flow to the South Australian Local Government Grants Commission and relevant State and Federal ministers for approval.</p>
Administrative Details	<p>The LGTAP meets at least three times per year generally at a location to be determined by the Chair.</p> <p>There is no remuneration for LGTAP members.</p>
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> Local government knowledge and experience Infrastructure planning and delivery Knowledge of local, regional and state transport plans Preparation and/or evaluation of grant applications, including analysis of information of a technical and financial nature Experience in an advisory board or committee that provides advice to a decision-making body
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000</p>	

LGA Appointments — Nomination Form

Instructions

This form:

- *Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au*
- *Must be accompanied by a letter of recommendation from the council Chief Executive Officer*
- *Receipt of nomination will be acknowledged by return email*

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

Please refer to the *Call for Nominations* information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

NOMINEE to complete

Local Government Transport Advisory Pane (LGTAP)			
Nominee Details			
Name in full		Gender	
Home / Postal Address			
Phone		Mobile	
Personal Email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: <ul style="list-style-type: none"> • _____ • _____ 			

PART B

Undertaking:

The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?

Yes No

Signature of Nominee: _____

11.8 DEED OF VARIATION - COMMONWEALTH HOME SUPPORT PROGRAM

REPORT AUTHOR: Manager, Community Services
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4600
FILE REFERENCE: qA64449
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council for its endorsement, the Australian Government's Deed of Variation for services and programs which are delivered by the Council as part of the Commonwealth Home Support Program (CHSP).

BACKGROUND

As Elected Members are aware, the Council currently receives funding from the Federal Government's Department of Health, to deliver a range of home support services to older citizens living in the City, through the Commonwealth Home Support Program. The current Grant Agreement terminates on 30 June 2022. A new Deed of Variation and Grant Agreement has been issued by the Federal Government's Department of Health to extend the funding until 30 June 2023.

The funds will continue to be used to support the co-ordination and delivery of home support services (i.e. Domestic Assistance, Home Maintenance, Personal Care and Home Modifications) and social support programs (i.e. Shopping Transport, Excursions and Strength and Balance) to older citizens living in the City.

A copy of the Deed of Variation and Grant Agreement is contained within **Attachment A**.

The Deed of Variation requires the Council's endorsement.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Social Equity

Objective

1.1 Convenient and accessible services, information and facilities.

Strategy

1.1.2 Maximise access to services, facilities and information

Older citizens and their Carers will be able to gain access to services and programs to support them to remain in their homes and remain connected to the community, through funding provided by the Australian Government

FINANCIAL AND BUDGET IMPLICATIONS

Funding provided by the Federal Government for the Council's Home Support Program, is directly allocated to services and programs. The Council will receive an estimated \$1,004,946.07 for the period 1 July 2022 – 30 June 2023.

This funding is subject to the Federal Government's Department of Health receiving a signed and sealed Deed of Variation.

DISCUSSION

The Council's current Grant Agreement is for home support services covering the period 1 July 2020 to 30 June 2022. A new Grant Agreement and Deed of Variation has now been issued to the Council for the period 1 July 2022 - 30 June 2023.

The new Grant Agreement provides flexibility to enable the Council to re-allocate up to 50% of its funding across service types to meet demand. In this regard, the Council will be able to reallocate funds from services which have had a decline in demand to other services where demand is increasing without requiring the approval from the relevant Department of Health Grant Manager.

To ensure that the Council continues to receive funding support for these important services, the Deed of Variation must be signed and sealed in accordance with the Federal Government's Department of Health requirements.

RECOMMENDATION

That the Mayor and Chief Executive Officer be authorised to sign and seal the Australian Government's Department of Health's Deed of Variation, as contained within Attachment A.

Attachments – Item 11.8

Attachment A

Deed of Variation Commonwealth Home Support Program

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters



Australian Government

Department of Health

Organisation ID:	1-5U9-46
Agreement ID:	4-7SAKE7N
Program Schedule ID:	4-7SY14SD

Deed of Variation in relation to Aged Care Services

1. Date

This Deed is made on

2. Parties

This Deed is made between:

1. The Commonwealth, as represented by Department of Health, ABN 83 605 426 759 (the 'Commonwealth'); and
2. The City of Norwood Payneham and St Peters, ABN 11 390 194 824 (the 'Grantee').

3. Context

- A. The Parties entered in an agreement on 7 May 2018 under which the Commonwealth gave a Grant to the Grantee for Aged Care Services (the 'Agreement').
- B. The Parties have agreed to amend the Agreement on the terms and conditions contained in this Deed.

4. Amendments

With effect from the date of execution of this Deed, the Agreement is amended:

Funding for existing Activities under this Agreement is adjusted as per the table below. This table shows only those existing Activities with funding varied under this Deed:

Activity Name	Activity Id	Financial Year	Current Grant Amount (excl. GST)	Variation Amount (excl. GST)	New Total Grant Amount (excl. GST)
Personal Care - Community and Home Support	4-7WHPZSH	2018-2019	\$14,610.65	\$0.00	\$14,610.65
Personal Care - Community and Home Support	4-7WHPZSH	2019-2020	\$14,829.81	\$0.00	\$14,829.81
Personal Care - Community and Home Support	4-7WHPZSH	2020-2021	\$15,052.26	\$0.00	\$15,052.26
Personal Care - Community and Home Support	4-7WHPZSH	2021-2022	\$15,308.15	\$0.00	\$15,308.15

Personal Care - Community and Home Support	4-7WHPZSH	2022-2023	\$0.00	\$15,537.77	\$15,537.77
Social Support - Group - Community and Home Support	4-7WKLVAP	2018-2019	\$62,617.08	\$0.00	\$62,617.08
Social Support - Group - Community and Home Support	4-7WKLVAP	2019-2020	\$63,556.34	\$0.00	\$63,556.34
Social Support - Group - Community and Home Support	4-7WKLVAP	2020-2021	\$64,509.69	\$0.00	\$64,509.69
Social Support - Group - Community and Home Support	4-7WKLVAP	2021-2022	\$65,606.35	\$0.00	\$65,606.35
Social Support - Group - Community and Home Support	4-7WKLVAP	2022-2023	\$0.00	\$66,590.45	\$66,590.45
Social Support - Individual - Community and Home Support	4-7WKLVK2	2018-2019	\$26,799.93	\$0.00	\$26,799.93
Social Support - Individual - Community and Home Support	4-7WKLVK2	2019-2020	\$27,201.93	\$0.00	\$27,201.93
Social Support - Individual - Community and Home Support	4-7WKLVK2	2020-2021	\$27,609.96	\$0.00	\$27,609.96
Social Support - Individual - Community and Home Support	4-7WKLVK2	2021-2022	\$28,079.33	\$0.00	\$28,079.33
Social Support - Individual - Community and Home Support	4-7WKLVK2	2022-2023	\$0.00	\$28,500.52	\$28,500.52
Transport - Community and Home Support	4-7WKLVSV	2018-2019	\$133,583.09	\$0.00	\$133,583.09
Transport - Community and Home Support	4-7WKLVSV	2019-2020	\$135,586.84	\$0.00	\$135,586.84
Transport - Community and Home Support	4-7WKLVSV	2020-2021	\$137,620.64	\$0.00	\$137,620.64
Transport - Community and Home Support	4-7WKLVSV	2021-2022	\$139,960.19	\$0.00	\$139,960.19
Transport - Community and Home Support	4-7WKLVSV	2022-2023	\$0.00	\$142,059.59	\$142,059.59
Domestic Assistance - Community and Home Support	4-7WJL25Z	2018-2019	\$580,406.65	\$0.00	\$580,406.65
Domestic Assistance - Community and Home Support	4-7WJL25Z	2019-2020	\$589,112.75	\$0.00	\$589,112.75
Domestic Assistance - Community and Home Support	4-7WJL25Z	2020-2021	\$597,949.44	\$0.00	\$597,949.44
Domestic Assistance - Community and Home Support	4-7WJL25Z	2021-2022	\$608,114.58	\$0.00	\$608,114.58

Domestic Assistance - Community and Home Support	4-7WJL25Z	2022-2023	\$0.00	\$617,236.30	\$617,236.30
Home Maintenance - Community and Home Support	4-7WK235O	2018-2019	\$110,623.50	\$0.00	\$110,623.50
Home Maintenance - Community and Home Support	4-7WK235O	2019-2020	\$112,282.85	\$0.00	\$112,282.85
Home Maintenance - Community and Home Support	4-7WK235O	2020-2021	\$113,967.09	\$0.00	\$113,967.09
Home Maintenance - Community and Home Support	4-7WK235O	2021-2022	\$115,904.53	\$0.00	\$115,904.53
Home Maintenance - Community and Home Support	4-7WK235O	2022-2023	\$0.00	\$117,643.10	\$117,643.10
Home Modifications - Community and Home Support	4-7WK6LIV	2018-2019	\$16,341.40	\$0.00	\$16,341.40
Home Modifications - Community and Home Support	4-7WK6LIV	2019-2020	\$16,586.52	\$0.00	\$16,586.52
Home Modifications - Community and Home Support	4-7WK6LIV	2020-2021	\$16,835.32	\$0.00	\$16,835.32
Home Modifications - Community and Home Support	4-7WK6LIV	2021-2022	\$17,121.52	\$0.00	\$17,121.52
Home Modifications - Community and Home Support	4-7WK6LIV	2022-2023	\$0.00	\$17,378.34	\$17,378.34
Total			\$3,867,778.39	\$1,004,946.07	\$4,872,724.46

This variation extends the provider's agreement for service delivery until the end of 2022-23 financial year.

Revised payment amounts, reporting milestones and other detailed amendments resulting from this Deed are described in the Program Schedule, including any attachments, enclosed.

5. Entire agreement and interpretation

5.1 The parties confirm all the other provisions of the Agreement and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.

5.2 This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.

5.3 Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

Signatures

Organisation ID:	1-5U9-46
Agreement ID:	4-7SAKE7N
Program Schedule ID:	4-7SY14SD

Executed as a deed

Signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through Department of Health, ABN 83 605 426 759 in the presence of:

(Name of Departmental Representative)

(Signature of Departmental Representative)
...../...../.....

(Position of Departmental Representative)

(Name of Witness in full)

(Signature of Witness)
...../...../.....

Signed, sealed and delivered by The City of Norwood Payneham and St Peters, ABN 11 390 194 824 in accordance with its rules, and who warrants that he/she is authorised to sign this Deed:

(Name and position held by Signatory)

(Signature)
...../...../.....

(Name and position held by second Signatory/Name of Witness)

(Signature of second Signatory/Witness)
...../...../.....

Explanatory notes on the signature block

- If you are an **incorporated association**, you must refer to the legislation incorporating the association as it will specify how documents must be executed. This process may differ between each State and Territory. If an authorised person is executing a document on behalf of the incorporated association, you should be prepared to provide evidence of this authorisation upon request.
- If you are a **company**, generally two signatories are required – the signatories can be two Directors or a Director and the Company Secretary. Affix your **Company Seal**, if required by your Constitution.
- If you are a **company with a sole Director/Secretary**, the Director/Secretary is required to be the signatory in the presence of a witness (the witness date must be the same as the signatory date). Affix your **Company Seal**, if required by your Constitution.
- If you are a **partnership**, the signatory must be a partner with the authority to sign on behalf of all partners receiving the grant. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are an **individual**, you must sign in the presence of a witness (the witness date must be the same as the signatory date).
- If you are a **university**, the signatory can be an officer authorised by the legislation creating the university to enter into legally binding documents. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are a **trustee of a Trust**, the signatory must be a trustee (NOT the Trust) – as the trustee is the legal entity entering into the Agreement. If requested by you, the words ‘as trustee of the XXX Trust’ could be included at the end of the name.

Schedule – Amendments to the Agreement

- *The Program Schedule 4-7SY14SD is deleted and replaced with the updated Program Schedule 4-7SY14SD enclosed.*



Australian Government

Department of Health

**Commonwealth
Standard Grant Agreement**

between

the Commonwealth represented by

Department of Health

and

The City of Norwood Payneham and St
Peters

Grant Agreement 4-7SAKE7N

Once completed, this document, together with each set of Grant Details and the Commonwealth Standard Grant Conditions (Schedule 1), forms an Agreement between the Commonwealth and the Grantee.

Parties to this Agreement

The Grantee

Full legal name of Grantee	The City of Norwood Payneham and St Peters
Legal entity type (e.g. individual, incorporated association, company, partnership etc)	Local Government
Trading or business name	The City of Norwood Payneham and St Peters
Any relevant licence, registration or provider number	
Australian Company Number (ACN) or other entity identifiers	
Australian Business Number (ABN)	11 390 194 824
Registered for Goods and Services Tax (GST)	Y
Date from which GST registration was effective	
Registered office (physical)	175 The Parade, NORWOOD SA 5067
Relevant business place (if different)	
Telephone	08 8663 4600
Fax	08 8332 6338
Email	rbusolin@npsp.sa.gov.au

The Commonwealth

The Commonwealth of Australia represented by Department of Health
 23 Furzer Street PHILLIP ACT 2606
 ABN 83 605 426 759

Background

The Commonwealth has agreed to enter into this Agreement under which the Commonwealth will provide the Grantee with one or more Grants for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use each Grant and undertake each Activity in accordance with this Agreement and the relevant Grant Details.

Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms from the Clause Bank (if any);
- (c) the Standard Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) any other document referenced or incorporated in the Grant Details.

Each set of Grant Details, including Supplementary Terms (if any), only applies to the particular Grant and Activity covered by that set of Grant Details and a reference to the 'Agreement' in the Grant Details or the Supplementary Terms is a reference to the Agreement in relation to that particular Grant and Activity. If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to a Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire Agreement in relation to each Grant provided under it and the relevant Activity and supersedes all prior representations, communications, Agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

Grant Details

Organisation ID:	1-5U9-46
Agreement ID:	4-7SAKE7N
Schedule ID:	4-7SY14SD

A. Purpose of the Grant

The purpose of the Grant is to:

Provide funding to deliver the Activities described in Item B. Grant Activity in accordance with the objectives of the Commonwealth Home Support Programme:

- Provide high quality support services at a low intensity on a short-term or ongoing basis; or higher intensity services delivered on a short-term or episodic basis to eligible frail older people (65 years and over or 50 years and over for Aboriginal and Torres Strait Islander people) to maximise their independence at home and in the community.
- Support frail older people or prematurely aged people (50 years and over or 45 years and over for Aboriginal and Torres Strait Islander people) who are on a low income and who are homeless or at risk of homelessness through linking to appropriate and sustainable housing, community care and other support services.
- Support frail older people through the delivery of planned respite activities which allow carers to take a break from their usual caring responsibilities.
- Support the development of the home support aged care service system that meets the aims of the Commonwealth Home Support Programme and broader aged care system.

This Grant is being provided under, and these Grant Details form part of, the Agreement between the Commonwealth and the Grantee.

The Grant is being provided as part of the Aged Care Services program.

Personal Care - Community and Home Support - 4-7WHPZSH

B. Grant Activity

Objective

To provide frail, older people with support in activities of daily living that help them maintain appropriate standards of hygiene and grooming.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$75,338.64* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$14,610.65
2019-2020	\$14,829.81
2020-2021	\$15,052.26
2021-2022	\$15,308.15
2022-2023	\$15,537.77

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$3,598.68	\$0.00	\$3,598.68

Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$3,598.68	\$0.00	\$3,598.68
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$3,598.68	\$0.00	\$3,598.68
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$3,652.67	\$0.00	\$3,652.67
Indexation 2018-19 back payment	1 April 2019	\$161.94	\$0.00	\$161.94
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$3,652.66	\$0.00	\$3,652.66
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$3,652.66	\$0.00	\$3,652.66
Indexation 2019-20 back payment	1 October 2019	\$109.58	\$0.00	\$109.58
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$3,707.45	\$0.00	\$3,707.45
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$3,707.46	\$0.00	\$3,707.46
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$3,763.07	\$0.00	\$3,763.07
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$3,763.07	\$0.00	\$3,763.07
Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$3,763.07	\$0.00	\$3,763.07
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$3,763.05	\$0.00	\$3,763.05

Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$3,827.04	\$0.00	\$3,827.04
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$3,827.04	\$0.00	\$3,827.04
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$3,827.04	\$0.00	\$3,827.04
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$3,827.03	\$0.00	\$3,827.03
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$1,295.85	\$0.00	\$1,295.85
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$1,295.85	\$0.00	\$1,295.85
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$1,295.85	\$0.00	\$1,295.85
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$1,295.85	\$0.00	\$1,295.85
Payment in arrears for performance of Activity described in Item B for period 1 November 2022- 30 November 2022	30 November 2022	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$1,294.30	\$0.00	\$1,294.30

Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$1,294.30	\$0.00	\$1,294.30
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$1,294.27	\$0.00	\$1,294.27
Total Amount				
		\$75,338.64	\$0.00	\$75,338.64

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
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Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Social Support - Group - Community and Home Support - 4-7WKL VAP

B. Grant Activity

Objective

To assist frail, older people to participate in community life and feel socially included through structured, group-based activities that develop, maintain or support independent living and social interaction.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$322,879.91* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$62,617.08
2019-2020	\$63,556.34
2020-2021	\$64,509.69
2021-2022	\$65,606.35
2022-2023	\$66,590.45

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$15,422.93	\$0.00	\$15,422.93

Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$15,422.93	\$0.00	\$15,422.93
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$15,422.93	\$0.00	\$15,422.93
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$15,654.25	\$0.00	\$15,654.25
Indexation 2018-19 back payment	1 April 2019	\$694.04	\$0.00	\$694.04
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$15,654.27	\$0.00	\$15,654.27
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$15,654.27	\$0.00	\$15,654.27
Indexation 2019-20 back payment	1 October 2019	\$469.64	\$0.00	\$469.64
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$15,889.08	\$0.00	\$15,889.08
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$15,889.08	\$0.00	\$15,889.08
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$16,127.42	\$0.00	\$16,127.42
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$16,127.42	\$0.00	\$16,127.42
Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$16,127.42	\$0.00	\$16,127.42
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$16,127.43	\$0.00	\$16,127.43

Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$16,401.59	\$0.00	\$16,401.59
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$16,401.59	\$0.00	\$16,401.59
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$16,401.59	\$0.00	\$16,401.59
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$16,401.58	\$0.00	\$16,401.58
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$5,553.64	\$0.00	\$5,553.64
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$5,553.64	\$0.00	\$5,553.64
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$5,553.64	\$0.00	\$5,553.64
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$5,553.64	\$0.00	\$5,553.64
Payment in arrears for performance of Activity described in Item B for period 1 November 2022- 30 November 2022	30 November 2022	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$5,546.98	\$0.00	\$5,546.98

Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$5,546.98	\$0.00	\$5,546.98
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$5,547.03	\$0.00	\$5,547.03
Total Amount				
		\$322,879.91	\$0.00	\$322,879.91

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
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Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Social Support - Individual - Community and Home Support - 4-7WKLVK2

B. Grant Activity

Objective

To assist frail, older people to participate in community life and feel socially included through meeting their need for social contact and company.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$138,191.67* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$26,799.93
2019-2020	\$27,201.93
2020-2021	\$27,609.96
2021-2022	\$28,079.33
2022-2023	\$28,500.52

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$6,600.97	\$0.00	\$6,600.97

Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$6,600.97	\$0.00	\$6,600.97
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$6,600.97	\$0.00	\$6,600.97
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$6,699.97	\$0.00	\$6,699.97
Indexation 2018-19 back payment	1 April 2019	\$297.05	\$0.00	\$297.05
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$6,699.98	\$0.00	\$6,699.98
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$6,699.98	\$0.00	\$6,699.98
Indexation 2019-20 back payment	1 October 2019	\$201.00	\$0.00	\$201.00
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$6,800.48	\$0.00	\$6,800.48
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$6,800.49	\$0.00	\$6,800.49
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$6,902.49	\$0.00	\$6,902.49
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$6,902.49	\$0.00	\$6,902.49
Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$6,902.49	\$0.00	\$6,902.49
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$6,902.49	\$0.00	\$6,902.49

Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$7,019.83	\$0.00	\$7,019.83
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$7,019.83	\$0.00	\$7,019.83
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$7,019.83	\$0.00	\$7,019.83
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$7,019.84	\$0.00	\$7,019.84
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$2,376.94	\$0.00	\$2,376.94
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$2,376.94	\$0.00	\$2,376.94
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$2,376.94	\$0.00	\$2,376.94
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$2,376.94	\$0.00	\$2,376.94
Payment in arrears for performance of Activity described in Item B for period 1 November 2022- 30 November 2022	30 November 2022	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$2,374.09	\$0.00	\$2,374.09

Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$2,374.09	\$0.00	\$2,374.09
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$2,374.13	\$0.00	\$2,374.13
Total Amount				
		\$138,191.67	\$0.00	\$138,191.67

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
-----------	----------------------------	----------

Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
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Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
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Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Transport - Community and Home Support - 4-7WKLVSV

B. Grant Activity

Objective

To provide frail, older people with access to transport services that supports their access to the community.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$688,810.35* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$133,583.09
2019-2020	\$135,586.84
2020-2021	\$137,620.64
2021-2022	\$139,960.19
2022-2023	\$142,059.59

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$32,902.24	\$0.00	\$32,902.24

Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$32,902.24	\$0.00	\$32,902.24
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$32,902.24	\$0.00	\$32,902.24
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$33,395.77	\$0.00	\$33,395.77
Indexation 2018-19 back payment	1 April 2019	\$1,480.60	\$0.00	\$1,480.60
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$33,395.77	\$0.00	\$33,395.77
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$33,395.77	\$0.00	\$33,395.77
Indexation 2019-20 back payment	1 October 2019	\$1,001.87	\$0.00	\$1,001.87
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$33,896.71	\$0.00	\$33,896.71
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$33,896.72	\$0.00	\$33,896.72
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$34,405.16	\$0.00	\$34,405.16
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$34,405.16	\$0.00	\$34,405.16
Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$34,405.16	\$0.00	\$34,405.16
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$34,405.16	\$0.00	\$34,405.16

Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$34,990.05	\$0.00	\$34,990.05
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$34,990.05	\$0.00	\$34,990.05
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$34,990.05	\$0.00	\$34,990.05
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$34,990.04	\$0.00	\$34,990.04
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$11,847.77	\$0.00	\$11,847.77
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$11,847.77	\$0.00	\$11,847.77
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$11,847.77	\$0.00	\$11,847.77
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$11,847.77	\$0.00	\$11,847.77
Payment in arrears for performance of Activity described in Item B for period 1 November 2022- 30 November 2022	30 November 2022	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$11,833.56	\$0.00	\$11,833.56

Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$11,833.56	\$0.00	\$11,833.56
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$11,833.59	\$0.00	\$11,833.59
Total Amount		\$688,810.35	\$0.00	\$688,810.35

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
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Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Domestic Assistance - Community and Home Support - 4-7WJL25Z

B. Grant Activity

Objective

To provide frail, older people with assistance with domestic chores to maintain their capacity to manage everyday activities in a safe, secure and healthy home environment.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$2,992,819.72* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$580,406.65
2019-2020	\$589,112.75
2020-2021	\$597,949.44
2021-2022	\$608,114.58
2022-2023	\$617,236.30

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$129,809.62	\$0.00	\$129,809.62

Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$129,809.62	\$0.00	\$129,809.62
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$129,809.62	\$0.00	\$129,809.62
Additional Growth Round Payment for the period 1 July 2018 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$39,443.05	\$0.00	\$39,443.05
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$131,756.76	\$0.00	\$131,756.76
Additional Growth Round Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$13,344.89	\$0.00	\$13,344.89
Indexation 2018-19 back payment	1 April 2019	\$6,433.09	\$0.00	\$6,433.09
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$145,101.65	\$0.00	\$145,101.65
Indexation 2019-20 back payment	1 October 2019	\$4,353.05	\$0.00	\$4,353.05
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$145,101.65	\$0.00	\$145,101.65
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$147,278.17	\$0.00	\$147,278.17
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$147,278.23	\$0.00	\$147,278.23
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$149,487.36	\$0.00	\$149,487.36

Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$149,487.36	\$0.00	\$149,487.36
Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$149,487.36	\$0.00	\$149,487.36
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$149,487.36	\$0.00	\$149,487.36
Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$152,028.64	\$0.00	\$152,028.64
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$152,028.64	\$0.00	\$152,028.64
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$152,028.64	\$0.00	\$152,028.64
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$152,028.66	\$0.00	\$152,028.66
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$51,477.51	\$0.00	\$51,477.51
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$51,477.51	\$0.00	\$51,477.51
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$51,477.51	\$0.00	\$51,477.51

Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$51,477.51	\$0.00	\$51,477.51
Payment in arrears for performance of Activity described in Item B for period 1 November 2022- 30 November 2022	30 November 2022	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$51,415.78	\$0.00	\$51,415.78
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$51,415.80	\$0.00	\$51,415.80

Total Amount	\$2,992,819.72	\$0.00	\$2,992,819.72
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Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021

Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement

approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319

Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Home Maintenance - Community and Home Support - 4-7WK2350

B. Grant Activity

Objective

To provide home maintenance services that assist clients to maintain their home in a safe and habitable condition. Maintenance services provided must be linked to assisting clients to maintain their independence, safety, accessibility and health and wellbeing within the home environment. Maintenance services can also assist in creating a home environment that facilitates a client's reablement goals.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

Location Type	Name	Address

1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067
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Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$570,421.07* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$110,623.50
2019-2020	\$112,282.85
2020-2021	\$113,967.09
2021-2022	\$115,904.53
2022-2023	\$117,643.10

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
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Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$27,247.17	\$0.00	\$27,247.17
Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$27,247.17	\$0.00	\$27,247.17
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$27,247.17	\$0.00	\$27,247.17
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$27,655.86	\$0.00	\$27,655.86
Indexation 2018-19 back payment	1 April 2019	\$1,226.13	\$0.00	\$1,226.13
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$27,655.87	\$0.00	\$27,655.87
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$27,655.87	\$0.00	\$27,655.87
Indexation 2019-20 back payment	1 October 2019	\$829.67	\$0.00	\$829.67
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$28,070.71	\$0.00	\$28,070.71
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$28,070.73	\$0.00	\$28,070.73
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$28,491.77	\$0.00	\$28,491.77
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$28,491.77	\$0.00	\$28,491.77

Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$28,491.77	\$0.00	\$28,491.77
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$28,491.78	\$0.00	\$28,491.78
Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$28,976.13	\$0.00	\$28,976.13
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$28,976.13	\$0.00	\$28,976.13
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$28,976.13	\$0.00	\$28,976.13
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$28,976.14	\$0.00	\$28,976.14
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$9,811.43	\$0.00	\$9,811.43
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$9,811.43	\$0.00	\$9,811.43
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$9,811.43	\$0.00	\$9,811.43
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$9,811.43	\$0.00	\$9,811.43

Payment in arrears for performance of Activity described in Item B for period 1 November 2022-30 November 2022	30 November 2022	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$9,799.67	\$0.00	\$9,799.67
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$9,799.69	\$0.00	\$9,799.69
Total Amount		\$570,421.07	\$0.00	\$570,421.07

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021

Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at

Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

Home Modifications - Community and Home Support - 4-7WK6LIV

B. Grant Activity

Objective

To provide home modifications that increase or maintain levels of independence, safety, accessibility and wellbeing. Modification services can also assist in creating a home environment that supports reablement and restorative practices.

Description

The Grantee agrees to carry out the Activity as described in the Program Manual to eligible clients identified for this Activity in accordance with the Activity Work Plan (Item E.2) and the CHSP Program Manual (<https://www.health.gov.au/resources/publications/commonwealth-home-support-programme-chsp-manual>)

The Grantee agrees to participate in program development activity as reasonably requested by the Commonwealth.

Payment in arrears arrangements apply to this Activity with effect 1 July 2022

The Parties agree that from 1 July 2022 Grant payments for this Activity will be paid monthly in arrears, as outlined in the Program Manual, for eligible expenses for services delivered in the prior month with the exception of the first payment made on 4 July 2022.

Each payment will be equal to 1/12th of the performance of the Activity described in Item B over the period 1 July 2022 – 30 June 2023 and is not to exceed the amount showing in Item D.

The Activity period for the grant is until 30 June 2023. Providers must not carry out any Activities, using this funding, after this date. The Activity Completion date of 31 July 2023 is to enable any payment to be made for services delivered in June 2023.

Payments should be to pay for eligible expenses relating to services delivered in the relevant calendar month to eligible clients.

Payments are made for activities that comply with requirements outlined in the Program Manual.

Payments will be made to providers provided activities are reported within Data Exchange by 14th day of each month. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee otherwise.

The Grantee is responsible for sustainably managing its service delivery and number of clients. Grantees are contracted to deliver a specific number of outputs and any decision to exceed the agreed outputs is taken at the Grantee's own risk and cost.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
As described in the Activity Work Plan	As described in the Activity Work Plan and Item E. Reporting

Location Information

The Activity will be delivered from the following site location/s:

Location Type	Name	Address

1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067
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Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 July 2018.

The Activity (other than the provision of any final reports) ends on 31 July 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$84,263.10* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$16,341.40
2019-2020	\$16,586.52
2020-2021	\$16,835.32
2021-2022	\$17,121.52
2022-2023	\$17,378.34

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
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Payment for the period 1 July 2018 - 30 September 2018 for the Activity described in Item B. Grant Activity	1 July 2018	\$4,024.98	\$0.00	\$4,024.98
Payment for the period 1 October 2018 - 31 December 2018 for the Activity described in Item B. Grant Activity	1 October 2018	\$4,024.98	\$0.00	\$4,024.98
Payment for the period 1 January 2019 - 31 March 2019 for the Activity described in Item B. Grant Activity	1 January 2019	\$4,024.98	\$0.00	\$4,024.98
Payment for the period 1 April 2019 - 30 June 2019 for the Activity described in Item B. Grant Activity	1 April 2019	\$4,085.33	\$0.00	\$4,085.33
Indexation 2018-19 back payment	1 April 2019	\$181.13	\$0.00	\$181.13
Payment for the period 1 July 2019 - 30 September 2019 for the Activity described in Item B. Grant Activity	1 July 2019	\$4,085.35	\$0.00	\$4,085.35
Payment for the period 1 October 2019 - 31 December 2019 for the Activity described in Item B. Grant Activity	1 October 2019	\$4,085.35	\$0.00	\$4,085.35
Indexation 2019-20 back payment	1 October 2019	\$122.56	\$0.00	\$122.56
Payment for the period 1 January 2020 - 31 March 2020 for the Activity described in Item B. Grant Activity	1 January 2020	\$4,146.63	\$0.00	\$4,146.63
Payment for the period 1 April 2020 - 30 June 2020 for the Activity described in Item B. Grant Activity	1 April 2020	\$4,146.63	\$0.00	\$4,146.63
Payment for the period 1 July 2020 - 30 September 2020 for the Activity described in Item B. Grant Activity	4 July 2020	\$4,208.83	\$0.00	\$4,208.83
Payment for the period 1 October 2020 - 31 December 2020 for the Activity described in Item B. Grant Activity	4 October 2020	\$4,208.83	\$0.00	\$4,208.83

Payment for the period 1 January 2021 - 31 March 2021 for the Activity described in Item B. Grant Activity	4 January 2021	\$4,208.83	\$0.00	\$4,208.83
Payment for the period 1 April 2021 - 30 June 2021 for the Activity described in Item B. Grant Activity	4 April 2021	\$4,208.83	\$0.00	\$4,208.83
Payment for the period 1 July 2021 - 30 September 2021 for the Activity described in Item B. Grant Activity	4 July 2021	\$4,280.38	\$0.00	\$4,280.38
Payment for the period 1 October 2021 - 31 December 2021 for the Activity described in Item B. Grant Activity	4 October 2021	\$4,280.38	\$0.00	\$4,280.38
Payment for the period 1 January 2022 - 31 March 2022 for the Activity described in Item B. Grant Activity	4 January 2022	\$4,280.38	\$0.00	\$4,280.38
Payment for the period 1 April 2022 - 30 June 2022 for the Activity described in Item B. Grant Activity	4 April 2022	\$4,280.38	\$0.00	\$4,280.38
Payment in advance for performance of Activity described in Item B for period 1 July 2022 - 31 July 2022	4 July 2022	\$1,449.35	\$0.00	\$1,449.35
Payment in arrears for performance of Activity described in Item B for period 1 August 2022 - 31 August 2022	31 August 2022	\$1,449.35	\$0.00	\$1,449.35
Payment in arrears for performance of Activity described in Item B for period 1 September 2022 - 30 September 2022	30 September 2022	\$1,449.35	\$0.00	\$1,449.35
Payment in arrears for performance of Activity described in Item B for period 1 October 2022 - 31 October 2022	31 October 2022	\$1,449.35	\$0.00	\$1,449.35

Payment in arrears for performance of Activity described in Item B for period 1 November 2022-30 November 2022	30 November 2022	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 December 2022 - 31 December 2022	31 December 2022	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 January 2023 - 31 January 2023	31 January 2023	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 February 2023 - 28 February 2023	28 February 2023	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 March 2023 - 31 March 2023	31 March 2023	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 April 2023 - 30 April 2023	30 April 2023	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 May 2023 - 31 May 2023	31 May 2023	\$1,447.62	\$0.00	\$1,447.62
Payment in arrears for performance of Activity described in Item B for period 1 June 2023 - 30 June 2023	30 June 2023	\$1,447.60	\$0.00	\$1,447.60
Total Amount		\$84,263.10	\$0.00	\$84,263.10

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2018 to 30 September 2018 as described in item E.1 Performance Reports.	31 October 2018
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2018 to 31 December 2018 as described in Item E.1 Performance Reports.	30 January 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2019 to 30 June 2019 as described in Item E.1 Performance Reports.	30 July 2019
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 October 2018 to 30 June 2019 as described in Item E.1 Performance Reports.	31 October 2019
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	31 October 2019
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2019 to 31 December 2019 as described in Item E.1 Performance Reports.	30 January 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2020 to 30 June 2020 as described in Item E.1 Performance Reports.	30 July 2020
Other Report	Unspent funds stocktake for 2019/20 financial year	7 August 2020
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2019 to 30 June 2020 as described in Item E.1 Performance Reports.	30 November 2020
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2020 to 31 December 2020 as described in Item E.1 Performance Reports.	30 January 2021
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2021 to 30 June 2021 as described in Item E.1 Performance Reports.	30 July 2021
Financial Acquittal Report	As described in item E.4 Accounting for the Grant.	30 July 2021
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2020 to 30 June 2021 as described in item E.1 Performance Reports.	31 October 2021

Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2021 to 31 December 2021 as described in Item E.1 Performance Reports.	28 February 2022
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	30 July 2022
Performance Report	Finalisation of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2022 to 30 June 2022 as described in Item E.1 Performance Reports.	30 July 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 July 2022 to 30 July 2022 as described in Item E.1 Performance Reports.	14 August 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 August 2022 to 31 August 2022 as described in Item E.1 Performance Reports.	14 September 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 September 2022 to 30 September 2022 as described in Item E.1 Performance Reports.	14 October 2022
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2021 to 30 June 2022 as described in Item E.1 Performance Reports.	31 October 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 October 2022 to 31 October 2022 as described in Item E.1 Performance Reports.	14 November 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 November 2022 to 30 November 2022 as described in Item E.1 Performance Reports.	14 December 2022
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 December 2022 to 31 December 2022 as described in Item E.1 Performance Reports.	14 January 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 January 2023 to 31 January 2023 as described in Item E.1 Performance Reports.	14 February 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 February 2023 to 28 February 2023 as described in Item E.1 Performance Reports.	14 March 2023

Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 March 2023 to 31 March 2023 as described in Item E.1 Performance Reports.	14 April 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 April 2023 to 30 April 2023 as described in Item E.1 Performance Reports.	14 May 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 May 2023 to 31 May 2023 as described in Item E.1 Performance Reports.	14 June 2023
Performance Report	Entry of period data within the Data Exchange, as per the Data Exchange Protocols for the period 1 June 2023 to 30 June 2023 as described in Item E.1 Performance Reports.	14 July 2023
Performance Report	A report on wellness and reablement approaches to service delivery for the period 1 July 2022 to 30 June 2023 as described in Item E.1 Performance Reports.	31 July 2023
Financial Acquittal Report	As described in Item E.4 Accounting for the Grant.	31 August 2023

E.1 Performance Reports

The Grantee must provide client level data and service delivery information for all Activities described in Item B. Grant Activity (except for Sector Support and Development - Service System Development Activities) in accordance with the Data Exchange Protocols.

The Grantee must provide the data required within the Data Exchange Protocols through an approved mechanism as outlined in the Data Exchange Protocols.

The Grantee is required to finalise the submission of data within the Data Exchange by the due date set out at Item E.

For Sector Support and Development - Service System Development Activities, the Grantee must report progress in accordance with the Activity Work Plan in the format notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site). The Grantee is required to submit reports by the applicable due date set out at Item E.

The Commonwealth will monitor activity levels as reported in the Data Exchange and in proportion to expected service levels according to the Activity Work Plan and may adjust payments (outlined in Item D) according to achieved service delivery levels. Any variation to the payment amount or schedule will only arise if the Commonwealth notifies the Grantee.

Wellness and Reablement Reports

The Grantee must provide service level information to the Commonwealth on wellness and reablement approaches being implemented by the Grantee as part of the Activities described in Item B Grant Activity. The service level information must be provided in accordance with the report template nominated by the Commonwealth.

The Grantee is required to provide a wellness and reablement report by the applicable due date set out at

Item E.

For Sector Support and Development - Service System Development Activities, the Wellness and Reablement report is not a requirement.

E.2 Activity Work Plan

The Grantee agrees that its performance will be measured against the attached Activity Work Plan.

E.3 Annual Report

Not applicable

E.4 Accounting for the Grant

The Grantee must provide a financial declaration for each financial year of this Agreement. A financial declaration is a certification from the Grantee which:

- states that all grant funds were spent for the purpose as outlined in the Agreement; and
- declares the amount of unspent Grant funds.

The financial declaration must be certified by the Grantee's board, the chief executive officer or an officer with the authority to do so verifying the funds have been spent on the Activity in accordance with the Grant Agreement. If SACS supplementation has been paid, confirmation must be provided that the funding was spent in accordance with Clause cb21.

The Grantee is required to provide a financial declaration by the applicable due date at Item E.

E.5 Other Reports

The Grantee must provide assistance and information to the Commonwealth as reasonably required by the Commonwealth, including but not limited to data on existing clients not registered on My Aged Care in the format notified, referred or made available by the Commonwealth in the timeframe specified by the Commonwealth.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Amelia McFarlane
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8208 8319
Mobile	Not specified
Fax	Not specified
E-mail	saperformancehealth@communitygrants.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

11.9 DEED OF VARIATION - COMMUNITY VISITORS SCHEME

REPORT AUTHOR: Manager, Community Services
GENERAL MANAGER: General Manager, Governance and Community Affairs
CONTACT NUMBER: 8366 4600
FILE REFERENCE: qA2061
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the Federal Government's Deed of Variation for the Community Visitors Scheme for the Council's endorsement.

BACKGROUND

The Community Visitors Scheme is a national program that provides companionship to socially isolated citizens living in Federal Government Subsidised Residential Aged Care Facilities. The Community Visitors Scheme is resourced through Volunteers who are matched to a resident or group of residents. Volunteers visit residents on a fortnightly basis.

The Council is funded by the Federal Department of Health to provide and support fifty (50) Volunteers in Aged Care Facilities in the Local Government areas of the City of Burnside, City of Norwood Payneham & St Peters and Campbelltown City Council.

The CVS Funding Agreement is made up of the Commonwealth Standards Grant Agreement and the Deed of Variation. Both documents provide the expected outcomes for the use of the funds. The current Funding Agreement concludes on 30 June 2022.

The Deed of Variation has been issued to extend the funding for the period 1 July 2022 to 30 June 2023.

A copy of the Deed of Variation and the Commonwealth Standard Grant Agreement is contained within **Attachment A**.

The Deed of Variation requires the Council's endorsement

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant goals contained within *CityPlan 2030* are:

Social Equity

Objective

1.1 Convenient and accessible services, information and facilities.

Strategy

1.1.2 Maximise access to services, facilities and information

The Community Visitors Scheme provides an important service for socially isolated citizens residing in Residential Aged Care Facilities by providing them with companionship and a connection to the wider community.

FINANCIAL AND BUDGET IMPLICATIONS

Funding for the CVS program is provided for a twelve (12) month period. This grant provides \$87,500 for the period 1 July 2022 to 30 June 2023, which will cover 100% of the total costs of the program.

DISCUSSION

The Council 's Funding Agreement for the Community Visitors Scheme will conclude on 30 June 2022. The Deed of Variation has been offered for the Community Visitors Scheme which will extend the funding for the period 1 July 2022 to 30 June 2023.

To ensure the Council receives the Funding for the Community Visitors Scheme, the Deed of Variation must be signed and sealed in accordance with the Federal Department of Health requirements.

The Council's endorsement of the Funding Agreement will secure funding to enable the Council to continue to provide services for the 2022-2023 financial year.

RECOMMENDATION

That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Variation in relation to the Community Visitors Scheme as contained within **Attachment A**.

Attachments – Item 11.9

Attachment A

Deed of Variation Community Visitors Scheme

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters



Australian Government

Department of Health

Organisation ID:	1-5U9-46
Agreement ID:	4-858M4JM
Program Schedule ID:	4-9T4DP7C

Deed of Variation in relation to Community Visitors Scheme

1. Date

This Deed is made on

2. Parties

This Deed is made between:

1. The Commonwealth, as represented by Department of Health, ABN 83 605 426 759 (the 'Commonwealth'); and
2. The City of Norwood Payneham and St Peters, ABN 11 390 194 824 (the 'Grantee').

3. Context

- A. The Parties entered in an agreement on 17 December 2018 under which the Commonwealth gave a Grant to the Grantee for Community Visitors Scheme (the 'Agreement').
- B. The Parties have agreed to amend the Agreement on the terms and conditions contained in this Deed.

4. Amendments

With effect from the date of execution of this Deed, the Agreement is amended:

Funding for existing Activities under this Agreement is adjusted as per the table below. This table shows only those existing Activities with funding varied under this Deed:

Activity Name	Activity Id	Financial Year	Current Grant Amount (excl. GST)	Variation Amount (excl. GST)	New Total Grant Amount (excl. GST)
CVS Residential Care	4-9W8BDIK	2018-2019	\$35,000.00	\$0.00	\$35,000.00
CVS Residential Care	4-9W8BDIK	2019-2020	\$70,000.00	\$0.00	\$70,000.00
CVS Residential Care	4-9W8BDIK	2020-2021	\$70,000.00	\$0.00	\$70,000.00
CVS Residential Care	4-9W8BDIK	2021-2022	\$72,984.43	\$0.00	\$72,984.43
CVS Residential Care	4-9W8BDIK	2022-2023	\$0.00	\$87,500.00	\$87,500.00

	Total	\$247,984.43	\$87,500.00	\$335,484.43
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Revised payment amounts, reporting milestones and other detailed amendments resulting from this Deed are described in the Program Schedule, including any attachments, enclosed.

5. Entire agreement and interpretation

- 5.1 The parties confirm all the other provisions of the Agreement and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.
- 5.2 This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.
- 5.3 Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

Signatures

Organisation ID:	1-5U9-46
Agreement ID:	4-858M4JM
Program Schedule ID:	4-9T4DP7C

Executed as a deed

Signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through Department of Health, ABN 83 605 426 759 in the presence of:

(Name of Departmental Representative)

(Signature of Departmental Representative)

...../...../.....

(Position of Departmental Representative)

(Name of Witness in full)

(Signature of Witness)

...../...../.....

Signed, sealed and delivered by The City of Norwood Payneham and St Peters, ABN 11 390 194 824 in accordance with its rules, and who warrants that he/she is authorised to sign this Deed:

(Name and position held by Signatory)

(Signature)

...../...../.....

(Name and position held by second Signatory/Name of Witness)

(Signature of second Signatory/Witness)

...../...../.....

Explanatory notes on the signature block

- If you are an **incorporated association**, you must refer to the legislation incorporating the association as it will specify how documents must be executed. This process may differ between each State and Territory. If an authorised person is executing a document on behalf of the incorporated association, you should be prepared to provide evidence of this authorisation upon request.
- If you are a **company**, generally two signatories are required – the signatories can be two Directors or a Director and the Company Secretary. Affix your **Company Seal**, if required by your Constitution.
- If you are a **company with a sole Director/Secretary**, the Director/Secretary is required to be the signatory in the presence of a witness (the witness date must be the same as the signatory date). Affix your **Company Seal**, if required by your Constitution.
- If you are a **partnership**, the signatory must be a partner with the authority to sign on behalf of all partners receiving the grant. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are an **individual**, you must sign in the presence of a witness (the witness date must be the same as the signatory date).
- If you are a **university**, the signatory can be an officer authorised by the legislation creating the university to enter into legally binding documents. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are a **trustee of a Trust**, the signatory must be a trustee (NOT the Trust) – as the trustee is the legal entity entering into the Agreement. If requested by you, the words 'as trustee of the XXX Trust' could be included at the end of the name.

Schedule – Amendments to the Agreement

- *The Program Schedule 4-9T4DP7C is deleted and replaced with the updated Program Schedule 4-9T4DP7C enclosed.*



Australian Government

Department of Health

**Commonwealth
Standard Grant Agreement**

between

the Commonwealth represented by

Department of Health

and

The City of Norwood Payneham and St
Peters

Grant Agreement 4-858M4JM

Once completed, this document, together with each set of Grant Details and the Commonwealth Standard Grant Conditions (Schedule 1), forms an Agreement between the Commonwealth and the Grantee.

Parties to this Agreement

The Grantee

Full legal name of Grantee	The City of Norwood Payneham and St Peters
Legal entity type (e.g. individual, incorporated association, company, partnership etc)	Local Government
Trading or business name	The City of Norwood Payneham and St Peters
Any relevant licence, registration or provider number	
Australian Company Number (ACN) or other entity identifiers	
Australian Business Number (ABN)	11 390 194 824
Registered for Goods and Services Tax (GST)	Y
Date from which GST registration was effective	
Registered office (physical)	175 The Parade, NORWOOD SA 5067
Relevant business place (if different)	
Telephone	08 8663 4600
Fax	08 8332 6338
Email	rbusolin@npsp.sa.gov.au

The Commonwealth

The Commonwealth of Australia represented by Department of Health
 23 Furzer Street PHILLIP ACT 2606
 ABN 83 605 426 759

Background

The Commonwealth has agreed to enter into this Agreement under which the Commonwealth will provide the Grantee with one or more Grants for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use each Grant and undertake each Activity in accordance with this Agreement and the relevant Grant Details.

Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms from the Clause Bank (if any);
- (c) the Standard Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) any other document referenced or incorporated in the Grant Details.

Each set of Grant Details, including Supplementary Terms (if any), only applies to the particular Grant and Activity covered by that set of Grant Details and a reference to the 'Agreement' in the Grant Details or the Supplementary Terms is a reference to the Agreement in relation to that particular Grant and Activity. If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to a Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire Agreement in relation to each Grant provided under it and the relevant Activity and supersedes all prior representations, communications, Agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

Grant Details

Organisation ID:	1-5U9-46
Agreement ID:	4-858M4JM
Schedule ID:	4-9T4DP7C

A. Purpose of the Grant

The purpose of the Grant is to:

Contribute to the Ageing and Aged Care Outcome which aims to improve wellbeing for older Australians through targeted support, access to quality care and related information services.

The objective of this grant is to fund organisations to provide one-on-one visits or group visits to consumers of Australian Government subsidised residential aged care, and one-on-one visits to consumers of Australian Government subsidised home care packages.

This Grant is being provided under, and these Grant Details form part of, the Agreement between the Commonwealth and the Grantee.

The Grant is being provided as part of the Community Visitors Scheme program.

CVS Residential Care - 4-9W8BDIK

B. Grant Activity

Deliver Community Visitors Scheme One-on-One and/or Group Residential Visits

In accordance with the Community Visitors Scheme Grant Opportunity Guidelines Activity 2.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
PI1 Percentage of active visitors achieved annually (an active visit is the equivalent of one volunteer providing at least 20 visits per year).	>90%
PI2 Number of nominated aged care planning region/s that received a one-on-one and/or group visit/s	None Specified
PI3 The number of nominated special needs groups in the approved Activity Workplan that received a one-on-one and/or group visit/s.	None Specified

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	City of Norwood Payneham & St Peters	175 The Parade NORWOOD SA 5067

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	Aged Care Planning Region (2015)	Metropolitan East (SA)

C. Duration of the Grant

The Activity starts on 1 January 2019.

The Activity (other than the provision of any final reports) ends on 30 June 2023, which is the Activity's Completion Date.

The Agreement ends on 31 October 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$335,484.43* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2018-2019	\$35,000.00
2019-2020	\$70,000.00

2020-2021	\$70,000.00
2021-2022	\$72,984.43
2022-2023	\$87,500.00

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	015-310
Financial Institution	Norwood 192 The Parade ANZ
Account Number	833637487
Account Name	City of Norwood Payneham & St Peters

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Payment for Service Delivery for the period 1 January 2019 to 30 June 2019	28 February 2019	\$35,000.00	\$0.00	\$35,000.00
Payment for service delivery for 1 July 2019 to 31 December 2019	31 August 2019	\$35,000.00	\$0.00	\$35,000.00
Payment for service delivery for 1 January 2020 to 30 June 2020	1 January 2020	\$35,000.00	\$0.00	\$35,000.00
Payment for service delivery 1 July 2020 to 31 December 2020	1 July 2020	\$35,000.00	\$0.00	\$35,000.00
Payment for service delivery 1 January 2021 to 20 June 2021	1 January 2021	\$35,000.00	\$0.00	\$35,000.00
Payment for service delivery 1 July 2021 to 31 December 2021	4 July 2021	\$36,492.22	\$0.00	\$36,492.22
Payment for service delivery 1 January 2022 to 30 June 2022	4 January 2022	\$36,492.21	\$0.00	\$36,492.21
Payment for service delivery 1 July 2022 to 31 December 2022	4 July 2022	\$43,750.00	\$0.00	\$43,750.00
Payment for service delivery 1 January 2023 to 30 June 2023	4 January 2023	\$43,750.00	\$0.00	\$43,750.00
Total Amount		\$335,484.43	\$0.00	\$335,484.43

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

Taxes, duties and government charges

If an amount of GST is paid as part of the consideration for a supply under this Agreement, and the supply is not a taxable supply for any reason, the supplier must, on demand, refund the amount paid on account of GST to the receiver of the supply.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
Activity Work Plan	Activity Work Plan	18 January 2019
Performance Report	Performance Report from 1 January 2019 to 30 June 2019	31 July 2019
DOH Acquittal Other	Provision of Financial Declaration for the period 1 January 2019 to 30 June 2019	30 September 2019
Performance Report	Performance Report from 1 July 2019 to 31 December 2019	31 January 2020
Performance Report	Performance Report from 1 January 2020 to 30 June 2020	31 July 2020
DOH Acquittal Other	Provision of Financial Declaration for the period 1 July 2019 to 30 June 2020	30 September 2020
Performance Report	Performance Report from 1 July 2020 to 31 December 2020	31 January 2021
Performance Report	Performance Report from 1 January 2021 to 30 June 2021	31 July 2021
DOH Acquittal Other	Provision of Financial Declaration for the period 1 July 2020 to 30 June 2021	30 September 2021
Performance Report	Performance Report from 1 July 2021 to 31 December 2021	31 January 2022
Performance Report	Performance Report from 1 January 2022 to 30 June 2022	31 July 2022
Financial Acquittal Report	Provision of Financial Declaration for the period 1 July 2021 to 30 June 2022	30 September 2022
Performance Report	Performance Report 1 July 2022 to 31 December 2022	31 January 2023
Performance Report	Performance Report from 1 January 2023 to 30 June 2023	31 July 2023
Financial Acquittal Report	Provision of Financial Declaration for the period 1 July 2022 to 30 June 2023	29 September 2023

E.1 Performance Reports

Each Performance Report required in Item E for the Activity is to contain information on the progress towards meeting the identified Performance Indicators at Item B. Each Performance Report should also include an explanation as to how your organisation is addressing any issues, problems or delays.

The Performance Report must be considered satisfactory by the Department before the milestone will be met.

E.2 Activity Work Plan

An Activity Work Plan needs to be completed on the attached template at Annexure A and submitted for acceptance by the Department in order to make the first payment.

The Activity Work Plan must demonstrate how the auspice plans to establish their services and delivery of the Community Visitors Scheme.

This requirement has been put in place to ensure CVS auspices have a strategic plan in place to deliver these visits. This is particularly important for new auspices.

The Activity Work Plan may be amended from time to time but once the Activity Work Plan has been agreed by both parties it will form part of this agreement.

E.3 Annual Report

None Specified

E.4 Accounting for the Grant

Refer to the table at Item E.

E.5 Other Reports

None Specified.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Rosanna Busolin
Position	Manager
Postal/physical address(es)	175 The Parade, NORWOOD, SA, 5067
Business hours telephone	04 2169 3276
Mobile	
Fax	
E-mail	rbusolin@npsp.sa.gov.au

Commonwealth representative and address

Name of representative	Lisa Spouse
Position	CGH Grant User
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	18 0004 4584
Mobile	Not specified
Fax	Not specified
E-mail	national.agedcaregrants@dss.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None Specified

**11.10 CHIEF EXECUTIVE OFFICER’S REPORT – AMENDMENT OF COUNCIL DECISION -
EXTINGUISHMENT OF EASEMENT – 75 FIFTH AVENUE, JOSLIN**

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: qA72749
ATTACHMENTS: A

PURPOSE

Regulation 21(1) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), provides for the Chief Executive Officer to submit a report to the Council recommending the revocation or amendment of a resolution passed since the last General Election of the Council. This is a procedural provision of an administrative nature which operates in the same manner as the Rescission Motion provisions of Regulation 12 of the Regulations, but without the requirement for a Notice of Motion 5 clear days’ notice before the meeting at which it is to be considered. Accordingly, the Chief Executive Officer, by virtue of this report, may recommend to the Council a revocation or amendment of a previous Council decision.

BACKGROUND

At its meeting held on 5 December 2016, the Council considered a report regarding the extinguishment of a stormwater easement located on privately owned property at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin and to relocate the stormwater pipe (i.e. lay a new stormwater pipe) on adjacent Council owned land (walkway). This proposal was initiated at the request of the Government of the People’s Republic of China (through the Chinese Consulate-General) following its purchase of the land for the purpose of establishing the Consulate-General of the People’s Republic of China in Adelaide (the Chinese Consulate).

The Council was also advised that the existing easement for the stormwater pipe continued in a north westerly directly beyond the subject land and runs across a portion of the property at 75 Fifth Avenue, Joslin before connecting to existing stormwater infrastructure on Fifth Avenue.

As this project required the laying of a new stormwater pipe underneath the laneway that abuts the subject land and the property at 75 Fifth Avenue, Joslin, it was considered prudent for the Council to contemporaneously seek to extinguish the existing drainage easement in favour of the Council over the property at 75 Fifth Avenue, Joslin and lay the new pipe entirely within the laneway, connecting it directly into the existing stormwater infrastructure on Fifth Avenue. This would ensure that the stormwater infrastructure would run entirely on Council owned land between Fourth and Fifth Avenue, Joslin.

Following consideration of the matter, the Council resolved the following:

1. *That the Council agrees to the extinguishment of an existing easement located at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin (Certificates of Title Volume 5261 Folio 363, being allotments 4 and 5 in Filed Plan 138009) and to re-align the path of the stormwater drain (and lay a new stormwater pipe) to adjacent Council owned land, on terms described in the Deed of Agreement document, contained in Attachment C to this report, including the gifting of a 600mm strip of land from the Chinese Consulate-General to the Council, to permit the walkway to be widened to three (3) metres.*
2. *That the walkway and the 600mm strip of land be converted to a public thoroughfare, as distinct from community land, if required.*
3. *That the Council acquire an Easement in Gross over the whole of the widened walkway.*
4. *That the Council extinguish the easement over the common property in Strata Plan No. 1361 at 75 Fifth Avenue, Joslin.*
5. *That the Mayor and the Chief Executive Officer be authorised to sign and seal the Deed of Agreement document described in Point 1 above.*

6. *That pursuant to the Electronic Conveyancing National Law (South Australia) Act 2013, the Chief Executive Officer be authorised to execute a Client Authorisation Form on behalf of the Council, to authorise a Subscriber to:*
- (a) act for the Council in consenting to the extinguishment of easements and creation of an easement in gross and merging of the 600mm strip of land with the existing walkway contained in Certificate of Title Volume 6159, Folio 921 and registering the new allotment as a Public thoroughfare (if appropriate); and*
 - (b) to execute and submit the requisite documents with the relevant Land Registry.*
7. *That the Chief Executive Officer be authorised to take such other actions as necessary to give effect to the undertakings contained in the documentation being executed in Point 5 above.*

A Deed of Agreement was subsequently executed by the Council and the Chinese Consulate-General.

A copy of the Deed of Agreement is contained within **Attachment A**.

The works associated with the relocation of the stormwater pipe and extinguishment of the easement over 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin, have been completed and the costs for this work was met by the Government of the People's Republic of China.

However, the new pipe, installed as part of the works, runs along Fourth Avenue, then along the walkway to a junction box where it connects to the existing pipe through 75 Fifth Avenue. At the time of undertaking the works, it was determined that it was more efficient from a hydraulic perspective that the existing pipe be retained and continue to operate in this location.

This means that the existing easement over the property at 75 Fifth Avenue, Joslin, needs to be retained in the Council's favour.

In addition, as the extinguishment of the easement over the property at 75 Fifth Avenue, Joslin, was included in the Deed of Agreement which was entered into between the Council and the Chinese Consulate for the works, in accordance with the Council's resolution, set out above, Lynch Meyer Lawyers, acting for the Chinese Consulate, have advised that they are happy to accept a letter seeking a waiver of the relevant clause of the Deed of Agreement, rather than a formal Deed of Variation being entered into.

The Chief Executive Officer's Recommendation below, seeks to remove part four (4) of the resolution which was made by the Council at its meeting held on 5 December 2016, as follows:

4. *That the Council extinguish the easement over the common property in Strata Plan No. 1361 at 75 Fifth Avenue, Joslin.*

In addition to the removal of Part four (4) of the resolution, the Council is required to consider a new Part 7 to the resolution to authorise the Chief Executive Officer to request a waiver of the Council's obligation under Clause 6.5 of the Deed of Agreement from the Chinese Consulate-General.

Clause 6.5 of the Deed of Agreement (page 6) states the following:

The Council will at its own cost extinguish the existing easement over 75 Fifth Avenue, Joslin in the State of South Australia and obtain all Approvals required for such extinguishment.

The Recommendation may be resolved by the Council by way of a motion being moved, seconded and passed by a simple majority vote at the meeting.

RECOMMENDATION

That the Council resolution made at its meeting held on 5 December 2016, in respect to the extinguishment of an existing easement at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin be amended as follows:

1. That the Council agrees to the extinguishment of an existing easement located at 90 Fourth Avenue, Joslin and 81 Fifth Avenue, Joslin (Certificates of Title Volume 5261 Folio 363, being allotments 4 and 5 in Filed Plan 138009) and to re-align the path of the stormwater drain (and lay a new stormwater pipe) to adjacent Council owned land, on terms described in the Deed of Agreement document, contained in Attachment C to this report, including the gifting of a 600mm strip of land from the Chinese Consulate-General to the Council, to permit the walkway to be widened to three (3) metres.
2. That the walkway and the 600mm strip of land be converted to a public thoroughfare, as distinct from community land, if required.
3. That the Council acquire an Easement in Gross over the whole of the widened walkway.
4. That the Mayor and the Chief Executive Officer be authorised to sign and seal the Deed of Agreement document described in Point 1 above.
5. That pursuant to the Electronic Conveyancing National Law (South Australia) Act 2013, the Chief Executive Officer be authorised to execute a Client Authorisation Form on behalf of the Council, to authorise a Subscriber to:
 - (a) act for the Council in consenting to the extinguishment of easements and creation of an easement in gross and merging of the 600mm strip of land with the existing walkway contained in Certificate of Title Volume 6159, Folio 921 and registering the new allotment as a Public thoroughfare (if appropriate); and
 - (b) to execute and submit the requisite documents with the relevant Land Registry.
6. That the Chief Executive Officer be authorised to take such other actions as necessary to give effect to the undertakings contained in the documentation being executed in Point 5 above.
7. That the Chief Executive Officer be authorised to request a waiver of the Council's obligation under Clause 6.5 of the Deed of Agreement from the Chinese Consulate-General.

Attachments – Item 11.10

Attachment A

Chief Executive Officer's Report Amendment of Council Decision Extinguishment of Easement 75 Fifth Avenue, Joslin

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

COPY



THE CORPORATION OF THE CITY OF
NORWOOD, PAYNEHAM AND ST PETERS
(Council)

and

THE GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF CHINA (REPRESENTED BY THE
CONSULATE-GENERAL OF THE PEOPLE'S
REPUBLIC OF CHINA IN ADELAIDE)
(Chinese Consulate-General)

DEED

CITY OF NORWOOD, PAYNEHAM & ST PETERS	
FILE NO/S	FOLIO NO.
504573	360139
17 AUG 2018	
EMPLOYEE	W. S. S.
Scott	<i>[Signature]</i>

14.65.1-P

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☎ +61 8 8223 7600
📠 +61 8 8223 2722
190 Flinders Street, Adelaide SA 5000
www.lynchmeyer.com.au

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DEED

THIS DEED is made the 7th day of December 2016

BETWEEN:

THE CORPORATION OF THE CITY OF NORWOOD, PAYNEHAM AND ST PETERS of 175 The Parade, Norwood SA 5067 (Council)

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA (REPRESENTED BY THE CONSULATE-GENERAL OF THE PEOPLE'S REPUBLIC OF CHINA IN ADELAIDE) of 110 Crittenden Road, Findon SA 5023 (Chinese Consulate-General)

INTRODUCTION:

- A. The Chinese Consulate-General intends to purchase the Fifth Avenue Property and the Joslin Property for use as a consular premises.
- B. There is an Existing Easement registered on the Joslin Property for the purpose of the waterway (and there is a drainage pipe running through the Joslin Property for that purpose) with the Council having power to enter upon the Joslin Property for the purposes of maintaining the same.
- C. The Chinese Consulate-General wishes to relocate the drainage pipe and extinguish the Existing Easement due to the reason that consular premises are inviolable under Article 31 of the Schedule to the *Consular Privileges and Immunities Act 1972* (Cth).
- D. The parties have agreed to enter into this Deed to relocate the drainage pipe and extinguish the Existing Easement following settlement of the purchase of the Property on the terms and conditions set out in this Deed.

OPERATIVE CLAUSES**1. Definitions**

- 1.1. **Approvals** means all necessary development approvals, permits and consents required for the relocation of the drainage pipe as contemplated by this Deed;
- 1.2. **Authority** means any public, governmental, semi-governmental, statutory or regulatory authority, department, corporation or other body having jurisdiction in respect of the act, matter or thing;
- 1.3. **Business Day** means a day other than a Saturday, Sunday or public holiday in South Australia;
- 1.4. **Claims** means any claim, demand, action, proceeding, judgment, order, relief, remedy, right, entitlement, damage, loss, expense, cost, compensation, reimbursement, a liability incurred, suffered, brought made or recovered of whatever nature, however arising and whether presently ascertained, immediate, future or contingent or whether arising at law or equity;
- 1.5. **Contractors** means contractors, sub-contractors, consultants, agents and workers;
- 1.6. **Council Walkway** means the whole of the land comprised in Certificate of Title Volume 6159 Folio 921;
- 1.7. **Drainage Pipe** means the drainage pipe running through the Joslin Property on the Existing Easement Site;

- 1.8. **Existing Easement** means registered easement in favour of the Council in respect of the Existing Easement Site and being the easement comprised in Certificate of Title Volume 6159 Folio 919 as set out in the Certificate of Title Register Search annexed as Annexure A;
- 1.9. **Existing Easement Site** means the area marked "A" on part of Allotment 5 in Filed Plan 138009 on the Joslin Property;
- 1.10. **Existing Infrastructure** means the Infrastructure on the Existing Easement Site;
- 1.11. **Fifth Avenue Property** means the whole of the land comprised in Certificate of Title Volume 5813 Folio 943 being allotment 10 in Deposited Plan 2183 and situated at 83 Fifth Avenue, Joslin in the State of South Australia;
- 1.12. **Joslin Property** means the whole of the land comprised in Certificate of Title Volume 5261 Folio 363 being allotments 4 and 5 in Filed Plan 138009 and situated at 81 Fifth Avenue and 90 Fourth Avenue, Joslin in the State of South Australia;
- 1.13. **Infrastructure** means all infrastructure (including pipes, conduits, drains and pumps and such other facilities to operate and maintain a water way);
- 1.14. **Law** means all present and future laws having application in South Australia and includes any requirement of any statute, rule, regulation, code, proclamation, ordinance, by-law whether state, federal or otherwise;
- 1.15. **New Easement** means the new service or drainage easement over a portion of the New Location;
- 1.16. **New Location** means the Council Walkway and the Severed Land and any part of them;
- 1.17. **Property or Properties** means the Fifth Avenue Property and the Joslin Property;
- 1.18. **Required Insurances** means:
- 1.18.1. workers compensation policy of insurance covering all persons employed by the Council and the Council's Contractors on or about the Properties or the Council Walkway;
 - 1.18.2. a public risk policy for an amount of not less than \$20,000,000 for any one occurrence (including cover for all claims arising from access to and use of the Properties, the Council Walkway and completion of the Works) (and the policy must note the interest of the Chinese Consulate-General); and
 - 1.18.3. contract works material damage policy for the Works to the full value of the Works;
- 1.19. **Required Manner** means:
- 1.19.1. in a good, proper and workmanlike manner;
 - 1.19.2. to the standard of professional care, skill, judgment and diligence expected of a professional experienced in performing services or work of a similar nature, type, size and complexity and character to the relevant works;
 - 1.19.3. in accordance with all applicable Laws and the lawful requirements of the relevant Authorities and Australian standards;
 - 1.19.4. using materials suitable for their intended purpose and that are compliant with Australian standards; and
 - 1.19.5. in a timely manner;

- 1.20. **Sale Contract** means the contract for the sale and purchase of land between Minister for Health and the Chinese Consulate-General in respect of the sale and purchase of the Property dated on or about the date of this Deed;
- 1.21. **Settlement** means settlement of the sale and purchase of the Property pursuant to the terms of the Sale Contract;
- 1.22. **Severed Land** means 600 millimetre of the western side of the Joslin Property adjacent to the Council Walkway to enable the width of the walkway to be increased from 2.4 metres to 3.0 metres; and
- 1.23. **Works** means the works set out in Annexure C.

2. Interpretation

In this Deed, unless the context otherwise requires:

- 2.1. the Introduction is correct;
- 2.2. headings do not affect interpretation;
- 2.3. singular includes plural and plural includes singular;
- 2.4. words of one gender include any gender;
- 2.5. reference to a party includes that party's personal representatives, successors and permitted assigns;
- 2.6. reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 2.7. reference to a person includes a corporation, joint venture, association, government body, firm and any other entity;
- 2.8. a provision must not be construed against a party only because that party prepared it;
- 2.9. a provision must be read down to the extent necessary to be valid. If it cannot be read down to that extent, it must be severed;
- 2.10. if a thing is to be done on a day which is not a Business Day, it must be done on the Business Day after that day;
- 2.11. another grammatical form of a defined expression has a corresponding meaning;
- 2.12. an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by that Act at the date of this Deed; and
- 2.13. a reference to "include", "includes" or "including" will be deemed to be followed by the words "without limitation".

3. Consent to Relocate

Subject to Settlement occurring, the Council consents to the relocation of the Drainage Pipe from the existing location to the New Location:

- 3.1. in accordance with the plan set out in Annexure B or such other location agreed by the parties; and
- 3.2. on the terms and conditions set out in this Deed.

4. Relocation Works

- 4.1. The Council will:
 - 4.1.1. undertake all of the Works required to relocate the Drainage Pipe to the New Location as set out in clause 3.1;

- 4.1.2. use its best endeavours to complete all of the Works within six (6) months of the date of Settlement and must complete the Works by no later than nine (9) months from the date of Settlement;
 - 4.1.3. if it is responsible for the grant or issue of the Approvals, issue or grant the Approvals without delay;
 - 4.1.4. if it is not responsible for the grant or issue of the Approvals, use its best endeavours to assist the Chinese Consulate-General to obtain the Approvals from a third party; and
 - 4.1.5. complete or ensure that its Contractor's complete the Works in the Required Manner and free of all defects.
- 4.2. Subject to clause 4.5, for the purpose of facilitating the relocation of the Drainage Pipe to the New Location, the Chinese Consulate-General will grant the Council and its Contractors access to the:
- 4.2.1. Joslin Property (excluding the Severed Land) for a period of two (2) months from the date of Settlement or such other period agreed in writing by the parties (acting reasonably) between 9am to 5pm on Business Days; and
 - 4.2.2. Severed Land for a period of six (6) months from Settlement or such other period agreed in writing by the parties (acting reasonably) between 7am to 5pm on Business Days (or such other days permitted in writing by the Chinese Consulate-General).
- 4.3. In undertaking the Works, the Council and its Contractors must:
- 4.3.1. not cause any undue interference to the occupation or use of the Property by the Chinese Consulate-General;
 - 4.3.2. immediately make good any damage caused to the Property whilst undertaking the Works;
 - 4.3.3. indemnify and keep the Chinese Consulate-General indemnified against all Claims incurred by the Chinese Consulate-General to the extent caused or contributed to by, or as a result of, or in connection with, the Works; and
 - 4.3.4. give the Chinese Consulate-General the names of those persons who are to enter the Property and other identifying details required by the Chinese Consulate-General and, if also required by the Chinese Consulate-General, obtain a security clearance for those persons and comply with the Chinese Consulate-General's other security requirements.
- 4.4. The Council must:
- 4.4.1. ensure that its Contractors are appropriately qualified to undertake the Works;
 - 4.4.2. before the Works are commenced, take out and maintain and ensure that its Contractors take out and maintain the Required Insurances until completion of the Works. The Council must produce the policies of insurance and certificates of currency of the policy at any time when the Chinese Consulate-General asks for it;
 - 4.4.3. keep the Chinese Consulate-General reasonably informed as to the progress of the Works; and

4.4.4. promptly following completion of the Works provide written notice to the Chinese Consulate-General advising that the Works have been completed.

4.5. The Council must ensure that each of its employees, agents, contractors and sub-contractors who enters upon the Joslin Property for the purpose of undertaking the Works (or for any other purpose) must obtain the prior written consent of the Chinese Consulate-General (which consent will not be unreasonably withheld or delayed) each time that person enters upon the Joslin Property.

4.6. The Chinese Consulate-General may at any time withdraw any right of access to the Severed Land or the Joslin Property if the Council or its Contractors do not comply with the requirements of this clause 4.

5. Installation of New Fence

5.1. The parties acknowledge that the Chinese Consulate-General intends to install, at its own cost, a new fence along the western boundary of the Joslin Property which works may occur contemporaneously with the Works.

5.2. The parties agree to co-operate to minimise any potential inconvenience and disruption to a party's contractors whilst undertaking the Works and the works to install a new fence referred to in clause 5.1 on the Joslin Property at the same time.

6. Boundary Re-alignment, Extinguishment of Existing Easement and grant of New Easement

6.1. The Council agrees to extinguish the Existing Easement promptly and by no later than the earlier of completion of the Works and the date being nine (9) months following the date of Settlement.

6.2. The Council agrees to grant the New Easement over the New Location to comply with the requirements of the Lands Titles Office.

6.3. The Council must do all things necessary and sign all documentation required to:

6.3.1. enable the Existing Easement to be extinguished as regards the Joslin Property (including obtaining all necessary Approvals);

6.3.2. grant the New Easement referred to in clause 6.2;

6.3.3. transfer the Severed Land to the Council; and

6.3.4. complete the Works as required under this Deed.

6.4. The Chinese Consulate-General will at its own cost:

6.4.1. reimburse the Council all reasonable costs incurred by the Council in designing, constructing and undertaking the Works including paving of the Council Walkway;

6.4.2. subject to the other provisions of this Deed (including but not limited to clause 4.1.3 and clause 4.1.4), obtain all Approvals in relation to the extinguishment of Existing Easement, grant of New Easement and the land division referred to in this clause 6;

6.4.3. procure a survey and prepare the necessary Lands Titles Office forms in order to extinguish the Existing Easement and create the New Easement as regards the Property and it is intended that this may occur as part of the application for deposit of a plan of division referred to in clause 6.3.3;

6.4.4. contemporaneously with the extinguishment of the Existing Easement, transfer the Severed Land to the Council for the sum of \$1.00 (if demanded) with the intent that it may be amalgamated with the Council

Walkway by way of an application for the deposit of a plan of division to be signed by the parties and registered in the Lands Titles Office. The Chinese Consulate-General must pay any stamp duty assessed on the transfer of the Severed Land to the Council; and

- 6.4.5. pay all Lands Titles Office registration fees in respect of the extinguishment of the Existing Easement, the grant of the New Easement and the transfer of the Severed Land.
 - 6.5. The Council will at its own cost extinguish the existing easement over 75 Fifth Avenue, Joslin in the State of South Australia and obtain all Approvals required for such extinguishment.
 - 6.6. The parties acknowledge and agree that once the Existing Easement is extinguished, the Council will have no obligation whatsoever in relation to the Existing Infrastructure, including the obligation to repair and maintain it.
 - 6.7. The parties acknowledge and agree that the Council will tender the Works in accordance with the Council's procurement policy and in consultation with the Chinese Consulate-General.
- 7. Ownership of Existing Infrastructure**
- 7.1. The parties acknowledge and agree that:
 - 7.1.1. the Council owns the Existing Infrastructure and subject to Settlement occurring, hereby transfers the ownership of such Existing Infrastructure to the Chinese Consulate-General for the sum of \$1.00 (if demanded); and
 - 7.1.2. the Infrastructure in the New Location will be owned by the Council.
- 8. Dispute Resolution**
- 8.1. Definitions
 - In this clause:
 - 8.1.1. **Complainant** means the person who starts the procedure under clause 8.2.2;
 - 8.1.2. **Parties** means the complainant and the respondent in a dispute arising under this Deed; and
 - 8.1.3. **Respondent** means the person with whom the complainant has a dispute.
 - 8.2. Procedure
 - 8.2.1. The Council and the Chinese Consulate-General must follow the following procedure to resolve all disputes and disagreements in connection with this Deed.
 - 8.2.2. The Complainant must tell the Respondent in writing:
 - (a) the nature of the dispute; and
 - (b) what outcome the complainant wants; and
 - (c) what action the complainant thinks will settle the dispute.
 - 8.2.3. The Parties must then try to resolve the dispute through negotiation in good faith.
- 9. Termination if Settlement Does Not Proceed**
- This Deed is subject to Settlement being effected. This Deed shall be automatically terminated if the Sale Contract is terminated for whatever reason.

10. Miscellaneous Provisions**10.1. Assignment**

A party may only assign its rights or obligations under this Deed with the written consent of the other party. The consent must not be unreasonably withheld.

10.2. Amendment

This Deed may only be amended in writing signed by the parties.

10.3. Notice

10.3.1. Notice must be in writing and in English, and may be given by an authorised representative of the sender.

10.3.2. Notice may be given to a person:

- (a) personally;
- (b) by leaving it at the person's address last notified;
- (c) by sending it by pre paid mail to the person's address last notified;
- (d) by sending it by facsimile to the person's facsimile number last notified;
- (e) by sending it by electronic mail to the person's email address last notified.

10.3.3. Notice is deemed to be received by a person:

- (a) when left at the person's address;
- (b) if sent by pre paid mail, 3 Business Days after posting;
- (c) if sent by facsimile, at the time and on the day shown in the sender's transmission report, if it shows that the whole notice was sent to the person's facsimile number last notified;
- (d) if sent by electronic mail, on the day after the day the message is showing on the sender's electronic mail system as having been properly transferred or transmitted.

However, if the notice is deemed to be received on a day which is not a Business Day it is deemed to be received on the next Business Day.

10.4. Co-operation

Each party agrees to enter into documents and do everything necessary to give effect to this Deed.

10.5. Counterparts

This Deed may be executed in any number of counterparts. A counterpart may be a facsimile. Together all counterparts make up one document.

10.6. Consular Privileges and Immunities Act 1972 (Cth)

This Deed is subject to the provisions of the *Consular Privileges and Immunities Act 1972 (Cth)* and will override any provision of this Deed to the extent of inconsistency.

EXECUTED as a Deed on 7th day of December 2016

THE COMMON SEAL of
THE CORPORATION OF THE CITY OF
NORWOOD, PAYNEHAM
AND ST PETERS was affixed
in the presence of:)
)
)
)



.....
Mayor

.....
Acting Chief Executive Officer

EXECUTED by THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA
(REPRESENTED BY THE CONSULATE-
GENERAL OF THE PEOPLE'S REPUBLIC
OF CHINA IN ADELAIDE))
)
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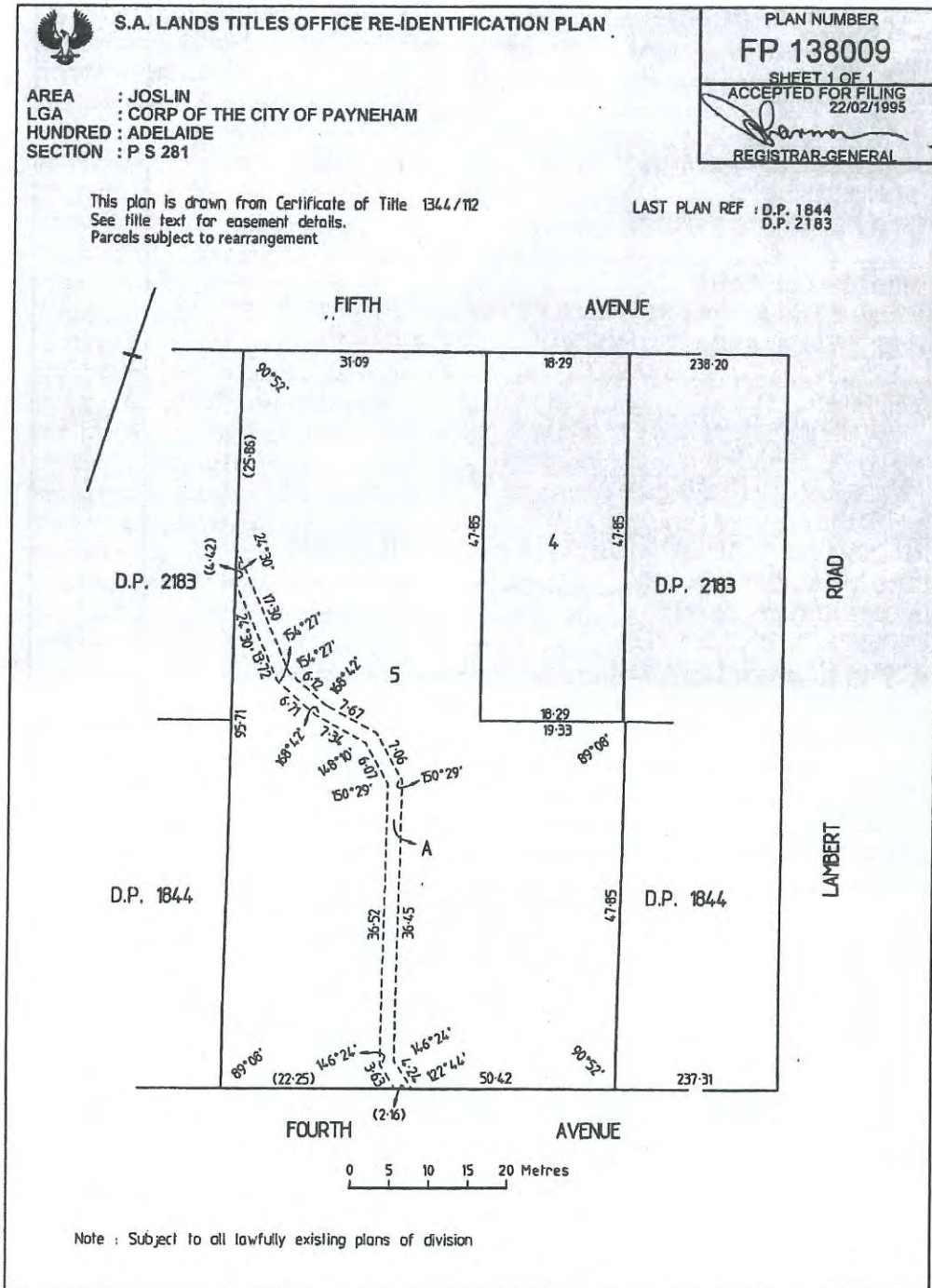
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Authorised Person

in accordance with the law of the People's
Republic of China:)

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Witness

.....
Print name
Xinlong Wang

ANNEXURE A
(Please see Certificate of Title)



**CITY OF NORWOOD, PAYNEHAM ST PETERS
STORMWATER RELOCATION - FOURTH AVENUE TO FIFTH AVENUE, JOSLIN
SCHEDULE OF WORKS**

Item	Description	Quantity
1.00	Preliminaries	
1.10	Survey, Design & Supervision	
1.20	Establishment	
1.30	Dilapidation	
1.40	Service Locations	
1.50	Traffic Management	
1.60	Co-ordination of Service Authorities	
1.70	Resident Notification	
1.80	Power line clearance protection	
2.00	Demolition / Earthworks	
2.10	Sawcut, remove existing pavement and existing pipe network (junction boxes)	
2.20	prune overhanging vegetation establish tree protection process	
3.00	Stormwater	
3.10	Supply and place stormwater pipe (size to be determined)	160m
3.20	Install junction boxes (size to be determined)	3
3.30	Install grated inlet pit (size to be determined)	1
3.40	Connection to existing stormwater system	2
3.50	Terminate existing stormwater system at private property boundary	2
3.60	Allowance for deep excavation	
3.70	Allowance for tree protection	
3.80	Allowance for service relocation	
3.90	Disposal of excavated material (including testing)	
3.10	Reinstate and seal roadways and kerbing	
3.11	Reinstate and pave laneway	
4.00	Miscellaneous	
4.10	Compound	
4.20	Temporary fencing	
4.30	Testing	
4.40	CCTV	
4.50	cleaning up	
4.60	CITB Levy	
4.70	Contingency	

11.11 PROPOSED CONVERSION OF NELSON LANE, STEPNEY TO A PUBLIC ROAD - SECTION 210(1) OF THE *LOCAL GOVERNMENT ACT 1999*

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4626
FILE REFERENCE: qA2009
ATTACHMENTS: A

PURPOSE OF REPORT

To obtain the Council's approval to commence the process of converting the privately owned Nelson Lane, Stepney to a Public Road under Section 210(1) of the *Local Government Act 1999*.

BACKGROUND

Nelson Lane is a privately owned road in the area of Stepney, comprising of allotments 143 & 144 in Filed Plan 17910.

Elected Members may recall at its meeting held on 7 September 2020 the Council considered a proposal to convert Nelson Lane to a Public Road in accordance with the Council's *Private Laneways Policy & Procedure*.

A copy of an aerial image of Nelson Lane is contained in **Attachment A**.

At its meeting held on 7 September 2020, the Council determined not to proceed with the proposed conversion of Nelson Lane to Public Road, because the required two-thirds consent of the adjoining landowners was not obtained. Only 57% of adjoining property owners agreed to the proposal.

On 20 August 2021 approval for the "Otto Development" was granted under the *Planning, Infrastructure and Development Act 2016*. "Otto Development" adjoins Nelson Lane. Stage 1 of the "Otto Development" included approval to reseal Nelson Lane.

Nelson Lane was previously identified as suitable for conversion to a Public Road under the selection criteria of the Council's *Private Laneways Policy & Procedure*. This criteria included the surface condition of Nelson Lane and the increased use of Nelson Lane by the community. While Nelson Lane has been resealed, the use of Nelson Lane is likely to increase because of the "Otto Development".

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

Objective 1.2

A people-friendly, integrated, sustainable and active transport and pedestrian network

1.2.2 Provide safe and accessible movement for all people.

FINANCIAL AND BUDGET IMPLICATIONS

The legal and administrative costs to convert Nelson Lane to a Public Road were included in the Council's 2019-2020 Budget. The costs related to research and design relates issues.

At that time, the estimated cost for legal, advertising and administrative costs totalled \$3,492.75 (including GST). These costs have mostly been incurred as part of the process to convert Nelson Lane to a Public Road under the *Private Laneways Policy & Procedure*. If the Council determines to proceed with the conversion of Nelson Lane to a Public Road only minor costs are therefore now expected.

The other cost identified for the Public Road conversion, was the upgrade of Nelson Lane was accounted for in the Council's 2020-2021 Budget. As discussed, Nelson Lane has been resealed as the "Otto Development", the only costs associated with ongoing maintenance will now be required.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The “Otto Development” is likely to increase the number of residents and visitors using Nelson Lane daily, on this basis it is appropriate to covert Nelson Lane to a Public Road. If Nelson Lane remains a private road, nearby residents and businesses may not have a legal right to access Nelson Lane. In addition, converting Nelson Lane to a Public Road will ensure the road is maintained by the Council at a Public Road standard.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The legal research for the conversion process has largely been undertaken. The Council’s Governance & Community Affairs staff will assist the Council’s lawyers to finalise the process as required under Section 210(1) of the Act.

RISK MANAGEMENT

If the Council determines to commence the process to convert Nelson Lane to a Public Road, the Council will assume responsibility for the road including ongoing maintenance and upkeep of the Lane. The process to convert Nelson Lane to a Public Road, will be undertaken in accordance with the relevant legislative requirements.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
The Council previously considered the matter at its meeting held on 7 September 2020.
- **Community**
The Council must give Public Notice of the proposed declaration to convert Nelson Lane to a Public Road at least three (3) months prior to making a declaration under Section 210(2)(b) of the Act.
- **Staff**
General Manager, Governance and Community Affairs
Acting Manager, City Assets
Project Officer, Assets
- **Other Agencies**
Section 210(2)(ab) of the Act requires the Council to provide notice of the proposed declaration to any person that has a registered legal interest over the land. Lands Title Office checks have identified that the Minister for Infrastructure and Transport has a registered easement over the land, likely for a right of way. The Certificate of title does not state what the easement is for.

DISCUSSION

The Council does not own Nelson Lane. The research which has been undertaken indicates that allotments 143 & 144 comprising Nelson Lane were owned by a J.M Strongman who is deceased. There is no evidence held by the Lands Titles Office to show the transfer of ownership of Nelson Lane, so it appears that Nelson Lane remains in the private ownership of the estate, executors or administrators of J.M Strongman.

Pursuant to section 210(1) of the Act, the Council can convert a private road to a Public Road if:

- (a) *The owner of the road asks for, or consent to, the declaration; or*
- (b) *The council makes reasonable inquires to find the owner and fails to do so.*

All reasonable inquires to find the owner of Nelson Lane suggests the owner of Nelson Lane is deceased.

It is the Council's objective to progressively obtain ownership of a private laneway under the *Private Laneways Policy & Procedure*. To acquire this pursuant to its policy means that the Council seeks written permission of a minimum of two-thirds of the adjoining owners to declare a private laneway to a Public Road. In this case, two-thirds of the adjoining owners did not consent to the Public Road conversion when this process was previously undertaken.

Since this process was unsuccessful, it is proposed that the Council departs from the *Private Laneways Policy & Procedure*, and commences the process to convert Nelson Lane to a Public Road under Section 210(1) of the Act. The advantages of converting Nelson Lane to a Public Road are as follows:

1. Safe and accessible access by the community. While Nelson Lane is privately owned, the community does not have safe accessible and ongoing access. The need for community access to Nelson Lane has arisen due largely to the "Otto Development" where access by the community is likely to increase with the completion of a number of residences in this location.
2. The increased foot and vehicle traffic on Nelson Lane as a result of the "Otto Development" will require ongoing maintenance and upkeep of Nelson Lane. The Council are best placed to ensure that Nelson Lane remains at a Public Road standard for the community. In addition, now that Nelson Lane has been resealed by the developer undertaking the "Otto Development" the funding allocated in the 2020-2021 Budget to resurface Nelson Lane, will not be required. Only costs associated with maintenance and upkeep will be required in the future.
3. The conversion of Nelson Road to a Public Road has previously been selected by the Council in 2019, as part of the selection criteria of the *Private Laneways Policy & Procedure*. Most of the costs to convert Nelson Lane to a Public Road have already been expended as part of the 2019-2020 & 2020-2021 Budget.

The disadvantage of not converting Nelson Lane to a Public Road is that the Council will not be able to ensure safe and accessible access for the community or indeed maintain the road as it does not own it.

Next Steps

If the Council determines to commence the process under Section 210(1) of the Act, the following steps will be taken:

1. a review of the legal research previously undertaken including obtaining a current Certificate of Title;
2. a final check with the Probate Registry to confirm if Nelson Lane was left to a beneficiary;
3. Public Notice of the proposed declaration (Section 210(2)(b) of the Act);
4. A Notice of the declaration published in the *Gazette* three (3) months after Public Notice of the declaration (Section 210(5) of the Act); and
5. providing the Register-General a copy of the declaration immediately after the declaration in the *Gazette* is made (Section 210(7) of the Act).

OPTIONS

The Council can resolve to either:

- 1) Commence the process under Section 210 of the Act to convert Nelson Lane to a Public Road; or
- 2) Refrain from commencing the process to convert Nelson Lane to a Public Road under Section 210 of the Act.

Given the on-going issues for resident associated with private laneways in terms of maintenance etc, it is recommended that the Council proceeds with the conversion of Nelson Lane to a Public Road.

CONCLUSION

It is proposed to commence the process under Section 210(1) of the Act, to convert Nelson Lane to a Public Road. Not only has Nelson Lane been resealed as part of the “Otto Development”, there is an obligation on the Council in its *CityPlan 2030* to ensure safe and accessible access for the community. In addition converting Nelson Lane to a Public Road has already been provided for in the 2019-2020 & 2020-2021 Budgets.

COMMENTS

Not Applicable.

RECOMMENDATION

1. That the Council resolves to proceed with the proposed declaration under section 210(1) of the *Local Government Act 1999* to convert Nelson Lane, Stepney from a Private Road comprising of allotments 143 & 144 in Filed Plan 17910 to a Public Road.
2. That the Council note that the process of converting Nelson Lane to a Public Road under Section 210 of the *Local Government Act 1999*, will now be enacted.

Attachments – Item 11.11

Attachment A

Proposed Conversion of Nelson Lane, Stepney to a Public Road Section 210(1) of the *Local Government Act 1999*

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City of
Norwood
Payneham
& St Peters

NELSON LANE, STEPNEY



Private Laneway



Adjoining Properties

11.12 PROPOSED CONVERSION OF PRIVATE LANEWAY TO PUBLIC ROAD – ROSEMONT LANE, NORWOOD

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2010
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council the proposed declaration of Rosemont Lane, Norwood, as Public Road pursuant to Section 210 of the *Local Government Act 1999* and the Council's *Private Laneways Policy & Procedure*.

BACKGROUND

The Council's *Private Laneways Policy & Procedure* (the Policy) provides that the Council will select up to two (2) Private Laneways for conversion to Public Road each year. The Public Road conversion process is required to be conducted in accordance with Section 210 of the *Local Government Act 1999* (the Act) and the requirements of the Council's Policy.

Since the adoption of the Policy, the following Private Laneways have been converted to Public Road:

- 2018-2019 – Post Office Lane, Norwood; and
- 2019-2020 – Charlotte Lane, Norwood.

For the 2020-2021 financial year, Salisbury Lane in Royston Park and Rosemont Lane in Norwood, were identified as two (2) Private Laneways that were suitable for conversion to Public Road. Both Laneways are predominantly unsealed with poor surface condition and have a history of experiencing flooding issues which impact upon adjoining property owners.

Initial investigations were undertaken by the Council to determine the scope and cost of storm drainage infrastructure works required to resolve the flooding and stormwater issues in both Laneways and a report was presented to the Council at its meeting held on 1 February 2021, to determine whether the Council wished to proceed with the conversion of one or both Laneways under the Council's *Private Laneways Policy*.

Following consideration of the matter, the Council resolved the following:

1. *That the proposed conversion of the Private Laneway known as 'Rosemont Lane', Norwood to Public Road proceed pursuant to Section 210 of the Local Government Act 1999 and in accordance with the Council's Private Laneways Policy & Procedure in the 2020-2021 financial year, with design and construction to occur in 2021-2022.*
2. *That the Chief Executive Officer be authorised to negotiate a transfer of the parcel of land comprised in Certificate of Title Volume 5209 Folio 850 and located at the end of Rosemont Lane, Norwood to the Council and a vesting of this land in the Council as Public Road, in connection with the proposed conversion of Rosemont Lane to Public Road.*
3. *That the Chief Executive Officer be authorised to enter into negotiations with the property owners of 165 First Avenue, 161 First Avenue, 301 Payneham Road and 155 First Avenue, Royston Park with respect to a proposed boundary realignment and vesting of the land comprised within the Private Laneway known as 'Salisbury Lane', Royston Park in the Council as Public Road, and that the Chief Executive Officer be authorised to prepare the required legal and conveyancing documentation to effect the boundary realignment and vesting of land for approval by the Council, in connection with the proposed conversion of Salisbury Lane to Public Road under the Council's Private Laneways Policy & Procedure.*

As such, the Council proceeded with Stage 1 of the Private Laneway to Public Road conversion process with respect to Rosemont Lane – namely, completing the research required to determine the legal status and ownership of the Laneway and publishing public notices of the proposed conversion in accordance with Section 210 of the Act.

Following completion of the three (3) month statutory notice period required under the Act, fourteen (14) submissions were received from adjoining property owners who agreed to the proposed conversion of Rosemont Lane to Public Road. This equates to two thirds (2/3^{rds}) of all adjoining owners.

Two (2) responses were received from property owners who did not agree to the proposed conversion of the Laneway.

Five (5) property owners did not provide a response.

As such, the agreement of two-thirds (2/3^{rds}) of the adjoining property owners to the proposed Public Road conversion, as required under the Council's Policy, (which would require agreement from 14 owners) has been obtained.

Pursuant to Section 210 of the Act, the Council can now proceed to declare Rosemont Lane as Public Road.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Social Equity

Objective 1.2 A people-friendly, integrated, sustainable and active transport and pedestrian network.

1.22.2 Provide safe and accessible movement for all people.

FINANCIAL AND BUDGET IMPLICATIONS

Funding for Stage 1 of the Public Road conversion process (i.e. legal research and preliminary design) for Rosemont Lane was included as part of the Council's 2020-2021 Budget.

As provided for in the Council's *Private Laneways Policy*, the legal, advertising and administrative costs of converting Rosemont Lane to Public Road, are proposed to be recovered from the adjoining owners of the Laneway, if the conversion proceeds. This occurs through declaration of a Separate Rate over the adjoining properties. As detailed in the Discussion section of this report, these costs amounted to \$8,030.80 (including GST), to be shared equally between the adjoining properties. If the Council determines not to proceed with the conversion of Rosemont Lane to Public Road, these costs will not be recovered.

Funding for Stage 2 of the Public Road conversion process (i.e. final design and the civil and drainage works required to upgrade Rosemont Lane to Public Road standard) has been included in the Council's 2022-2023 Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The Council's *Private Laneways Policy & Procedure* provides a framework for the Council to progressively assume ownership of and responsibility for Private Laneways throughout the City which have often deteriorated over time. Although the Council has no legal obligation to maintain these Laneways or convert them to Public Road, it is recognised that in many cases, the Council is the only authority which has the capacity to provide a solution for adjacent residents and businesses where there is no known owner of the Laneway.

Although the upgrade of a Private Laneway to Public Road benefits the community at large by improving the public road network, the Council's Policy requires that the legal and administrative costs of conversion are met by the adjoining owners of the Laneway, as they will most directly benefit from the upgrade. In accordance with the Council's Policy, the Council has determined to cover the costs of the capital upgrade works to bring the Laneway up to Public Road standard.

In some cases, despite the potential benefits of upgrading a Private Laneway to Public Road, the adjacent owners may determine that it is preferable for the Laneway to remain in private ownership. This may be for reasons of amenity, ease of current use and parking, and existing maintenance arrangements between adjacent owners.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Private Laneways conversion process is managed in-house by Council Staff with assistance from external lawyers and consultants as required.

RISK MANAGEMENT

By converting a Private Laneway to Public Road under the legislative process set out in Section 210 of the Act, the Council assumes responsibility for the ongoing maintenance and upkeep of the Laneway, rather than responsibility and liability for the condition of the Laneway remaining an unknown factor due to the Laneway having no identifiable owner or a mix of ownership arrangements.

COVID-19 IMPLICATIONS

There are no direct implications from the COVID-19 pandemic or associated State Government restrictions on the proposed conversion of Rosemont Lane to Public Road under the Council's Policy.

CONSULTATION

- **Elected Members**

The Council considered the proposed conversion of Rosemont Lane to Public Road at its meeting held on 1 February 2021.

- **Community**

Public notice of the Council's proposed declaration of Rosemont Lane as Public Road was published on 10 June 2021 on the Council's website, on 11 June 2021 in the SA Government Gazette and on 15 June 2021 in the Advertiser, as required by Section 210(2) of the Act.

Additionally, the 21 adjoining property owners of Rosemont Lane (including any persons with a registered right of way over the Laneway) were notified of the proposed conversion as required by Section 210(2) of the Act on 21 June 2021.

As such, the three (3) month statutory notice period was conducted from 21 June 2021 to 21 September 2021.

- **Staff**

- General Manager, Urban Services
- General Manager, Urban Planning & Environment
- Acting Manager, City Assets
- Project Manager, Assets
- Project Officer, Assets

- **Other Agencies**

- If the Council proceeds with the declaration of Rosemont Lane as Public Road, a copy of the declaration will be provided to the Registrar-General as required by Section 210(7) of the Act.

DISCUSSION

Rosemont Lane was initially identified as suitable for conversion to Public Road under the Council's *Private Laneways Policy*, due to flooding issues experienced at the western end of the Laneway. At present, the Laneway is unsealed and contains no storm drainage infrastructure. In high rainfall events, flooding often occurs at the western end of the Laneway behind the properties at 5B and 7 Rosemont Street, as the land naturally falls in this direction and there is no outlet for stormwater.

Recent weather events (30 and 31 May 2022), have once again caused flooding to these properties.

The Laneway also provides primary vehicle access for a significant number of adjoining properties from the public road network, and so ensuring ongoing maintenance and accessibility of the Laneway for these Properties is critical.

A map showing the location of Rosemont Lane and the 21 adjoining rateable properties is contained with **Attachment A**.

Two (2) of the adjoining rateable properties are strata titled and each contain a large number of units with vehicle access from William Street – on this basis, only the common property of each land holding was included as a single adjoining property for the purposes of the Council's Policy.

Ownership of Laneway

In order to commence the Public Road conversion process for Rosemont Lane, Norwood, legal research was undertaken by the Council's lawyers to determine the legal status and ownership of the Laneway.

Rosemont Lane is a privately owned laneway that comprises several historical parcels of land under divided ownership.

The sections marked 'Private Road' and 'A' / 'Right of Way' on the **enclosed** map remain in the ownership of deceased estates from the late 1800s, while the land marked 'B' remains in the ownership of a deregistered company since the late 1960s.

Further attempts to locate the executors, administrators, heirs or beneficiaries of the last known owners of the Laneway – namely V.M. Gilmour Pty Ltd (deregistered), the estate of the late George August Reinecke and the estates of the late James Spankie Buik and the late Robert Whyte Buik – have been unsuccessful.

With respect to the parcel of land owned by the deregistered company, the Council's lawyers have advised that this land can also be converted to Public Road under the process set out in Section 210 of the Act and that a separate transfer of this parcel of land to the Council will not be required.

Public Road conversion process

On the basis of the above information and in order to satisfy the requirement in Section 210(1)(b) of the Act to make 'reasonable inquiries' to find the owner of Rosemont Lane, public notices of the proposed conversion of Rosemont Lane to Public Road were published in both the SA Government Gazette and the Advertiser. The three (3) month statutory notice period was conducted from 21 June 2021 to 21 September 2021.

A copy of the SA Government Gazette notice is contained within **Attachment B**.

No responses were received in relation to the public notices.

The Council's *Private Laneways Policy & Procedure* also requires the agreement of two-thirds (2/3^{rds}) of the adjoining property owners to the proposed Public Road conversion and agreement to share the costs of converting the Laneway to Public Road (including the legal, advertising and administrative costs). Based on a total of 21 adjoining properties, this requires agreement from 14 property owners.

Correspondence was sent to all 21 adjoining owners of Rosemont Lane on 21 June 2021, advising them of the proposed conversion of Rosemont Lane to Public Road and seeking their written agreement to the proposal and the cost sharing arrangements. A number of these adjoining properties also have a Right of Way over the Laneway, which provided historical rights of access to their properties. Notice to these registered interest holders of the proposed conversion to Public Road is required by Section 210(2) of the Act.

The total legal, advertising and administration costs of converting Rosemont Lane to Public Road amounted to \$8,030.80 (including GST). Shared equally between the 21 adjoining properties, this equates to \$382.42 (including GST) per property.

During the three (3)-month notice period, a few enquiries were received regarding the proposed conversion of Rosemont Lane to Public Road from adjoining property owners. Namely, enquiries regarding future parking restrictions in the Laneway, who would have access to the laneway and what the finished design, surface and landscaping of the Public Road would be. These enquiries were addressed on the basis that the narrow width of the laneway would not permit on-street parking once converted to Public Road and that the laneway would be accessible to the public at large once converted to Public Road (although through-traffic is unlikely given it is a dead end).

With respect to the proposed design of the Public Road, this will be finalised and further information will be provided to adjoining owners if the proposed conversion to Public Road proceeds.

An enquiry was also received as to whether the upgrade to Public Road would have an impact on future development of the adjoining properties. The Council's Urban Planning & Environment staff have advised that the conversion of Rosemont Lane to Public Road is unlikely to have any implications with respect to development potential on the adjoining properties. Any proposed development will be subject to assessment under the *Planning, Development and Infrastructure Act* and the relevant provisions of the State Government *Planning & Design Code* for this area. Converting the Laneway to public road may encourage additional adjoining property owners to request rear garage access from the Lane where they have not had this previously, which would likely be approved subject to any physical limitations (i.e. width of the laneway and turning circles in that location). New dwellings are unlikely to be approved directly fronting the Laneway (i.e. with primary vehicle access from the Lane) given the Laneway will not have utility, infrastructure and other services, as this is a requirement under the *Planning & Design Code* for the zone surrounding Rosemont Lane.

A further enquiry related to the effect that the proposed works may have on any adjacent vegetation. The Council's City Arborist has been involved throughout this process and has advised that careful pruning would be undertaken on any tree roots exposed as part of the works and that there would be no adverse effects on the vegetation.

The works, which are proposed to be undertaken to Rosemont Lane include alternatives to 'hard' drainage solutions on the basis of the Laneway's low-use residential character and to take into account protection of the mature Red Gum trees located on the northern boundary of the Laneway.

Permeable interlocking pavers have been identified as preferred options on the basis that they allow water infiltration to assist with stormwater management and do not seal off oxygen from the roots of the mature Red Gum trees located on the boundary of the Laneway.

Outcome of consultation

Upon completion of the three-month statutory notice period on 21 September 2021, agreement of two-thirds (2/3^{rds}) of the adjoining property owners to the proposed conversion of Rosemont Lane to Public Road, as required by the Council's *Private Laneways Policy*, was successfully obtained.

Follow-up letters were sent on 6 September 2021 to adjoining property owners who had not responded to the Council's initial correspondence, requesting a response as to whether they supported the proposed conversion of Rosemont Lane to Public Road. This generated a few additional responses. Despite these efforts, five (5) property owners did not provide a response.

Difficulties in obtaining agreement were presented by:

- rental properties managed by real estate agents, where the property owner does not live in the Rosemont Lane property and direct contact was not able to be made;
- adjoining property owners who do not currently have rear vehicle access from the Laneway, who therefore see little benefit in the Laneway being upgraded; and
- the two (2) properties on William Street that contain multiple units and are managed by Strata Corporations, which do not presently have vehicle access to the Laneway and contact was not able to be made directly with the Strata Corporation or relevant owners.

As stated previously, in total, fourteen (14) responses were received from adjoining property owners who agreed to the proposed conversion of Charlotte Lane to Public Road. This equates to the required two-thirds (2/3^{rds}) agreement from the adjacent property owners.

Two (2) responses were received from property owners who did not agree to the proposed conversion of the Laneway.

Agreement from fourteen (14) adjoining property owners is required under the Council's Policy to reach the two-thirds (2/3^{rds}) agreement threshold. As such, this was successfully obtained.

Declaration as Public Road

On the basis that the required two-thirds (2/3^{rds}) agreement has been obtained as required by the Council's Policy, the Council can now proceed to declare Rosemont Lane as Public Road pursuant to Section 210 of the Act.

The adjacent properties will benefit from the upgrade of the surface of the Laneway and implementation of a stormwater management system to manage the flooding risk which is currently presented to properties at the western end of the Laneway. Without these upgrades, these issues will continue and will fall to the adjoining owners who are directly affected to manage at their cost. The upgrade of the Laneway also provides an opportunity to implement line-marking, signing and measures to improve traffic safety and to reduce the incidence of antisocial behaviour where youths occasionally gather at the dead end of the Laneway after gaining access through the poorly maintained fence on the northern side of the Laneway.

If the Public Road conversion of Rosemont Lane proceeds, it is proposed to undertake extensive storm drainage and capital upgrade works to bring the Laneway up to Public Road standard, at an estimated cost of \$170,000 (excluding GST).

These works are proposed to include construction of an infiltration basin at the western end of the Laneway, with surface runoff and stormwater from the adjoining properties directed to the basin via a spoon drain, drainage pits and underground drainage trench along the length of the Laneway. Stormwater would be stored underground in the basin and would slowly infiltrate into the surrounding earth. The basin itself would be around one (1) metre deep and backfilled with crushed rock.

Re-surfacing of the Laneway will also be completed, with suitable surface treatments (such as permeable interlocking pavers), to allow water infiltration to assist with stormwater management. An additional consideration in selecting the final pavement option for the Laneway is the risk of excavation within the structural root zone and tree protection zone of the mature Red Gum trees located on the northern boundary of the Laneway. Further exploratory work will be undertaken to identify the location of the tree roots in order to determine the best surface treatment for the Laneway.

If the Council determines to proceed with the proposed conversion of Rosemont Lane to Public Road, Council staff will finalise the design for the civil and drainage works and will advise the adjoining property owners of the proposed outcome. The works will be scheduled for completion in the 2022-2023 financial year.

Upon declaration of Rosemont Lane to Public Road, notice of the Council's declaration will also be published in the SA Government Gazette and the Laneway will vest in the Council's ownership pursuant to Section 210(6) of the Act. Upon vesting, all prior registered interests and encumbrances over the Laneway (including, e.g., historical Rights of Way), will be extinguished pursuant to Section 208 of the Act. However, those adjoining properties which previously held Rights of Way over Rosemont Lane will enjoy all the usual rights of public rights of access over the newly declared Public Road.

As provided for by the Council's Policy, all adjoining owners will in due course also be required to contribute to the legal and administrative costs of the Public Road conversion through declaration of a Separate Rate over their properties pursuant to Section 154 of the Act.

OPTIONS

Option One

The Council can now proceed to declare Rosemont Lane as Public Road pursuant to Section 210 of the Act and in accordance with the Council's *Private Laneways Policy & Procedure*, on the basis that agreement of two-thirds (2/3rds) of the adjoining property owners to the proposed conversion has been obtained.

Option Two

The Council can determine not to declare Rosemont Lane as Public Road.

However, Option One is recommended on the basis that the requirements of the Act and the Council's Policy have been met, and in the interests of providing a benefit to the adjacent owners of the Laneway by the Council assuming responsibility for the ongoing maintenance and upkeep of the Laneway.

CONCLUSION

The Council's *Private Laneways Policy & Procedure* provides that the Council will select up to two (2) Private Laneways for conversion to Public Road each year. Rosemont Lane, Norwood was selected as suitable for conversion to Public Road on the basis of its poor surface condition and ongoing stormwater management and flooding issues. Public notice of the Council's proposed Public Road conversion was provided in accordance with the requirements of the *Local Government Act 1999* and all adjoining owners of Rosemont Lane were notified. Agreement to the proposed conversion of Rosemont Lane to Public Road has been obtained from two-thirds of the adjoining property owners.

COMMENTS

Nil.

RECOMMENDATION

1. That pursuant to Section 210(1) of the *Local Government Act 1999*, the Council declares the land comprised in Certificate of Title Volume 5209 Folio 850, the land marked 'Right of Way' in Transfer No. 105152 and the land comprised in Certificate of Title Volume 471 Folio 114, and which is a private road commonly known as 'Rosemont Lane' in the area of Norwood, to be Public Road.
2. That the Chief Executive Officer be authorised to give public notice of this declaration in the Government Gazette pursuant to Section 210(5) of the Act.

Attachments – Item 11.12

Attachment A

Proposed Conversion of Private Laneway to Public Road Rosemont Lane, Norwood

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

ROSEMONT LANE, NORWOOD



 Owned by deregistered company


 Owned by deceased estate

Attachment B

Proposed Conversion of Private Laneway to Public Road Rosemont Lane, Norwood

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

LOCAL GOVERNMENT INSTRUMENTS

CITY OF NORWOOD PAYNEHAM & ST PETERS

LOCAL GOVERNMENT ACT 1999 (SA)—SECTION 210(1)

Proposed Declaration

The City of Norwood Payneham & St Peters hereby gives notice that it proposes to make a declaration under Section 210(1) of the *Local Government Act 1999* (SA) converting the following private road within its Council area into a public road on 10 September 2021 or thereafter:

The land comprised in Certificate of Title Volume 5209 Folio 850, the land marked ‘Right of Way’ in Transfer No. 105152 and Certificate of Title Volume 471 Folio 114 and which is a private road commonly known as ‘Rosemont Lane’ in the area of Norwood.

The executors, administrator, heirs and assigns of the last known registered proprietors of the above land, namely V. M. Gilmour Pty Ltd (deregistered), the estate of the late George August Reinecke and the estates of the late James Spankie Buik and the late Robert Whyte Buik, may contact the Council about the said declaration.

Dated: 10 June 2021

MARIO BARONE
Chief Executive Officer

ADELAIDE HILLS COUNCIL

CORRIGENDUM

Declaration of Public Road

In the *South Australian Government Gazette* No. 40, dated 3 June 2021, on page 2133, being the third notice on that page, the first item on the list after the first paragraph contained errors and should be replaced with the following:

Notice is hereby given, pursuant to Section 210(2)(b) of the *Local Government Act 1999*, that the Adelaide Hills Council resolved at the meeting held on 25 May 2021, that the below parcels are hereby declared to be Public Road:

- Allotment 123 in Deposited Plan 3889, known as Russell Terrace Bridgewater being the land comprised in CT 5411/603

Dated: 10 June 2021

A. AITKEN
Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

LOCAL GOVERNMENT ACT 1999

By-law No. 1 of 2021—Permits and Penalties By-law 2021

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council’s by-laws and for related purposes.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the District Council of Coober Pedy;
- 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver** of a vehicle means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules* and includes a motor vehicle.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

11.13 CODE OF CONDUCT MATTER – CR SIMS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA88419
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a complaint which has been lodged by a resident, during the investigation of which, it was identified that Councillor Scott Sims has breached certain provisions of the *Code of Conduct for Council Members*.

BACKGROUND

This report contains information regarding a complaint which has been made against Cr Scott Sims under the *Code of Conduct for Council Members* (the Code) and the investigation which has been undertaken in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the Procedure).

Clause 2.24 of the Code requires a breach of the Behavioural Code to be the subject of a report to a public meeting of the Council.

A copy of the Code is contained within **Attachment A**.

DISCUSSION

On 1 February 2022, a resident, (the complainant), lodged a complaint against Cr Sims under the *Code of Conduct for Council Members*, via an email, alleging that Cr Sims had breached Part 2 and also Clause 3.2 of Part 3 of the Code, when making comments via Facebook and in an email to the complainant regarding their concerns with a Council owned tree.

Essentially, the complaint has arisen as a result of a "Facebook conversation" between Cr Sims and the complainant, regarding the complainant's request for the Council to prune the Council owned tree located on a Council reserve adjacent to the complainant's property.

During the course of the "Facebook conversation", the complainant stated that Cr Sims' "*use of swear words and his tone of expression was harassing and demonstrated a lack of respect*".

Specifically, the complainant has alleged that Cr Sims breached the Code as follows:

General behaviour

- 2.1 *Show commitment and discharge duties conscientiously.*
- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

Responsibilities as a member of Council

- 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*

Member duties

Council members must

- 3.2 *Perform and discharge their official functions and duties with reasonable care and diligence at all times.*

In accordance with the Council's Procedure, an initial assessment of the complaint was undertaken and it was determined that the complaint did contain prima facie evidence of a breach of Part 2 and Part 3 of the Code.

Part 2 breaches of the Code relate to Behavioural matters and breaches of Part 3 of the Code relate to Misconduct matters.

In accordance with the Code and the Council's Procedure, it was determined that the matters relating to the alleged breaches of Part 2 of the Code would be retained by the Council for investigation. In addition, it was determined that the matter was not minor in nature meaning that the opportunity to resolve the matter informally whether through alternative dispute resolution processes or otherwise to explore resolution, was not available in the circumstances.

As the Council has no jurisdiction to investigate a complaint under Part 3 of the Code, on 9 February 2022, the allegations relating to Part 3 of the Code were referred to the SA Ombudsman for consideration and determination.

At the time of writing this report, the Council had not been advised of the outcome of the Ombudsman's assessment of the matter relating to the alleged breaches of Part 3 of the Code.

On the basis of the determination and the nature of the complaint, the matters relating to Part 2 of the Code (ie the Behavioural matters), was referred to Mr Michael Kelledy of Kelledy Jones Lawyers as the External Investigator under the Procedure, for investigation. The matter was referred to Mr Kelledy to ensure that there were no questions or concerns about the impartiality or independence of the investigation.

As part of the investigation, KelledyJones Lawyers invited both parties to provide any additional material and/or comments regarding the matter.

In accordance with the Council's Procedure, in affording the parties natural justice/procedural fairness as part of the investigation process, the complainant and Cr Sims were also provided with a copy of the draft report and an invitation to make any further submission to be taken into account as part of the investigation of the complaint, limited to the facts as stated and the preliminary findings made.

As both parties declined the invitation to provide any further submissions, the final report, setting out the findings and recommendations has now been provided to the Council for consideration.

A copy of the final report, *Final Investigation Report Councillor Scott Sims* (the Report), is contained within **Attachment B**.

Findings

KelledyJones Lawyers have found that the conduct by Cr Sims has amounted to a breach of the following Clauses of the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*
- 2.6 *Comply with all Council policies, codes and resolutions.*

Where a breach of the Code is found, the Council's Procedure sets out the following:

*In accordance with clause 2.24 of the Code, if, following the investigation process, a breach of Part 2 of the Code, the Behavioural Code, has been substantiated, a report **must** be presented to a public meeting of the Council.*

This report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to the Council.

In accordance with Clause 2.25 of the Code, the Council may, by resolution, take any of the following actions upon a finding that an Elected Member has breached Part 2 of the Code:

- *take no action;*
- *pass a censure motion in respect of the Elected Member;*
- *request a public apology, whether written or verbal;*
- *request the Elected Member to attend training on the specific topic found to have been breached;*
- *resolve to remove or suspend the Elected Member from a position within the Council (not including the Elected Member's elected position on Council); and/or*
- *request the Elected Member to repay monies to the Council (ie legal fees).*

The recommendations which have been made by KelledyJones Lawyers for the Council's consideration in terms of resolving this matter are that the Council:

1. Notes that it has been found that, collectively, in making certain posts on Facebook, as well as in an email sent to the Complainant, Cr Sims has breached the following clauses of the Code:
 - 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
 - 2.4 *Show respect for others if making comments publicly*
 - 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
 - 2.6 *Comply with all Council policies, codes and resolutions.*
2. Notes that Cr Sims has, voluntarily, removed the offending comments from the Facebook post in question and made a public apology to both the Complainant and the Council at the Council meeting held on 4 April 2022 and determines not to take any further action.

OPTIONS

Essentially the Council has two (2) options in respect to this matter.

Option One

The Council can resolve to accept the recommendations made by KelledyJones Lawyers and determine, as set out above, that no further action is required.

Option Two

Notwithstanding the apology which has been made by Cr Sims to the resident, the Council can determine alternative sanctions if the Council determines that this is warranted.

CONCLUSION

In accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure*, the Complainant and Cr Sims will be formally notified in writing of the outcome of this matter.

The Complainant is entitled to refer this matter to the South Australian Ombudsman if they are not happy with the outcome.

In respect to the alleged breaches of Part 3 – Misconduct of the Code, the South Australian Ombudsman is yet to finalise the matter.

COMMENTS

Nil.

RECOMMENDATION

1. The Council notes that it has been found that, in making certain posts on Facebook and in an email sent to the Complainant, Cr Sims has breached the following clauses of the *Code of Conduct for Council Members*:
 - 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
 - 2.4 *Show respect for others if making comments publicly*
 - 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
 - 2.6 *Comply with all Council policies, codes and resolutions*
2. The Council notes that Cr Sims has, voluntarily, removed the offending comments from the Facebook post in question and at the Council meeting held on 4 April 2022, made a public apology to the Complainant.
3. That following consideration of the breach of the *Code of Conduct for Council Members*, by Cr Sims and the public apology which has been made by Cr Sims to the complainant, the Council determines not to take any further action regarding this matter.

Attachments – Item 11.13

Attachment A

Code of Conduct Matter Cr Sims

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

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 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly 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.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

Attachment B

Code of Conduct Matter Cr Sims

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
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City of
Norwood
Payneham
& St Peters

**CITY OF NORWOOD PAYNEHAM & ST
PETERS**

CODE OF CONDUCT COMPLAINT

FINAL INVESTIGATION REPORT

COUNCILLOR SCOTT SIMS

CITY OF NORWOOD PAYNEHAM & ST PETERS Elected Member Code of Conduct Complaint

1. INTRODUCTION

- 1.1 By email dated Tuesday 1 February 2022, addressed to the general 'Townhall' email account of the City of Norwood Payneham & St Peters (the **Council**), a resident (the **Complainant**) lodged a complaint (the **Complaint**) against Councillor Scott Sims (**Cr Sims**) under the prescribed *Code of Conduct for Council Members* (the **Code**).
- 1.2 The Complaint pertains to certain posts made on Facebook by Cr Sims, as well as in an email sent by Cr Sims to the Complainant, copied to senior Administration staff at the Council (**Appendix 1**).
- 1.3 More particularly, it was alleged in the Complaint that Cr Sims contravened the Code, in making the following comment to a Facebook post made by a resident, in relation to a street tree alleged to be detrimentally affecting their property:

Can you please forward me the email sent and I'll follow-up. Respectfully calling Council useless and bagging us on Facebook every chance you get doesn't make people want to help either. I look forward to your email ssims@electedmembers.npsp.sa.gov.au.

...

- 1.4 Following which, the Complainant responded to Cr Sims, stating:

... but the council refuses to maintain the trees, pruning away from power lines, over paths so that residents walk on the pathway and they refuse to trim to the property line when their trees overhang private property.

- 1.5 To which Cr Sims responded:

How about you actually give us a chance and send an email? You'll be surprised! Having a go at us on Facebook gets nowhere and looks like trolling more than trying to get a constructive response and look at your issues! ... I won't be responding further on Facebook, but I've given you both more than enough information and a constructive way to seek help and more information. You can't say Council is doing nothing or ignoring you. I look forward to emails from you both.

and then to the original property owner;

That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!

- 1.6 As noted above, included with the Complaint was also an email that Cr Sims sent to the resident, which reads:

Sorry to say, you built you [sic] house knowing full well where the tree was.

Please hire your own arborist to prune it back.

You should have taken the tree into consideration when building. You can't complain after. The tree was there before you built your house.

I won't be responding further on this issue but will acknowledge and post the facts if you continue to bag the Council in public!

Regards

--

Scott Sims

Councillor for Trinity / Maylands Ward

City of Norwood, Payneham and St Peters

- 1.7 The letter of Complaint, including the Facebook comments and the email sent by Cr Sims are included at **Appendix 1**.

- 1.8 The Complainant alleges that, collectively, the Facebook posts and the email from Cr Sims give rise to a breach of the following provisions of the Code:

2.1 *Show commitment and discharge duties conscientiously*

2.2 *Act in a way that generates community trust and confidence in the Council*

2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*

2.4 *Show respect for others if making comments publicly*

2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*

2.7 *Deal with information received in their capacity as Council members in a responsible manner*

- 1.9 The Complainant alleges that Cr Sims' use of swear words and his tone of expression was harassing and demonstrated a lack of respect.

- 1.10 It is also to be noted that the Complainant alleges that the actions of Cr Sims breached clause 3.2 of the Code, being his obligations to discharge his official functions and duties with reasonable care and diligence.

- 1.11 Failure by a member to comply with Part 3 of the Code constitutes misconduct under the Code.

- 1.12 Whilst such allegations may be referred to the Council, a *prima facie* case of a breach of Part 3 of the Code triggers a requirement that the matter be reported to the Ombudsman or the Office for Public Integrity (the OPI) under Part 3 of the Code.
- 1.13 Accordingly, for the avoidance of doubt, the Council does not have any jurisdiction to and will not investigate allegations that fall under Part 3 of the Code. Therefore, this investigation is limited to only those allegations which fall for consideration under Part 2 of the Code, as set out above.

2. INVESTIGATION PROCESS

- 2.1 Following receipt of the Complaint by the Council, the General Manager, Governance & Community Affairs (the **General Manager**) considered the complaint in accordance with the *Council's Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**) and formed the view that, if made out, Cr Sims' alleged actions could constitute a breach of Part 2 of the Code, warranting further investigation.
- 2.2 A copy of the Procedure is **Appendix 2**.
- 2.3 In which case, the General Manager determined, both reasonably and appropriately and in accordance with the Procedure, to engage Kelledy Jones Lawyers, as one of the Council's legal service providers, to conduct an independent investigation into the allegations.
- 2.4 The subsequent investigation has occurred on an objective basis and in accordance with the Procedure and principles of procedural fairness.
- 2.5 Following referral of the Complaint under the Procedure, Kelledy Jones Lawyers wrote to the Complainant by letter dated 9 February 2022, advising of its engagement, setting out the basis of the allegations in full, and inviting a response by way of written submission to be received by close of business on Wednesday 16 February 2022 (**Appendix 3**).
- 2.6 By email dated Monday 14 February 2022, the Complainant confirmed that he did not have any further evidence to provide (**Appendix 4**).
- 2.7 In addition, Kelledy Jones Lawyers wrote to Cr Sims by letter dated 9 February 2022, also inviting a response by way of written submission, to be received by the close of business on Wednesday 16 February 2022 (**Appendix 5**).
- 2.8 By way of telephone conversation with Kelledy Jones Lawyers on Thursday 10 February 2022, Cr Sims conceded he had breached the Code in the manner alleged and was proposing to make a voluntary apology at the Council Meeting of Monday 7 March 2022.
- 2.9 Following which, by further emails and a telephone conversation of Wednesday 30 March 2022, Cr Sims, for personal and work reasons, sought an extension to provide a copy of his proposed apology.

- 2.10 Subsequently, by email of Monday 4 April 2022, Kellady Jones Lawyers received a copy of the apology read out by Cr Sims, after seeking leave of the meeting, by way of a personal explanation, at the Council meeting that evening.
- 2.11 By reference to Agenda item 13 of the Minutes of the Council meeting of Monday 4 April 2022, it is shown that the apology read by Cr Sims was as follows:

13. *OTHER BUSINESS*

13.1 Personal Explanation – Cr Scott Sims – Facebook Post

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to public comments he made on social media (Facebook).

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved: That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Granozio and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint made by Mr Dehane Fletcher to the Council recently regarding some public comments I made within the social media environment - specifically Facebook.

The Council might be aware of Mr Fletcher's frustration with and disappointment at the Council's service with regard to his particular complaints.

In my attempt to defend the Council, I acknowledge that I responded in a tone and manner that could, reasonably, have been read as intemperate and disrespectful.

I acknowledge that I was in error and in that, in this instance, I did not meet the high professional standards expected of an Elected Member.

I offer a sincere apology to Mr Fletcher and to the Council.

- 2.12 A copy of the relevant page of the Minutes of the Council Meeting of Monday 4 April 2022 is **Appendix 6**.
- 2.13 Having now considered all relevant evidence available to inform this investigation, this Final Report has been prepared, setting out:
- 2.13.1 the background facts which gave rise to the Complaint;
 - 2.13.2 the provisions of the Code which the alleged behaviours are said to have breached;
 - 2.13.3 findings following the investigation of the Complaint; and
 - 2.13.4 recommendations for the consideration of the Council.

- 2.14 The standard of proof applied in this investigation is that of the balance of probabilities. In determining whether the standard has been met, in accordance with the High Court decision in Briginshaw v Briginshaw (1938) 60 CLR 336, we have considered the nature of the allegations made and the consequence(s) if they were to be upheld.
- 2.15 In that matter, Dixon J explained [361-362]:
- The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences.*
- 2.16 In accordance with the Procedure and relevant principles of procedural fairness, a copy of the Draft Investigation Report was provided to both the Complainant and to Cr Sims, by email on Thursday 14 April 2022.
- 2.17 Each of the Complainant and Cr Sims was extended an opportunity to make further submission, limited to the facts as stated, the preliminary findings made and the foreshadowed recommendations, to be received by Kelledy Jones Lawyers by the close of business on Thursday 21 April 2022.
- 2.18 Cr Sims responded that same day, requesting a minor amendment with respect to personal information pertaining to his request for an extension of time. This amendment was accommodated.
- 2.19 The Complainant did not make any further submission.
- 2.20 Accordingly, this Final Report has been produced.

3. THE EVIDENCE

- 3.1 In the investigation of this matter, Kelledy Jones Lawyers has:
- 3.1.1 considered the Facebook posts and the email giving rise to the Complaint (**Appendix 1**);
 - 3.1.2 extended an invitation to Cr Sims and the Complainant to provide any further evidence to be considered as part of this investigation (**Appendices 3 and 5**);
 - 3.1.3 considered the response provided by the Complainant by email of Monday 14 February 2022 (**Appendix 4**);
 - 3.1.4 considered the apology read out by of Cr Sims at the Council Meeting of Monday 4 April 2022 (**Appendix 6**); and
 - 3.1.5 considered the application of the Council’s Social Media Policy (the **Policy**), a copy of which appears at **Appendix 7**.

3.2 Relevant to this investigation, the Policy provides as follows (emphasis ours):

*The Council encourages **appropriate and professional use of social media platforms** to aid the efficient and effective conduct of Council business. In using social media platforms (whether authorised Council platforms or personal accounts), **Elected Members**, Council staff, Volunteers and contractors engaged by the Council are expected to comply with the following principles at all times:*

Communication and Expression

- **Be courteous, patient and respectful of others' opinions.**
- **Use your own voice, but be mindful of language and expression.**
- **Don't make statements or engage with, share or upload content that is malicious, defamatory or may negatively impact the reputation of another person or organisation (including the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council).**
- *Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.*
- *Encourage open, honest and transparent engagement and feedback from the "online community".*
- **Do not use social media when inebriated, irritated, upset or tired.**

...

3.3 It is also to be noted as part of this investigation that, in respect of the screenshots of the Facebook posts, that posts and comments made on social media have, consistently, been determined by the Courts to be publicly available information.

3.4 In which case, there is no privilege or confidentiality attached to these posts and they can be freely distributed beyond Facebook, irrespective of whether they were posted in a public group, or a group said to be private/closed.

4. FINDINGS

4.1 Having carefully considered the above, against the evidence received, we make the following findings.

4.2 By reference to the email sent by Cr Sims to the Complainant and to the Facebook posts he made:

4.2.1 Cr Sims does not deny that he made the comments as alleged and the contents of the email and the Facebook posts alleged to have been made by him, were written, as alleged;

4.2.2 the comments attributable to Cr Sims from the email and Facebook posts regarding the Council street tree are, 'self-evident';

- 4.2.3 whilst, undoubtably, the content of the email and the Facebook posts were Cr Sims' personally held views on these issues, they were not identified as such. Accordingly, we find not only that they breached clause 2.5 of the Code but they also failed to generate community trust and confidence in the Council, contrary to clause 2.2 of the Code;
- 4.2.4 whilst the Facebook post was made from Cr Sims' personal Facebook page, it is evident that he was identifying himself as an Elected Member, with respect to the reference to *'how about you actually give us a chance'* and *'can you please forward me the email sent and I'll follow-up'*;
- 4.2.5 the email sent by Cr Sims to the complaint was sent from his Council email address, meaning that it was sent in his capacity as an Elected Member;
- 4.2.6 the comments cannot, therefore, be characterised as personal comments or opinion but, rather, comments made in his capacity as an Elected Member;
- 4.2.7 there are other avenues open to Cr Sims, as an Elected Member, to address the concerns of the Complainant, to seek feedback on these matters and to facilitate communication with residents, ratepayers and electors, that do not otherwise infringe upon the Code, in the public manner that has occurred on this occasion;
- 4.2.8 the general tone and use of profanity in the comments is also inappropriate and not befitting of a person holding public office;
- 4.2.9 we find that Cr Sims' comments were offensive and rude, in which case we find that in engaging with members of the public in this manner, including by way of a public forum through Facebook in the manner that he did, Cr Sims was in breach of both clause 2.3 for a failure to act in a reasonable, just, respectful and non-discriminatory way when dealing with people and clause 2.4 of the Code, for failing to show respect for others if making comments publicly;
- 4.2.10 we further find that Cr Sims' Facebook posts breached the Policy and, accordingly, breached clause 2.6 of the Code;
- 4.2.11 however, we do not find that Cr Sims has failed to show commitment and to discharge his duties conscientiously, contrary to clause 2.1 of the Code. Nor do we find that Cr Sims has failed to deal with information received in his capacity as a Council member in a responsible manner, contrary to clause 2.7 of the Code;
- 4.2.12 rather, Cr Sims' actions and comments simply went too far in his support and defence of, the Council's position; and
- 4.2.13 in making the above findings we note that Cr Sims has since, voluntarily, removed the Facebook posts of concern, as well as, voluntarily, making a public apology at the Council meeting of Monday 4 April 2022.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Where an investigation has determined that a breach (or breaches) of Part 2 of the Code have occurred, it must be the subject of a report of a public meeting of the Council.
- 5.2 It is then a matter for the Council to consider what, if any, action it wishes to take.
- 5.3 The available outcomes are set out at page 6 of the Procedure and clause 2.25 of the Code, which provide, in full, as follows:
- 2.25.1 *Take no action;*
 - 2.25.2 *Pass a censure motion in respect of the Council member;*
 - 2.25.3 *Request a public apology, whether written or verbal;*
 - 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
 - 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
 - 2.25.6 *Request the member to repay monies to the Council.*
- 5.4 Based on the findings that we have made, we recommend that, in having regard to all the circumstances of this matter, that the Council:
- 5.4.1 notes this report at a public meeting;
 - 5.4.2 notes that following an investigation into alleged breaches of the Code, it has been found that, collectively, in making certain posts on Facebook, as well as in an email sent to the Complainant, Cr Sims breached of the following clauses of the Code:
 - 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
 - 2.4 *Show respect for others if making comments publicly*
 - 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
 - 2.6 *Comply with all Council policies, codes and resolutions*
 - 5.4.3 notes that Cr Sims has, voluntarily, removed the offending comments from the Facebook post in question and made a public apology to both the Complainant and the Council at the Council meeting on 4 April 2022 and determines not to take any further action.

- 5.5 Whilst it is open for the Council to take further action, as above, we recommend that the Council note the findings and determine not to take any further action in the circumstances.
- 5.6 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Complainant has recourse to the Ombudsman, if he remains dissatisfied.
- 5.7 This Report concludes the investigation of the Complaint.

KELLEDY JONES LAWYERS

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APPENDICES

APPENDIX 1

From:**Sent:** Tuesday, 1 February 2022 1:00 PM**To:** Townhall <THall@npsp.sa.gov.au>**Subject:** General Manager, Governance & Community Affairs / Scott Simms Facebook Posts

Dear Council,

Please could this email be forwarded to the General Manager, Governance & Community Affairs.

Dear Sir/Madam,

I wish to report the elected official Scott Simms for breaches of the "Code of Conduct for Council Members".

Specifically the following breaches:

- 2.1 Show commitment and discharge duties conscientiously.
 - 2.2 Act in a way that generates community trust and confidence in the Council.
 - 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
 - 2.4 Show respect for others if making comments publicly.
 - 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.
- Responsibilities as a member of Council.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
 - 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;

Please see attached evidence of his facebook and email communications, that breach the above regulations.








Specifically his use of swear words, tone of expression is harassing and lack of respect

Kind regards

Attachments to Complaint sent via email 1 February 2022

Facebook 1	Facebook 2
<p>12:45 5G</p> <p>Comment</p> <p>Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>14 h Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>14 h Like Reply</p> <p>read Scott Sims reply. As an elected member I find his tone inappropriate.</p> <p>14 h Like Reply</p> <p>Scott Sims your attitude is not acceptable as a representative. I will not be voting for you given how disrespectfully you are communicating.</p> <p>15 m Like Reply 1</p> <p>Write a reply...</p> <p>View more replies...</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>	<p>12:45 5G</p> <p>Comment</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!</p> <p>14 h Like Reply</p> <p>Scott Sims I do not like your attitude, now who is trolling? Firstly it is stupid to plant a large species of tree 1m from a fence line. Secondly please do not swear at me in public. Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>14 h Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>14 h Like Reply</p> <p>Write a reply...</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>

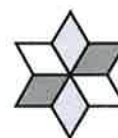
Attachments to Complaint sent via email 1 February 2022

Facebook 3	Facebook 4
<p>12:45 5G</p> <p>< Comment</p> <p> Scott Sims but the council refuses to maintain the trees, pruning away from power lines, over paths so that residents walk on the pathway and they refuse to trim to the property line when their trees overhang private property</p> <p>10 h Like Reply</p> <p> Write a reply...</p> <p> Scott Sims How about you actually give us a chance and send an email? You'll be surprised! Having a go at us on Facebook gets nowhere and looks like trolling more than trying to get a constructive response and look at your issues! I won't be responding further on Facebook, but I've given you both more than enough information and a constructive way to seek help and more information. You can't say Council is doing nothing or ignoring you. I look forward to emails from you both. 😊</p> <p>10 h Like Reply 2</p> <p>View 1 reply...</p> <p> Scott Sims That's bullshit. You built your house AFTER the tree was there next to the</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>	<p>12:44 5G</p> <p>< Comment</p> <p> Scott Sims Can you please forward me the email sent and I'll follow-up. Respectfully calling Council useless and bagging us on Facebook every chance you get doesn't make people want to help either. I look forward to your email ssims@electedmembers.npsp.sa.gov.au</p> <p>10 h Like Reply</p> <p> Scott Sims All you have to do is go to the planning council planning section whatever they called and they will give you all my emails and all correspondence.. It's very depressing when you get no assistance no validation and you're not listened to, but the developers are listened to and the government is listened to... but the Rate payer doesn't get much support.</p> <p>10 h Like Reply</p> <p> they do not even take responsibility for the street trees/park trees they plant and brag about on the website. The council is a corporate entity Scott Sims, which should be guided by the people we elect to represent our interests. that means you.</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>

Attachments to Complaint sent via email 1 February 2022

Facebook 5	Email
<p>10:08</p> <p>Comment</p> <p>Scott Sims How about you actually give us a chance and send an email? You'll be surprised! Having a go at us on Facebook gets nowhere and looks like trolling more than trying to get a constructive response and look at your issues!</p> <p>[redacted] won't be responding further on Facebook, but I've given you both more than enough information and a constructive way to seek help and more information. You can't say Council is doing nothing or ignoring you. I look forward to emails from you both. 😊</p> <p>2 h Like Reply 2</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!</p> <p>22 m Like Reply</p> <p>[redacted] /Scott Sims I do not like your attitude, now who is trolling? Firstly it is stupid to plant a large species of tree in front of your house. Council...</p> <p>Write a reply...</p>	<p>12:43</p> <p>All Inboxes 6 Messages</p> <p>Siri Found a Contact Scott Sims ssims@electredmembers.hosp.sa.gov.au Add</p> <p>Scott Sims To: Mario, Lisa & 3 more... Yesterday</p> <p>Sorry to say, you built you house knowing full well where the tree was.</p> <p>Please hire your own arborist to prune it back.</p> <p>You should have taken the tree into consideration when building. You can't complain after. The tree was there before you built your house.</p> <p>I won't be responding further on this issue but will acknowledge and post the facts if you continue to bag the Council in public!</p> <p>Regards</p> <p>--</p> <p>Scott Sims Councillor for Trinity / Maylands Ward City of Norwood, Payneham and St Peters</p>

APPENDIX 2



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Code of Conduct for Council Members - Complaint Handling Procedure

POLICY MANUAL: Governance

BACKGROUND

The *Code of Conduct for Council Members* (the Code) was published in the South Australian Gazette on 18 August 2013, pursuant to Section 63 of the *Local Government Act 1999* (the Act), and applies to all Elected Members in South Australia.

The Code sets out the standards of behaviour which every Elected Member must observe when carrying out their functions and duties as a **public officer**.

It is the responsibility of every Elected Member to ensure that they are familiar and comply with, the standards in the Code at all times.

The Code is structured into three (3) Parts, namely:

- Part 1 – Principles
- Part 2 – Behavioural Code
- Part 3 – Misconduct

There is an Appendix to the Code which relates to **Criminal Matters**. These are matters that do not form part of the Code and alleged breaches of these matters are to be reported to the Office for Public Integrity (OPI) in the first instance.

A copy of the Code is contained within **Appendix A**.

The Code provides that each Council will adopt a process for the handling of alleged breaches of Part 2 of the Code, the Behavioural Code.

This Procedure has been prepared in accordance with the Council's obligations under Part 2 of the Code, to ensure a consistent, fair and equitable process for receiving and managing complaints made under the Code.

PRINCIPLES

This Procedure is based on the following principles, each being a relevant consideration in the manner in which the Council will approach the receipt and management of complaints under the Code:

- Integrity and Impartiality
- Fairness
- Equity
- Consistency
- Responsiveness
- Efficiency

SCOPE

Any person may make a complaint about an Elected Member under the Code and this Procedure will apply following the receipt of such a complaint.

It is important to note that a complaint remains an allegation, until it has been found proved, following an impartial investigation process.

CONFIDENTIALITY

All complaints will be treated on a confidential basis, until such time that a finding has been made that an Elected Member has breached the Code. A finding of a breach of the Code is required to be the subject of a report to a public meeting of the Council.

Any release of confidential information that an Elected Member knows, or should reasonably know, to be confidential is a breach of Part 3 of the Code.

Any person to whom information about a complaint, or information in relation to or connected with a complaint, has been disclosed, or is required to be disclosed (including the complainant and the subject Elected Member), **must not**, directly or indirectly, disclose that information, except in the following circumstances:

- for the purpose of making a complaint to the Mayor, Chief Executive Officer or General Manager, Governance & Community Affairs under this Procedure;
- in consultation with the Mayor, Chief Executive Officer or General Manager, Governance & Community Affairs for the purposes of:
 - referring the matter to a relevant authority or External Investigator;
 - obtaining legal advice or legal representation, including in accordance with the Council's *Elected Member Access to Legal Advice Policy*;
 - obtaining medical or psychological assistance from a medical practitioner, psychologist or counsellor;
 - obtaining assistance from a mediator/conciliator engaged under this Procedure;
 - where the information has been made public in accordance with this Procedure; or
 - as required by law;
- where the disclosure is made to a close family member of the complainant or the Elected Member who is the subject of the complaint, as defined in section 54(4) of the *Independent Commissioner Against Corruption Act 2012*, as follows:

*For the purposes of subsection (3)(c), a person is a **close family member** of another person if—*

- (a) 1 is a spouse of the other or is in a close personal relationship with the other; or*
- (b) 1 is a parent or grandparent of the other (whether by blood or by marriage); or*
- (c) 1 is a brother or sister of the other (whether by blood or by marriage); or*
- (d) 1 is a guardian or carer of the other.*

The starting position is that where the complaint is made by a member of the public, the identity of the complainant will be kept confidential, unless the complainant consents to their identity being disclosed.

However, where based on legal advice or the opinion of the External Investigator, the identity of the complainant is required to be disclosed to ensure that the matters to which the allegations relate are properly investigated, the complainant will be advised and the consent of the complainant sought to disclose their identity.

If the complainant does not provide consent in these circumstances, it will be at the absolute discretion of the General Manager, Governance & Community Affairs (or delegate), to determine whether the complaint is capable of further investigation.

Notwithstanding the above, any documentation or information pertaining to a complaint made under the Code, is subject to the *Freedom of Information Act 1991*. Any application made for access to this information is required to be assessed under that statutory framework.

NATURAL JUSTICE

Any investigation of an alleged breach of the Code by an Elected Member, will be carried out in accordance with this Procedure and the principles of natural justice/procedural fairness.

The expressions '*natural justice*' and '*procedural fairness*' are often used interchangeably. *Natural justice* requires that a person receive a fair and unbiased hearing before a decision is made that will negatively affect them.

The three (3) key requirements of natural justice that must be met are: *adequate notice*, *fair hearing* and an *absence of bias*, as detailed below:

- the *adequate notice* requirement means that the subject Elected Member must be informed of the complaint and the nature of the allegations;
- the *fair hearing* requirement means that the parties to the complaint, being the complainant and the subject Elected Member, are provided with a reasonable opportunity to present their point of view and to respond to facts presented. These responses are to be given genuine consideration in the investigation process; and
- the *absence of bias* requirement means that the person making the decision (whether that be the General Manager, Governance & Community Affairs (or delegate) or the External Investigator under this Procedure) must act impartially when considering the matter and not be biased (or be seen to be biased) in any way.

The requirements of procedural fairness focus on fairness in the decision making process. It concerns fairness in the procedure which results in the decision or by which the decision is made, rather than the fairness, in a substantive sense, of the decision.

BREACHES OF THE CODE

Alleged breaches of the Code may relate to behavioural matters, as referred to in Part 2 of the Code, or Misconduct, dealt with at Part 3 of the Code.

Allegations of a breach of Part 2 of the Code will be dealt with in accordance with this Procedure. Allegations of a breach of Part 3 of the Code may not be dealt with by the Council and may be referred to the *Office of the South Australian Ombudsman* (Ombudsman SA) or the *Office for Public Integrity* (OPI).

Allegations of criminal conduct, corruption, misconduct or maladministration in public administration, as defined in Section 5 of the *Independent Commissioner Against Corruption Act 2012*.

A copy of Section 5 of the *Independent Commissioner Against Corruption Act 2012* is contained within **Appendix B**.

PROCEDURE

Making a Complaint

A complaint about an alleged breach of the Code must be in writing, marked as confidential and addressed to the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs.

Complaints must, so far as reasonably practicable, include the following information:

- the name of the Elected Member it is alleged has breached the Code;
- the name and contact details of the complainant;
- the name and contact details of the person submitting the complaint (if different to the complainant);
- the name and contact details of any persons able to provide information relating to the complaint;
- the provisions of the Code which the complainant alleges have been breached, including information as to how the provisions have been breached, and when the breach occurred; and
- any supporting evidence that may be available to assist in an investigation of the allegations.

The General Manager, Governance & Community Affairs (or delegate) will, so far as reasonably practicable, provide written acknowledgement to the complainant and the subject Elected Member, of the receipt of the complaint within five (5) business days.

Where the alleged behaviour falls under Part 2 of the Code, the complaint must be made within three (3) months of the alleged conduct, said to be in breach of the Code. This is based on public interest considerations of dealing with alleged breaches of Elected Member conduct in a timely manner.

However, this timeframe may be extended at the discretion of the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs (or delegate), where the merits of the case warrant an extension.

Anonymous complaints will not be investigated by the Council unless required by law, or otherwise, at the discretion of the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs (or delegate), where the merits of the case warrant investigation.

Complainants can, at any time, refer their complaint to the *Office of the South Australian Ombudsman* (Ombudsman SA) or to the *Office for Public Integrity*, who will assess and refer the complaint as required. This may result in the matter being referred back to the Council for investigation as the relevant authority.

If more information is required to progress the handling of a complaint at any time, the complainant may be contacted by the General Manager, Governance & Community Affairs (or delegate) or an External Investigator with a request for such information.

All parties to a complaint are required to cooperate with and assist with the receipt and investigation of the complaint.

Failure to do so may result in an adverse finding being made against the subject Elected Member, or, otherwise, a decision being made not to progress the handling of a complaint. This may include not referring a complaint for investigation or discontinuing an investigation of a complaint, where a complainant unreasonably fails to cooperate or assist in its management.

Complainants are invited to contact the General Manager, Governance & Community Affairs to discuss their concerns in the first instance, to determine whether the matter is capable of early resolution, prior to lodging a complaint under the Code.

The General Manager, Governance & Community Affairs is located at the Norwood Town Hall, 175 George Street, Norwood and may be contacted directly by telephone on 8366 4549 between 8.30am – 5.00pm, Monday to Friday.

Initial Assessment/Informal Resolution

Upon receipt of a complaint, an initial assessment will be undertaken by the General Manager, Governance & Community Affairs (or delegate), to determine whether the complaint:

- is trivial, frivolous, vexatious, misconceived or lacking in substance, in which case, no further action may be taken;
- relates to behaviour which falls under Part 2 of the Code;
- relates to misconduct or systemic misconduct which triggers action under Part 3 of the Code; or
- relates to criminal conduct, corruption, misconduct or maladministration in public administration.

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made.

Rather, in undertaking an initial assessment, the General Manager, Governance & Community Affairs (or delegate), will consider whether the complaint discloses prima facie evidence of a breach of the Code and, if so, what action may be required in the circumstances of the matter. In doing so, legal advice may be obtained to assist in the initial assessment of the complaint.

The General Manager, Governance & Community Affairs (or delegate) will, so far as reasonably practicable, undertake the initial assessment of a complaint and advise the complainant and the subject Elected Member of the outcome within ten (10) business days of the receipt of the complaint.

If the matter is determined to be minor in nature, the parties to a complaint may be offered the opportunity to resolve the matter informally, which may include alternative dispute resolution processes such as mediation or conciliation. Informal resolution is only appropriate if all parties to the matter voluntarily agree to explore a resolution.

An independent person with suitable qualifications or experience may be engaged to facilitate this process.

If the matter can be resolved to the satisfaction of all parties at this time, the matter will be closed and no further action taken. All parties will be advised in writing by the General Manager, Governance & Community Affairs (or delegate) that the matter has been resolved.

If the matter cannot be resolved informally, or, otherwise, it is not appropriate for consideration for informal resolution, the matter will be investigated in accordance with this Procedure.

Following the initial assessment and subject to the General Manager, Governance & Community Affairs (or delegate) determining that the complaint discloses prima facie evidence of a breach of the Code, the complaint will be progressed as follows:

- Behaviour which falls under Part 2 of the Code, the Behavioural Code - the Council will maintain jurisdiction of the complaint, which will be dealt with in accordance with the processes set out in this Procedure.
- Behaviour which falls under Part 3 of the Code, the Misconduct provisions - the complaint will be referred to the Ombudsman SA or the OPI as soon as reasonably practicable and guidance will be sought as to whether the complainant may be advised that the complaint has been so referred.
- Criminal conduct, corruption, misconduct or maladministration in public administration, including but not limited to those matters set out in the Appendix to the Code - the complaint will be referred to the OPI as soon as reasonably practicable and guidance will be sought as to whether the complainant may be advised the complaint has been so referred.

External Investigation

Where a complaint has been assessed as disclosing a prima facie breach of Part 2 of the Code and is unable to be resolved informally, or through some other means of alternative dispute resolution, the complaint will be referred to an External Investigator for investigation.

The External Investigator may be but is not required to be, the same person who provided advice on the initial assessment of the complaint.

The External Investigator will conduct an investigation into the allegations, which may include interviewing persons considered to be able to provide relevant evidence in relation to the allegations.

Following the investigation process, the External Investigator will prepare a draft report setting out the factual basis of the allegations, the evidence received, preliminary findings made and any proposed recommendations.

The draft report will be provided to the General Manager, Governance & Community Affairs (or delegate) for information and record management purposes.

In affording the parties natural justice/procedural fairness as part of the investigation process, the complainant and the subject Elected Member will be provided with a copy of the draft report and an invitation to make any further submission to be taken into account in the investigation of the complaint, limited to the facts as stated and the preliminary findings made.

The parties will be provided with a minimum of fourteen (14) days to provide any further submissions to the External Investigator on the draft report.

Following receipt and consideration of any further submission received, the External Investigator will prepare a final report, setting out the findings made and recommendations or whether the allegations were substantiated.

The final report will be provided to the General Manager, Governance & Community Affairs.

Reporting to the Council

In accordance with clause 2.24 of the Code, if, following the investigation process, a breach of Part 2 of the Code, the Behavioural Code, has been substantiated, a report **must** be presented to a public meeting of the Council.

For the avoidance of doubt, this does not require that the final report prepared by the External Investigator is required to be presented to the Council. Rather, a summary report setting out the allegations and findings made may be prepared for the Council's consideration.

This report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to the Council.

In accordance with Clause 2.25 of the Code, the Council may, by resolution, take any of the following actions upon a finding that an Elected Member has breached Part 2 of the Code:

- take no action;
- pass a censure motion in respect of the Elected Member;
- request a public apology, whether written or verbal;
- request the Elected Member to attend training on the specific topic found to have been breached;
- resolve to remove or suspend the Elected Member from a position within the Council (not including the Elected Member's elected position on Council); and/or
- request the Elected Member to repay monies to the Council (ie legal fees).

Where the Final Report finds that a breach of the Code has not been substantiated, a report will not be presented to the Council for consideration or for information, with the exception of the following circumstances:

- the Elected Member who was the subject of the complaint requests that a report be presented to the Council. Where such a request is made, a report will be tabled at the next practicable Council meeting; and/or
- where the External Investigator makes observations or recommendations that are of broader application, a summary report may be provided to the Council for the Council's consideration.

If the matter is not presented to the Council, the obligations of confidentiality set out in this Procedure regarding the complaint, as well as the draft and final reports, will continue to apply, unless otherwise determined by the Council.

At the conclusion of the investigation, the complainant and the subject Elected Member will be notified in writing of the outcome.

Where the final report is to be tabled at a Council meeting, the Complainant will be entitled to a copy of the report at, or following, the relevant Council meeting. If the final report is not presented at a Council meeting, the Complainant will not be provided with a copy of the final report of the investigation.

Appeals

As a non-adversarial process, there is no statutory basis to appeal any of the processes or procedures in relation to the receipt and management of complaints made under the Code and dealt with under this Procedure.

However, irrespective of the manner in which the Council determines to deal with a complaint under the Code, it is acknowledged that a complainant has recourse to the Ombudsman if they are dissatisfied.

BREACHES OF PART 3 OF THE CODE - MISCONDUCT

Any alleged breach of Part 3 of the Code that is made to the Council, may be referred to the Ombudsman SA or the OPI for investigation.

An Elected Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor, Chief Executive Officer, General Manager, Governance & Community Affairs, the Ombudsman SA or the OPI.

A failure to report an alleged, or suspected, breach of Part 3 of the Code is, in itself, a breach of Part 2 of the Code.

A failure of an Elected Member to co-operate with the Council's process in handling alleged breaches of Part 2 of the Code under this Procedure, may be referred for investigation under Part 3.

A failure of an Elected Member to comply with a finding of inappropriate behaviour by the Council, the External Investigator or the Ombudsman SA under Part 2 of the Code, is grounds for a complaint under Part 3 of the Code.

Repeated or sustained breaches of Part 2 of the Code by an Elected Member may be referred, by resolution of the Council, to the Ombudsman SA as a breach of Part 3 of the Code.

A report from the Ombudsman SA that finds an Elected Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.

The Council must pass a resolution to give effect to any recommendations received from the Ombudsman SA, within two (2) ordinary meetings of the Council following the receipt of the Ombudsman SA's recommendations.

However, any report from the Ombudsman SA that finds an Elected Member has not breached Part 3 of the Code will not be presented to a public meeting of the Council, unless directed by the Ombudsman SA.

APPENDIX TO THE CODE - CRIMINAL MATTERS

The matters set out within the Appendix to the Code of Conduct are matters for which a criminal penalty applies. These matters must be reported to the OPI.

In addition, any alleged breach of a criminal offence provision under the *Local Government Act 1999* must also be reported to the OPI.

The Council's *Fraud, Corruption, Misconduct & Maladministration Prevention Policy* provides guidance regarding reporting requirements for public officers. This Policy ensures that the Council fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012*.

The Independent Commissioner Against Corruption (ICAC) has also developed the *ICAC Directions and Guidelines for Public Officers*, setting out the reporting obligations and responsibilities of public officers, which include Elected Members.

Further information about reporting requirements is available on the ICAC website: <https://icac.sa.gov.au>.

REVIEW PROCESS

The Council will review this Procedure within 12 months of the next Local Government General Elections, to be held in November 2022. The Council retains the discretion to review this Procedure and to amend, repeal and to replace it at any time.

INFORMATION

The contact officer for further information at Council is the General Manager, Governance & Community Affairs, telephone 8366 4549.

ADOPTION OF THE POLICY & PROCEDURE

This Procedure was adopted by the Council on 1 March 2021.

TO BE REVIEWED

By November 2023.

APPENDIX A

Code of Conduct for Council Members

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT**3. Misconduct**

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

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 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly 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.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

APPENDIX B

Section 5 of the *Independent Commissioner Against Corruption Act 2012*

seconded—a police officer or special constable is seconded to assist the Commissioner for the purposes of this Act if the police officer or special constable is employed in accordance with an arrangement whereby the police officer or special constable is granted leave without pay in relation to his or her appointment under the *Police Act 1998* for the purpose of being engaged as an employee under section 12 of this Act;

statement of information—see section 28;

vehicle means a vehicle, vessel or aircraft and includes a caravan, trailer and anything attached to a vehicle.

- (2) For the purposes of this Act, misconduct or maladministration in public administration will be taken to be *serious or systemic* if the misconduct or maladministration—
- (a) is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and
 - (b) has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).

5—Corruption, misconduct and maladministration

- (1) *Corruption in public administration* means conduct that constitutes—
- (a) an offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - (i) bribery or corruption of public officers;
 - (ii) threats or reprisals against public officers;
 - (iii) abuse of public office;
 - (iv) demanding or requiring benefit on basis of public office;
 - (v) offences relating to appointment to public office; or
 - (b) an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
 - (ba) an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or
 - (c) any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
 - (d) any of the following in relation to an offence referred to in a preceding paragraph:
 - (i) aiding, abetting, counselling or procuring the commission of the offence;

-
- (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - (iv) conspiring with others to effect the commission of the offence.
 - (2) If the Commissioner suspects that an offence that is not corruption in public administration (an *incidental offence*) may be directly or indirectly connected with, or may be a part of, a course of activity involving the commission of corruption in public administration (whether or not the Commissioner has identified the nature of that corruption), then the incidental offence is, for so long only as the Commissioner so suspects, taken for the purposes of this Act to be corruption in public administration.
 - (3) *Misconduct in public administration* means—
 - (a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
 - (b) other misconduct of a public officer while acting in his or her capacity as a public officer.
 - (4) *Maladministration in public administration*—
 - (a) means—
 - (i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
 - (b) includes conduct resulting from impropriety, incompetence or negligence; and
 - (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
 - (5) Without limiting or extending the conduct that may comprise corruption, misconduct or maladministration in public administration, this Act applies to conduct that—
 - (a) occurred before the commencement of this Act; or
 - (b) occurs outside this State; or
 - (c) comprises a failure to act; or
 - (d) is conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer; or
 - (e) is conduct of a person who was not a public officer at the time of its occurrence but who has since become a public officer.
 - (6) A reference in subsection (3) to a code of conduct does not include any statement of principles applicable in relation to the conduct of members of Parliament.

APPENDIX 3

9 February 2022

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723
kelliedyjones.com.au

BY EMAIL:

Dear

CODE OF CONDUCT COMPLAINT – FACEBOOK POSTS

By email dated Tuesday 1 February 2022, you made a complaint to the General Manager, Governance & Community Affairs, of the City of Norwood, Payneham & St Peters (the **Council**), regarding certain Facebook posts made by Councillor Scott Sims (**Cr Sims**).

You have alleged that the **enclosed** Facebook posts made by Cr Sims, in particular '*his use of swear words, tone of expression is harassing and lack of respect*', were in breach of the following provisions of the Code:

- 2.1 *Show commitment and discharge duties conscientiously*
- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
- 2.4 *Show respect for others if making comments publicly*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
- 2.7 *Deal with information received in their capacity as Council members in a responsible manner*

We further note you have alleged that Cr Sim's actions also breached of Part 3 of the Code. However, the Council does not have jurisdiction to retain and investigate a complaint under Part 3. Accordingly, that allegation has been referred to the Ombudsman for consideration, and determination.

Following a Preliminary Assessment of the complaint regarding the allegations under Part 2 of the Code, conducted in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**), a determination has been made that the alleged actions warrant further investigation.

A copy of the Procedure is **enclosed**.

9 February 2022

This firm has been engaged to undertake an independent investigation of the allegations. This will occur on an objective basis, in accordance with the Procedure and subject to relevant principles of procedural fairness.

You are invited to provide any further written submission and/or material that you wish to be considered as part of our investigation.

If we do not hear from you by the close of business on **Wednesday 16 February 2022**, we will assume that you do not wish to make further comment and/or to provide any additional material. We will then proceed to investigate the complaint on the basis of the information available to us.

I take this opportunity to remind you this is a confidential investigation process. You must not divulge any of the information contained in this letter or otherwise pertaining to the investigation, other than to a support person (who must be expressly advised of the confidentiality requirements) and/or your legal adviser.

Please do not hesitate to contact me, or Tracy Riddle of this firm, regarding any of the above.

Yours sincerely

KELLEDY JONES LAWYERS

A handwritten signature in black ink, appearing to read 'MJKelleedy', with a long, sweeping underline that extends to the right.

MICHAEL KELLEDY

Direct Line: 08 8113 7103

Mobile: 0417 653 417

Email: mkelleedy@kelleedyjones.com.au

Code of Conduct Complaint –

re Cr Scott Sims

Attachments to Complaint sent via email 1 February 2022

Facebook 1	Facebook 2
<p>12:45 5G</p> <p>< Comment</p> <p>Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>14:17 Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>14:18 Like Reply</p> <p>..... read Scott Sims reply. As an elected member I find his tone inappropriate</p> <p>14:19 Like Reply</p> <p>Scott Sims your attitude is not acceptable as a representative. I will not be voting for you given how disrespectfully you are communicating.</p> <p>25:04 Like Reply 1</p> <p>Write a reply...</p> <p>View more replies...</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>	<p>12:45 5G</p> <p>< Comment</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!</p> <p>14:18 Like Reply</p> <p>Scott Sims I do not like your attitude, now who is trolling? Firstly it is stupid to plant a large species of tree 1m from a fence line. Secondly please do not swear at me in public. Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>14:19 Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>14:19 Like Reply</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>

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Facebook 3	Facebook 4
<p>12:45 5G</p> <p>< Comment</p> <p>Scott Sims but the council refuses to maintain the trees, pruning away from power lines, over paths so that residents walk on the pathway and they refuse to trim to the property line when their trees overhang private property</p> <p>10 h Like Reply</p> <p>Write a reply...</p> <p>Scott Sims How about you actually give us a chance and send an email? You'll be surprised! Having a go at us on Facebook gets nowhere and looks like trolling more than trying to get a constructive response and look at your issues! I won't be responding further on Facebook, but I've given you both more than enough information and a constructive way to seek help and more information. You can't say Council is doing nothing or ignoring you. I look forward to emails from you both. 😊</p> <p>10 h Like Reply 2 🗨️</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>	<p>12:44 5G</p> <p>< Comment</p> <p>Scott Sims Can you please forward me the email sent and I'll follow-up. Respectfully calling Council useless and bagging us on Facebook every chance you get doesn't make people want to help either. I look forward to your email ssims@electedmembers.npsp.sa.gov.au</p> <p>10 h Like Reply</p> <p>Scott Sims All you have to do is go to the planning council planning section whatever they called and they will give you all my emails and all correspondence.. It's very depressing when you get no assistance no validation and you're not listened to, but the developers are listened to and the government is listened to... but the Rate payer doesn't get much support.</p> <p>10 h Like Reply</p> <p>they do not even take responsibility for the street trees/park trees they plant and brag about on the website. The council is a corporate entity Scott Sims, which should be guided by the people we elect to represent our interests. that means you.</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>

Attachments to Complaint sent via email 1 February 2022

Facebook 5	Email
<p>10:08</p> <p>Comment</p> <p>Scott Sims How about you actually give us a chance and send an email? You'll be surprised! Having a go at us on Facebook gets nowhere and looks like trolling more than trying to get a constructive response and look at your issues! [redacted]</p> <p>[redacted] won't be responding further on Facebook, but I've given you both more than enough information and a constructive way to seek help and more information. You can't say Council is doing nothing or ignoring you. I look forward to emails from you both. 😊</p> <p>2 h Like Reply 2</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!</p> <p>22 m Like Reply</p> <p>[redacted] /Scott Sims I do not like your attitude, now who is trolling? Firstly it is stupid to plant a large species of [redacted]</p> <p>Write a reply...</p>	<p>12:43</p> <p>All Inboxes 6 Messages</p> <p>Siri Found a Contact Scott Sims [redacted]</p> <p>Scott Sims To: [redacted]</p> <p>Sorry to say, you built you house knowing full well where the tree was.</p> <p>Please hire your own arborist to prune it back.</p> <p>You should have taken the tree into consideration when building. You can't complain after. The tree was there before you built your house.</p> <p>I won't be responding further on this issue but will acknowledge and post the facts if you continue to bag the Council in public!</p> <p>Regards</p> <p>--</p> <p>Scott Sims Councillor for Trinity / Maylands Ward City of Norwood, Payneham and St Peters</p>

APPENDIX 4

Tracy Riddle

From: Tracy Riddle
Sent: Wednesday, 16 February 2022 12:29 PM
To: Tracy Riddle
Subject: FW: Code of Conduct Complaint - Facebook Posts (KJ 220023)

Matter: 220023

From: [Tracy Riddle](#)
Sent: Monday, 14 February 2022 3:15 PM
To: Jane Horlin-Smith <jhorlinsmith@kelledyjones.com.au>
Subject: Re: Code of Conduct Complaint - Facebook Posts (KJ 220023)

Dear Jane,

I have no further evidence to supply.

Kind regards

On Wed, Feb 9, 2022, at 3:16 PM, Jane Horlin-Smith wrote:

Dear

Please find **attached** our letter, with enclosures, dated today, Wednesday 9 February 2022 on behalf of Michael Kelledy.

Kind regards

Jane Horlin-Smith
Personal Assistant

Kelledy Jones  10 year CELEBRATION

T. 08 8113 7100

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

APPENDIX 5

9 February 2022

Councillor Scott Sims
City of Norwood, Payneham & St Peters

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723

BY EMAIL: ssims@electedmembers.npsp.sa.gov.au

Dear Cr Sims

CODE OF CONDUCT COMPLAINT – FACEBOOK POSTS

As you are aware, a complaint has been made against you under the *Code of Conduct for Council Members* (the **Code**), in relation to certain posts you have made on Facebook.

It is alleged that the **enclosed** Facebook posts, in particular your use of swear words and tone of expression, was harassing and disrespectful and in breach of the following provisions of the Code:

- 2.1 *Show commitment and discharge duties conscientiously*
- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
- 2.4 *Show respect for others if making comments publicly*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council*
- 2.7 *Deal with information received in their capacity as Council members in a responsible manner*

We also note that certain allegations have been made under Part 3 of the Code with respect to these alleged actions. However, as you have been advised, the Council does not have jurisdiction to retain and investigate a complaint under Part 3. Accordingly, that allegation has been referred to the Ombudsman for consideration, and determination.

Following a Preliminary Assessment of the complaint regarding the allegations under Part 2 of the Code, conducted in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**), a determination has been made that the alleged actions warrant further investigation.

A copy of the Procedure has previously been provided to you.

This firm has been engaged to undertake an independent investigation of the allegations. This will occur on an objective basis, in accordance with the Procedure and with regard to relevant principles of procedural fairness.

You are invited to provide a written submission, to be considered as part of our investigation.

If we do not hear from you by the close of business on **Wednesday 16 February 2022**, we will assume that you do not wish to provide a submission or make comment and/or provide any relevant material and will proceed to investigate the complaint on the basis of the information available to us.

I take this opportunity to remind you this is a confidential investigation process. You must not divulge any of the information contained in this letter or otherwise pertaining to the investigation, other than to a support person (who must be expressly advised of the confidentiality requirements) and/or your legal adviser.

Please do not hesitate to contact me, or Tracy Riddle of this firm, regarding any of the above.

Yours sincerely

KELLEDY JONES LAWYERS

A handwritten signature in black ink, appearing to read 'M Kelleedy', with a long, sweeping underline that extends to the right.

MICHAEL KELLEDY

Direct Line: 08 8113 7103

Mobile: 0417 653 417

Email: mkelleedy@kelleedyjones.com.au








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<p>12:45 5G</p> <p>< Comment</p> <p>Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>Like Reply</p> <p>read Scott Sims reply. As an elected member I find his tone inappropriate</p> <p>Like Reply</p> <p>Scott Sims your attitude is not acceptable as a representative. I will not be voting for you given how disrespectfully you are communicating.</p> <p>Like Reply 1</p> <p>Write a reply...</p> <p>View more replies...</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>	<p>12:45 5G</p> <p>< Comment</p> <p>View 1 reply...</p> <p>Scott Sims That's bullshit. You built your house AFTER the tree was there next to the park. Hire your own pruner! You knew damn well the tree was there, When your house was a block of dirt! You can't complain AFTER your house is built, knowing FULL WELL the tree was there before you built your house!</p> <p>Like Reply</p> <p>Scott Sims I do not like your attitude, now who is trolling? Firstly it is stupid to plant a large species of tree 1m from a fence line. Secondly please do not swear at me in public. Thirdly, plenty of people build homes next to trees, the tree is not the issue, the fact that the council does not take responsibility and prune its tree back to the property line is the core issue. The same rule would apply if it were two adjoining private properties.</p> <p>Like Reply 1</p> <p>Scott Sims I thought you were not going to reply on Facebook and was waiting for an email?</p> <p>Like Reply</p> <p>Write a reply...</p> <p>Home Watch Marketplace Groups Notifications Menu</p>

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APPENDIX 6

Council Meeting Minutes

4 April 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters



13. OTHER BUSINESS**13.1 Personal Explanation – Cr Scott Sims – Facebook Post**

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to public comments he made on social media (Facebook).

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Granozio and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint made by Mr Dehane Fletcher to the Council recently regarding some public comments I made within the social media environment - specifically Facebook.

The Council might be aware of Mr Fletcher's frustration with and disappointment at the Council's service with regard to his particular complaints.

In my attempt to defend the Council, I acknowledge that I responded in a tone and manner that could, reasonably, have been read as intemperate and disrespectful.

I acknowledge that I was in error and in that, in this instance, I did not meet the high professional standards expected of an Elected Member.

I offer a sincere apology to Mr Fletcher and to the Council.

13.2 Personal Explanation – Cr Scott Sims – Behaviour at Council Meeting

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to his behaviour at a recent Council meeting.

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Stock and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by Cr Patterson.

While my disappointment and frustration at the Mayor's approach to the matter stands, I acknowledge that my behaviour was not appropriate.

I acknowledge that I should not have interrupted the meeting as I did.

Frustration and disappointment is no excuse for inappropriate and unprofessional behaviour as an Elected Member. Accordingly, I offer a sincere apology to the Council.

APPENDIX 7



NAME OF POLICY: Social Media Policy

POLICY MANUAL: Governance

BACKGROUND

Social media allows online communities with common interests to connect, share and consume information, thoughts and ideas. The Council recognises the opportunities that social media presents to engage in meaningful, two-way communication with a broad audience of residents, ratepayers, businesses, community groups and other organisations.

Social media can both complement and enhance traditional communication, customer service and consultation methods used by the Council, and further improve access to and delivery of key services. Through use of social media, the Council aims to keep its local community well-informed and to ensure that citizens understand the extensive role that the Council plays in the community.

This Policy provides guidance for Elected Members and Council staff, Volunteers and contractors regarding the appropriate use of social media platforms and tools (whether authorised Council platforms or personal accounts) for the purpose of conducting Council business.

KEY PRINCIPLES

The key principles of this Policy are to:

- provide guidance about appropriate and responsible use of social media platforms (whether authorised Council platforms or personal accounts);
- reduce the likelihood of miscommunication or inappropriate communications;
- promote effective and valuable community engagement through social media;
- assist with the management of challenges associated with social media such as timeliness, record keeping, privacy and security; and
- provide clarity about roles and responsibilities in relation to use, approval and monitoring.

SCOPE

This Policy applies to all Elected Members, Council staff, Volunteers and contractors engaged by the Council who:

- are authorised to use the Council's social media platforms;
- who use personal social media accounts for the purpose of conducting Council business; or
- who publish information on personal social media accounts which relates in any way to the Council or its business,

and to agencies and individuals who provide services to the Council (where relevant).

This Policy applies to all current and future social media platforms and tools. That is, digital spaces where people comment, view, contribute, create, forward, post, upload and share content, including (without limitation):

- social networking sites (e.g. Facebook, Instagram, LinkedIn);
- microblogging sites (e.g. Twitter), podcasts, video podcasts, video and photo sharing sites (e.g. Flickr, YouTube, Pintrest, Instagram);
- online encyclopaedias (e.g. Wikipedia);
- online collaboration platforms (e.g. Yammer, Wiki); and
- any other websites which allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

This Policy should be read in conjunction with other relevant policies and procedures of the Council, including:

- Code of Conduct for Council Members;
- Behaviour Standards Policy & Code of Conduct for Council Employees;
- Community Consultation Policy;
- Community Information Policy;
- Complaints Handling Policy;
- Elected Member Electronic Communications Policy & Guidelines;
- Records Disposal Policy.

This Policy does not limit the application of relevant legislation, including (without limitation), the *Copyright Act 1968 (Cth)*, *Defamation Act 2005*, *Equal Opportunity Act 1984*, *Freedom of Information Act 1991*, *Local Government Act 1999*, *Privacy Act 1988 (Cth)*, *Spam Act 2003 (Cth)* and *State Records Act 1997*.

In particular, Elected Members must ensure compliance at all times with the obligations set out in Section 62 of the *Local Government Act 1999* and the Code of Conduct for Council Members, when using social media platforms and tools, including the obligation to:

- at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties;
- not make improper use of information or position to gain an advantage for themselves or another person or to cause detriment of the Council; and
- not disclose information or a document in relation to which there is an order of a Council or Committee in effect under Section 90 of the Act.

POLICY

Approval

The establishment of new Council social media accounts must be approved by the General Manager, Governance & Community Affairs. Approval of new social media accounts will involve consideration of the identified business objective of the account, the audience, the proposed use, alignment with the Council's corporate branding and style guidelines and resourcing requirements.

Council staff, Volunteers or contractors engaged by the Council seeking to incorporate usage of the Council's social media platforms into a business strategy in relation to a particular project or service of the Council, must seek approval from General Manager, Governance & Community Affairs in accordance with Council guidelines.

Access

Access to the Council's social media platforms by Council staff, Volunteers and contractors engaged by the Council (including for content creation, responding to queries, monitoring, account maintenance and security) will be authorised and managed in accordance with Council guidelines.

Access will be determined by the Digital Marketing Officer in consultation with the General Manager, Governance & Community Affairs and conditions of access may be modified at any time (including authorisation of access by additional staff, Volunteers or contractors engaged by the Council, as required from time-to-time).

Elected Members will not be authorised to access or use the Council's authorised social media platforms to conduct Council-related business (this excludes the publication of information relating to the Elected Members by Council staff, Volunteers or contractors engaged by the Council).

Elected Members, Council staff, Volunteers and contractors engaged by the Council are encouraged to publish content (including, eg, images, videos, stories and text) relating to Council or community events on their personal social media accounts (including, for example, tagging the Council, using event hashtags or location tags) to promote the Council and its activities, or to provide this content to the Digital Marketing Officer for potential use on the Council's social media channels, provided content is published in accordance with this Policy.

Content

In publishing content on the Council's social media platforms, the following principles will be followed:

- content will be relevant, timely and engaging to the Council's audience;
- content will promote and provide information about new and existing Council services, programs and facilities, along with special events and initiatives, and the City of Norwood Payneham & St Peters more broadly;
- content will be accessible and understandable and will promote a safe and inclusive environment in which to connect, share and consume information (where possible, information published on social media platforms will also be made available in another format – eg on the Council's website, or in hard copy from the Norwood Town Hall); and
- the type of content published on different social media platforms will be responsive in order to meet changing audience expectations and best practice communications and marketing strategy for that particular platform (as this changes over time).

Usage

The Council encourages appropriate and professional use of social media platforms to aid the efficient and effective conduct of Council business. In using social media platforms (whether authorised Council platforms or personal accounts), Elected Members, Council staff, Volunteers and contractors engaged by the Council are expected to comply with the following principles at all times:

Communication and Expression

- Be courteous, patient and respectful of others' opinions.
- Use your own voice, but be mindful of language and expression.
- Don't make statements or engage with, share or upload content that is malicious, defamatory or may negatively impact the reputation of another person or organisation (including the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council).
- Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.
- Encourage open, honest and transparent engagement and feedback from the "online community".
- Do not use social media when inebriated, irritated, upset or tired.

Accuracy and Transparency

- Only publish content and statements that are accurate, clear and not likely to mislead or deceive.
- Only comment about matters within your area of expertise.
- Be constructive and informative, and correct any errors as soon as possible.
- Be clear about your professional identity and any vested interests, and refrain from covert, anonymous or deceitful representation including through a third party.

Confidentiality and Privacy

- Only disclose publicly available information.
- Do not disclose confidential information, internal discussions or Council decisions, or other material obtained in your role at the Council that you know (or ought reasonably to know) to be confidential or commercially sensitive information.
- Do not disclose personal or private information about Elected Members, Council staff, Volunteers or contractors, or third parties (including, eg, personal contact details and addresses).
- Seek permission from anyone who appears in any photographs, video or other footage before publishing such content, and if asked to remove the content, do so as soon as practical.
- Only use or reproduce copyright material, or the intellectual property of others (including, eg, applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music) if you have permission from the creator or owner, and otherwise in accordance with any relevant legislative requirements.
- Protect your personal privacy and guard against identity theft.

Personal vs Council Business

- Unless authorised to publish content on behalf of the Council, do not hold yourself out as speaking on behalf of the Council or representing the Council's position on a particular matter.

*Note: the Mayor is the official spokesperson of the Council.

- Avoid expressing personal opinions in relation to Council decisions or Council business, and do not make disparaging or critical comments in relation to Council decisions or Council business (including in relation to Elected Members or Council staff, Volunteers or contractors).

*Note: Clause 2.5 of the Code of Conduct for Council Members provides that Elected Members must: *ensure that personal comments to the media, or other public comments on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

However, be mindful that in some circumstances, such a statement may not be sufficient, depending on the nature of the matter being discussed and your involvement in that matter.

- Clearly identify any comments made in relation to the Council or Council business as your private view on a particular matter, and not that of the Council.

*Note: Clause 2.5 of the Code of Conduct for Council Members provides that Elected Members must: *ensure that personal comments to the media, or other public comments on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

However, be mindful that in some circumstances, such a statement may not be sufficient, depending on the nature of the matter being discussed and your involvement in that matter.

- Refrain from making statements that commit you to a particular position or indicate that you will act in a certain manner in relation to Council business or a matter before the Council for consideration.

*Note: This may give rise to a conflict of interest under the *Local Government Act 1999*.

- Refrain from behaviour which could be viewed as biased, showing undue favour or acting in a manner so as to obtain a benefit, or avoid a loss of some kind (whether pecuniary or otherwise).

*Note: This may give rise to a conflict of interest under the *Local Government Act 1999*.

Monitoring and Responding to Content

The Council's social media platforms will be regularly monitored and maintained by authorised staff in order to:

- ensure appropriate usage by Elected Members, Council staff, Volunteers and contractors engaged by the Council, and third parties (and identify and remove content that breaches this Policy or other Council policies);
- respond to enquiries and complaints made by third parties;
- monitor community response and feedback to content that is published;
- identify issues circulating in the community that relate to the business or reputation of the Council or Local Government more broadly.

Responses to content posted on the Council's social media platforms (including, eg, complaints, general enquiries, and neutral comments) will be timely and will be conducted in accordance with Council guidelines and procedures. Media enquiries received through social media or posts about potentially sensitive or political issues will be referred to the Council's Communications Officer for a response.

The following content is not permitted on the Council's social media platforms at any time:

- abusive, profane or sexual language;
- discriminatory material (including in relation to a person or group based on age, colour, creed, disability, family status, gender identity, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation);
- statements which may be considered to be bullying or harassment;
- illegal material or materials designed to encourage law breaking;
- materials that could compromise safety of the Council, its systems, Elected Members, Council staff, Volunteers or contractors engaged by the Council;
- materials which would breach applicable laws (including, eg, defamation, privacy, trade practices, copyright, financial rules and regulations, fair use, trademarks);
- confidential or commercially sensitive information in relation to the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council, third parties, or Council-related matters;
- material which would offend contemporary standards of taste and decency;
- material which would bring the Council or its Elected Members, staff, Volunteers or contractors engaged by the Council into disrepute;
- personal information or references to Elected Members, Council staff, Volunteers or contractors, or third parties, which may be inconsistent with Council's Privacy Policy;
- spam (including, eg, advertisements or endorsements) or unsolicited bulk electronic messages; or
- any other content deemed to be inappropriate for publication on the Council's social media platforms, at the Council's discretion in all respects.

Any such content that is identified on the Council's social media platforms, will be formally recorded and may be removed from the platform, and further action may be taken against the individual or entity responsible for publishing the content at the Council's discretion (including, eg, blocking users, or pursuing disciplinary action against Council staff).

If Elected Members or Council staff, Volunteers or contractors engaged by the Council, or third parties, become aware of any content that breaches the above criteria, they should report the content to the Digital Marketing Officer and include a link or reference to the offending material.

Security

The Digital Marketing Officer will be responsible for general account maintenance and security (including password management in accordance with Council guidelines), to protect against unauthorised use of the Council's social media platforms.

Access to social media platforms on electronic communication devices supplied by the Council (including, eg, the Council's computer network, mobile phones and iPads) is monitored by the Council. Any breaches of this Policy or other relevant policies may result in disciplinary processes being implemented against the Elected Member, staff member, Volunteer or contractor engaged by the Council, and/or reasonable steps being taken to restrict or remove access to the electronic communication device/s.

Record Keeping

Where necessary, formal records relating to use of the Council's social media platforms will be kept and maintained in accordance with the Council's *Records Disposal Policy*, internal Council guidelines and relevant requirements under the *State Records Act 1997* (as amended from time-to-time).

Evaluation and Continuous Improvement

Use of the Council's social media platforms will be reviewed at regular intervals to ensure that they are achieving business objectives, are in line with best practice for the social media industry and to seek opportunities for further improvement. This may include review of qualitative data (eg feedback and comments from Council staff, Volunteers and contractors engaged by the Council) and quantitative data (eg the number of likes, reach, audience demographics, number of comments, or number of click-throughs to the Council's website).

REVIEW PROCESS

The Council will review this Policy within three (3) years of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Digital Marketing Officer, telephone 8366 4578.

ADOPTION OF THE POLICY

This Policy was adopted by the Council on 5 August 2019.
This Policy was reviewed by the Council on 8 October 2019.

TO BE REVIEWED

August 2022

11.14 CODE OF CONDUCT MATTER – CR SIMS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA89891
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a complaint which has been lodged by Mayor Bria, during the investigation of which, it was identified that Councillor Scott Sims has breached certain provisions of the *Code of Conduct for Council Members*.

BACKGROUND

This report contains information regarding a complaint which has been made against Cr Scott Sims under the *Code of Conduct for Council Members* (the Code) and the investigation which has been undertaken in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the Procedure).

Clause 2.24 of the Code requires a breach of the Behavioural Code to be the subject of a report to a public meeting of the Council.

DISCUSSION

On 9 February 2022, Mayor Bria, (the complainant), lodged a complaint against Cr Sims under the *Code of Conduct for Council Members*, via an email, alleging that Cr Sims had breached various sections of Part 2 of the Code, at the Council Meeting held on Monday, 7 February 2022.

Essentially, the complainant has stated that at the Council Meeting held on 7 February 2022, Cr Sims interrupted the Mayor on at least three (3) occasions, whilst the Mayor was reading a Personal Explanation regarding an email he had received from another Elected Member and during a period of time in which the meeting was open to the public.

Specifically, the complainant has alleged that Cr Sims breached the Code as follows:

General behaviour

2.2 Act in a way that generates community trust and confidence in the Council.

2.4 Show respect for others if making comments publicly.

Relationships with fellow Council Members

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

In accordance with the Council's Procedure, an initial assessment of the complaint was undertaken and it was determined that the complaint did contain prima facie evidence of a breach of Part 2 of the Code.

Part 2 breaches of the Code relate to Behavioural matters.

In accordance with the Code and the Council's Procedure, it was determined that the matters relating to the alleged breaches of Part 2 of the Code, would be retained by the Council for investigation. In addition, it was determined that the matter was not minor in nature meaning that the opportunity to resolve the matter informally whether through alternative dispute resolution processes or otherwise to explore resolution, was not available in the circumstances.

On the basis of the determination and the nature of the complaint, the matters relating to Part 2 of the Code (ie the Behavioural matters), was referred to Mr Michael Kelledy of Kelledy Jones Lawyers as the External Investigator under the Procedure, for investigation. The matter was referred to Mr Kelledy to ensure that there were no questions or concerns about the impartiality or independence of the investigation.

As part of the investigation, KelledyJones Lawyers invited both parties to provide any additional material and/or comments regarding the matter.

In accordance with the Council's Procedure, in affording the parties natural justice/procedural fairness as part of the investigation process, the complainant and Cr Sims were also provided with a copy of the draft report and an invitation to make any further submission to be taken into account as part of the investigation of the complaint, limited to the facts as stated and the preliminary findings made.

Both parties provided further submissions, which have been considered as part of the final report.

The final report, setting out the findings and recommendations has now been provided to the Council for consideration.

A copy of the final report, *Final Investigation Report Councillor Scott Sims* (the Report), is contained within **Attachment A**.

Findings

KelledyJones Lawyers have found that the conduct by Cr Sims has amounted to a breach of the following Clauses of the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.4 *Show respect for others if making comments publicly.*
- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*

Where a breach of the Code is found, the Council's Procedure sets out the following:

*In accordance with clause 2.24 of the Code, if, following the investigation process, a breach of Part 2 of the Code, the Behavioural Code, has been substantiated, a report **must** be presented to a public meeting of the Council.*

This report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to the Council.

In accordance with Clause 2.25 of the Code, the Council may, by resolution, take any of the following actions upon a finding that an Elected Member has breached Part 2 of the Code:

- *take no action;*
- *pass a censure motion in respect of the Elected Member;*
- *request a public apology, whether written or verbal;*
- *request the Elected Member to attend training on the specific topic found to have been breached;*
- *resolve to remove or suspend the Elected Member from a position within the Council (not including the Elected Member's elected position on Council); and/or*
- *request the Elected Member to repay monies to the Council (ie legal fees).*

The recommendations which have been made by KelledyJones Lawyers for the Council's consideration in terms of resolving this matter are that the Council:

2. Notes that it has been found that, collectively, that Cr Sims in interrupting the Mayor during the Council Meeting held on Monday, 7 February 2022, has breached the following clauses of the Code:
 - 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.4 *Show respect for others if making comments publicly*
 - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
3. Notes that Cr Sims has, voluntarily, made a public apology to the Council at the Council meeting held on 4 April 2022.

4. Notes that Cr Sims has, voluntarily, made a further public apology to the Mayor and the Council at the Council meeting held on 2 May 2022.
5. Requires Cr Sims to publicly withdraw any allegation that the Mayor bullied another Elected Member during his Personal Explanation, made at the Council Meeting held on 7 February 2022.

OPTIONS

Essentially the Council has two (2) options in respect to this matter.

Option One

The Council can resolve to accept the recommendations made by KelledyJones Lawyers.

Option Two

Notwithstanding the apology which has been made by Cr Sims to the Council and the Mayor, the Council can determine alternative sanctions if the Council determines that this is warranted.

CONCLUSION

In accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure*, the Complainant and Cr Sims will be formally notified in writing of the outcome of this matter.

The Complainant is entitled to refer this matter to the South Australian Ombudsman if they are not happy with the outcome.

COMMENTS

Nil.

RECOMMENDATION

4. The Council notes that it has been found that, in interrupting Mayor Bria and making rude and disparaging comments whilst the Mayor was making a Personal Explanation at the Council Meeting held on 7 February 2022, Cr Sims has breached the following clauses of the *Code of Conduct for Council Members*:
 - 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.4 *Show respect for others if making comments publicly*
 - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
5. The Council notes that Cr Sims has made a public apology to the Council for these behaviours at the Council Meeting held on 4 April 2022;
6. The Council notes that Cr Sims has made a further public apology to Mayor Bria and the Council for these behaviours at the Council Meeting held on 2 May 2022;
7. The Council requires Cr Sims to publicly withdraw the allegation of bullying another Elected Member which he made against the Mayor whilst the Mayor was making a Personal Explanation at the Council Meeting held on 7 February 2022.

Attachments – Item 11.14

Attachment A

Code of Conduct Matter Cr Sims

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

**THE CITY OF NORWOOD PAYNEHAM & ST
PETERS**

CODE OF CONDUCT COMPLAINT

**FINAL INVESTIGATION REPORT
COUNCILLOR SCOTT SIMS**

THE CITY OF NORWOOD PAYNEHAM & ST PETERS Elected Member Code of Conduct Complaint

1. INTRODUCTION

- 1.1 By email dated 9 February 2022 addressed to the General Manager, Governance & Community Affairs (the **General Manager**) of the City of Norwood Payneham & St Peters (the **Council**), Mayor Robert Bria (the **Mayor**), lodged a complaint (the **Complaint**) against Councillor Scott Sims' (**Cr Sims**) under the *Code of Conduct for Council Members* (the **Code**).
- 1.2 It is alleged in the Complaint that at the Council Meeting on Monday 7 February 2022, Cr Sims interrupted the Mayor on at least three (3) occasions, whilst the Mayor was reading a Personal Explanation pertaining to an email he had received from another Elected Member and during a period of time in which the meeting was open to the public.
- 1.3 It is alleged by the Mayor that Cr Sims stated at least the following during the course of the Personal Explanation being given to the meeting:
- *that's bullshit, your worship;*
 - *that's bullshit; and*
 - *you are bullying [the other Member].*
- 1.4 At the conclusion of the Personal Explanation and at a time when the Mayor drew Cr Sims' attention to these behaviours, noting he intended to take further action, Cr Sims made what the Mayor considered to be an aggressive and confrontational response by stating:
- *bring it on.*
- 1.5 A copy of the email of Complaint is **Appendix 1**.
- 1.6 By reference to the recording made of the Council Meeting of Monday 7 February 2022, a transcript of the relevant portion of the meeting, the subject of the Mayor's complaint, has been made and appears at **Appendix 2**.
- 1.7 The transcript supports the allegations made by the Mayor in the Complaint.
- 1.8 In which case, the Mayor alleges that Cr Sims' actions and behaviours in this respect breached the following provisions under the Code:
- 2.2 *Act in a way that generates community trust and confidence in the Council*
 - 2.4 *Show respect for others if making comments publicly*

2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions*

1.9 It is also to be noted that the Mayor alleges that the actions of Cr Sims, also breached regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013* (the **Meeting Regulations**).

1.10 Regulation 29 makes provision for dealing with the interruption of meetings by members and provides, amongst other things, that a member must not, whilst at a meeting:

(a) behave in an improper or disorderly manner; or

(b) cause an interruption or interrupt another member who is speaking.

1.11 However, the remedy for such an interruption lies at regulation 29(3) – (6) of the Meeting Regulations, being matters that are required to be raised, considered and dealt with at the meeting in question not after the fact.

1.12 In which case, allegations of a breach of regulation 29 of the Meeting Regulations is not a matter that falls for consideration under the Code, or this investigation. It is beyond the jurisdiction of this process.

1.13 Accordingly, for the avoidance of doubt, this investigation is limited to those matters which fall for consideration under Part 2 of the Code, as set out above.

2. INVESTIGATION PROCESS

2.1 On receipt of the Complaint, the General Manager considered it in accordance with the *Council's Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**) and was of the view that, if made out, Cr Sims' alleged actions could constitute a breach of Part 2 of the Code. Accordingly, the Complaint warranted further investigation.

2.2 A copy of the Procedure is **Appendix 3**.

2.3 In which case, the General Manager determined, both reasonably and appropriately and in accordance with the Procedure, to engage Kelley Jones Lawyers, one of the Council's legal service providers, to conduct an independent investigation into the allegations.

2.4 The subsequent investigation has occurred on an objective basis and in accordance with the Procedure and principles of procedural fairness.

2.5 Following referral of the Complaint to Kelley Jones Lawyers, we wrote to the Mayor by letter dated Tuesday 1 March 2022, advising of our engagement and setting out the basis of the allegations in full. A written response was invited, to be received by close of business on Tuesday 8 March 2022.

- 2.6 By email of Friday 4 March 2022, the Mayor provided a further submission, setting out the background to his Personal Explanation, as read at the Council Meeting of Monday 7 February 2022 and noting that, following the Meeting, a number of Members had expressed '*their disgust with Cr Sims' behavior, and concern that his behaviours reflected badly on the Council*', and noting that:

[i]n conclusion, I am disappointed that I feel compelled to take such action to address Cr Sims' unprovoked interruption of my Personal Explanation and his unsubstantiated and vexatious allegations of bullying [another Member]. However, given the seriousness of the allegation, I believe this matter cannot go unchallenged by me and untested in terms of its validity by an independent investigation.

- 2.7 Whilst we confirm that we have had regard to the Mayor's further submission in full in this investigation, we have not included a copy of the same in this report as it contains sensitive and otherwise, personal information pertaining to third parties.
- 2.8 In addition, Kelley Jones Lawyers wrote to Cr Sims, by letter dated 1 March 2022 and emailed that day, inviting a response by way of written submission, to be received by the close of business on Tuesday 8 March 2022 (**Appendix 5**).
- 2.9 By way of a series of emails, and a telephone conversation on Wednesday 30 March 2022, Cr Sims sought an extension to provide a response, for personal and work reasons.
- 2.10 With respect to this telephone conversation of Wednesday 30 March 2022, Cr Sims conceded that he knew that he had breached the Code in the manner alleged and stated that he was proposing to, voluntarily, make an apology.
- 2.11 Subsequently, by email of Monday 4 April 2022, Kelley Jones Lawyers received a copy of the apology read out by Cr Sims, after seeking leave of the meeting to provide a Personal Explanation, at the Council meeting earlier that evening.
- 2.12 By reference to Agenda item 13 of the Minutes of the Council meeting of Monday 4 April 2022, the apology read by Cr Sims was worded as follows (emphasis ours):

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to his behaviour at a recent Council meeting.

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Stock and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by [another Member].

While my disappointment and frustration at the Mayor's approach to the matter stands, I acknowledge that my behaviour was not appropriate.

I acknowledge that I should not have interrupted the meeting as I did.

*Frustration and disappointment is no excuse for inappropriate and unprofessional behaviour as an Elected Member. **Accordingly, I offer a sincere apology to the Council.***

- 2.13 A copy of the relevant pages of the Minutes of the Council Meeting of Monday 4 April 2022 are **Appendix 6**.
- 2.14 It is to be noted that in his apology, Cr Sims acknowledged that his behaviours, the subject of the Complaint, were '*not appropriate*' and that he '*should not have interrupted the meeting as I did*'.
- 2.15 However, we also note that Cr Sims made his apology '*to the Council*', acknowledging that he should not have interrupted the meeting in the manner he did, rather than (or in addition to) apologising to the Mayor for the interruptions and inappropriate behaviours towards him at the Council meeting of Monday 7 February 2022.
- 2.16 By email of Monday 4 April 2022, the Mayor wrote to Kelley Jones Lawyers following the Council Meeting that evening.
- 2.17 A full copy of the Mayor's email appears at **Appendix 7**. The concerns raised within the email may be summarised as:
- 2.17.1 he received an email from Cr Sims, advising that he wished to make two (2) Personal Explanations at the Council Meeting that evening;
 - 2.17.2 when the Meeting reached 'Other Business' on the Agenda, Cr Sims sought and was granted leave of the meeting to make his first Personal Explanation;
 - 2.17.3 Cr Sims then sought and was granted leave of the meeting to make a second Personal Explanation. This pertained to the events of the Ordinary Council Meeting held on 7 February 2022, the subject of this investigation;
 - 2.17.4 the Council resolved to adopt these Personal Explanations, in their entirety, for inclusion in the Minutes (**Appendix 6**);
 - 2.17.5 however, the Mayor was of the view that Cr Sims' Personal Explanation, as it pertained to the Mayor's complaint against him under the Code:

seriously compromises the integrity of the confidential investigation currently being undertaken;

2.17.6 Further, that the Personal Explanation was a:

carefully calculated and cynical attempt to circumvent the investigation of my complaint in that it gives the impression of being an apology without really addressing the specific issues and behaviours that gave rise to my complaint;

2.17.7 and that the apology:

was also calculated in the hope that making a so-called apology at this stage of the investigation would mean that he would not be required to apologise at a later point in time, if he were found guilty of a breach of the Code;

2.17.8 that is, the Mayor held concerns that the apology made by Cr Sims as part of his Personal Explanation at that meeting was an attempt to:

stop the investigation from continuing or at a minimum, mitigate any embarrassment from making an apology later on;

2.17.9 it was further submitted that reference in the apology to '*addressing a complaint by the Mayor*' was a breach of Cr Sims confidentiality obligations under the Act and the Code;

2.17.10 in which case, the Mayor also submitted that he had been denied procedural fairness as the investigation, based on a confidential complaint, '*is now for all intents and purposes, no longer confidential*';

2.17.11 while Cr Sims acknowledged in his apology that he should not have interrupted the meeting, his Personal Explanation:

did not address the specific offensive comments he made during his interruptions at the Council meeting on 7 February 2022;

2.17.12 and, of particular concern for the Mayor in this respect was the '*serious, but completely unsubstantiated allegation against me of bullying* [another Member].'

2.18 We address the Mayor's concerns, as articulated in his email of Tuesday 4 April 2022, later in this Report.

2.19 Having now considered all relevant evidence available to inform this investigation, this Report has been prepared, setting out:

2.19.1 the background facts which have given rise to the Complaint;

2.19.2 the provisions of the Code which the alleged behaviours are said to have breached;

- 2.19.3 findings following the investigation of the Complaint; and
- 2.19.4 recommendations for the consideration of the Council.
- 2.20 The standard of proof applied in this investigation is that of the balance of probabilities. In determining whether the standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw (1938) 60 CLR 336*, we have considered the nature of the allegations made and the consequence(s) if they were to be upheld.
- 2.21 In that matter, Dixon J explained [361-362]:
- The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences.*
- 2.22 In accordance with the Procedure and the relevant principles of procedural fairness, prior to the Council making a final determination on the Complaint, a copy of the Draft Investigation Report was provided to the Mayor and to Cr Sims.
- 2.23 Each was invited to make any further submission, limited to the facts as stated, the preliminary findings made and the foreshadowed recommendations.
- 2.24 By email dated Friday 29 April 2022, the Mayor provided a further submission on the Draft Report (**Appendix 8**).
- 2.25 Whilst the Mayor’s further submissions largely iterated his earlier concerns, as set out in his email of Tuesday 4 April 2022, they can be summarised as:
- 2.25.1 Cr Sims disclosure of the complaint against him by the Mayor at the Council Meeting of Tuesday 4 April 2022, at a time whilst the meeting was open to the public, compromised the integrity of the investigation and denied the Mayor procedural fairness;
- 2.25.2 Concern that this alleged breach of confidentiality was not dealt with in the Draft Report, being relevant to the integrity of the investigation process and should not only be referred to in the Final Report, but also reflected in the recommendations;
- 2.25.3 the recommendations should also include that Cr Sims be required to participate in training regarding the treatment and handling of confidential information;
- 2.25.4 that the Mayor’s email of Tuesday 4 April 2022 be included in the Appendices to the Final Investigation Report. This appears at **Appendix 7**;

2.25.5 the Mayor expressed concern that Cr Sims advised the *'third party Member'* of the investigation and supported that Member to submit a statement regarding the same;

2.25.6 that the Draft Report did not appear to reference what he considered to be Cr Sims' unsubstantiated and vexatious claim that he was bullying another Member, which he considers to be a serious accusation and that any recommendation to make an apology ought to address the same; and

a lack of reference to this false accusation of bullying in the Final Report will leave this issue 'hanging over my head' as to its validity; a situation I consider to be both unfair, unreasonable and indeed, unacceptable in regards to both my personal and professional reputation.

2.26 By email of Monday 2 May 2022, Cr Sims advised that he had made a 'new' apology at the Council Meeting that evening, and attached a copy of the same (**Appendix 9**).

2.27 Also, by email of Monday 2 May 2022 (**Appendix 10**), the Mayor advised Kelledy Jones Lawyers that Cr Sims had provided this further apology at the Council Meeting, noting as follows:

2.27.1 shortly before the meeting Cr Sims approached him to advise that he intended to seek leave of the meeting under 'Other Business' to make a Personal Explanation;

2.27.2 when the Meeting reached 'Other Business', Cr Sims sought, and was granted, leave to make a Personal Explanation;

2.27.3 the Mayor noted that Cr Sims, again, referred to *'a complaint by the Mayor'*, which he considered was a breach of confidentiality of the process, further reinforced by Cr Sims' stating he did *'not wish to add to the expenses already incurred by Council in the prosecution of this matter'*;

2.27.4 Cr Sims' disclosure of the confidential complaint and investigation, *'is a deliberate, but nonetheless reckless and irresponsible, action'* and:

Cr Sims has completely undermined the integrity of the investigation process. I believe it to be manifestly unfair and inappropriate that Cr Sims has now breached confidentiality twice in regards to this complaint, whilst I have maintained my silence;

2.27.5 that Cr Sims appears to have formed the view that by apologising to the Mayor, which appeared to be a direct response to the preliminary findings in the Draft Investigation Report, he would bring the investigation to an end;

2.27.6 in which case, the Mayor was of the view that the apology was about mitigating any sanctions Cr Sims may face on the findings of this investigation, rather than:

an expression of genuine remorse, or as tonight suggest, “killing off” the investigation so the report does not make it to the Council Chamber;

2.27.7 noted that the second apology did not address the specific comments made during his interruptions, particularly around the ‘*false and vexatious allegation of me bullying*’;

2.27.8 which the Mayor considers to be a deliberate attempt:

to leave this matter ‘hanging over my head’ and leave some doubt in the community’s mind [sic] as to my integrity and conduct as Mayor.

3. THE EVIDENCE

3.1 In the investigation of this matter, Kelley Jones Lawyers has:

3.1.1 considered the video of the Council meeting of Monday 7 February 2022 and, in particular, the portion of the meeting at which the Mayor made a Personal Explanation;

3.1.2 extended an invitation to Cr Sims and the Mayor, to provide any further evidence to be considered as part of this investigation (**Appendices 4 and 6**);

3.1.3 considered the admission made by Cr Sims in the telephone call of 30 March, 2022;

3.1.4 considered the response provided by the Mayor on Friday 4 March 2022;

3.1.5 considered the apology read out by of Cr Sims at the Council Meeting of Monday 4 April 2022 (**Appendix 6**);

3.1.6 considered an email of Monday 14 March 2022 from the third-party Member, the subject of the Mayor’s Personal Explanation at the Meeting of Monday 7 February 2022 and to whom Cr Sims’ submitted that he was supportive of in making the comments set out in the Complaint;

3.1.7 considered an email from the Mayor pertaining to the apology that Cr Sims had made at the meeting of Monday 4 April 2022 (**Appendix 7**);

3.1.8 considered the response to the Draft Report provided by the Mayor on Friday 29 April 2022 (**Appendix 8**);

3.1.9 considered the email and second apology that Cr Sims had made at the Council Meeting of Monday 2 May 2022 (**Appendix 9**); and

3.1.10 considered an email from the Mayor pertaining to the second apology made by Cr Sims at the meeting of Monday 2 May 2022 (**Appendix 10**).

4. FINDINGS

- 4.1 By reference to the Complaint made by the Mayor, the transcript of the relevant portion of the Council Meeting of Monday 7 February 2022 and the further submissions provided by the Mayor and Cr Sims, we make the following findings:
- 4.1.1 Cr Sims does not deny that he made the comments as alleged and the statements made have been captured on the recording of the Council meeting in question;
- 4.1.2 In which case, the comments attributed to Cr Sims during the Mayor's Personal Explanation are 'self-evident', insofar as the recording of the Council meeting, as set out in the transcript (**Appendix 2**), evidences that Cr Sims **did** interrupt the Mayor, stating at times as follows:
- *That's complete bullshit;*
 - *I'm sorry that's complete bullshit your worship;*
 - *No, that's completely inappropriate; and*
 - *What you said is complete bullshit your worship and I will say that you are bullying [the other Member]. You're literally... what you have said is absolute bullshit.*
- 4.1.3 in response to the Mayor raising these interruptions with Cr Sims and advising he intended to take action on the same, Cr Sims retorted:
- *I would argue that you've made some statements that are pretty outrageous yourself, so hey, bring it on;*
- 4.1.4 regulation 15(4) of the Meeting Regulations provides that 'the subject matter of a personal explanation may not be debated'.
- 4.1.5 and whilst we note that Cr Sims has submitted his comments were made in 'defence' of another Member, the comments made by Cr Sims during the Mayor's Personal Explanation, at a time when the meeting was open to the public, were not only disruptive but disrespectful, disparaging, and rude;
- 4.1.6 noting that Cr Sims has, voluntarily, admitted that his conduct at the meeting breached the code;
- 4.1.7 accordingly, we find that not only did Cr Sims' comments fail to generate community trust and confidence in the Council, contrary to clause 2.2 of the Code but they were also in breach of clause 2.4 of the Code, being a failure to show respect for others when making comments publicly, as well as clause 2.9, evidencing a failure to establish and maintain respectful relationships with all Council Members.
- 4.2 In making the above findings, we acknowledge that Cr Sims has, since, voluntarily, made a public apology to '*the Council*' at its meeting of Monday 4 April 2022, for his

actions and behaviours, but did not, at that time, make an apology to the Mayor for the same.

- 4.3 Following which, Cr Sims has, since, again voluntarily, made a second apology, this time, to the Mayor and to the Council (**Appendix 9**).
- 4.4 As to the Mayor's contentions that Cr Sims' has failed to apologise for what he considers to be an unsubstantiated and vexatious claim that the Mayor was bullying another Member, as above, Cr Sims stated at the Council Meeting of Monday 7 February 2022, that '*you are bullying [the other Member]*', during the exchange between the Mayor and Cr Sims at that time.
- 4.5 On any objective consideration of that comment, Cr Sims was limiting his allegation of 'bullying' another Member, to the matters the subject of the Mayor's Personal Explanation, rather than any broader allegation.
- 4.6 Nonetheless, we **do find** that Cr Sims stated that the Mayor was bullying another Member at the time, being a comment that Cr Sims should retract and apologise for.
- 4.7 As to the submission that Cr Sims has breached the confidentiality of this investigation by informing a third-party Member, we confirm that, on our review and receipt of the evidence, we do not consider this to be the case (noting, of course, for reasons set out below, that this is necessarily an allegation that falls outside of the scope of this investigation).
- 4.8 In our view, Cr Sims has not breached any statutory (or Code) obligations of confidentiality as part of this investigation process, nor has the content of the apologies made, given rise to any denial of procedural fairness for the Mayor.
- 4.9 We are of this view for the following reasons:
 - 4.9.1 the Mayor stated during his Personal Explanation, made at the Council Meeting of Monday 7 February 2022, that he would be '*taking further action*' and '*if that's a threat, I will take that as a threat, and that'll be part of the further action that I take*';
 - 4.9.2 in which case, on any reasonable consideration of the utterances made by the Mayor on that occasion, all Members present at that meeting and any member of the public who may have been present (either electronically or in person) would have taken the view that the Mayor intended to make a complaint against Cr Sims under the Code;
 - 4.9.3 in his first apology, Cr Sims stated:

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by [another Member];

- 4.9.4 this can be read simply as a reference to the matters stated by the Mayor to Cr Sims at the Council Meeting of Monday 7 February 2022, rather than as confirmation of any formal investigation process;
 - 4.9.5 in his second apology, made at the Council Meeting on Monday 2 May 2022, Cr Sims stated the same introductory paragraph and then referred to not wishing to add *'to the expenses already incurred by Council in the prosecution of this matter'*;
 - 4.9.6 whilst somewhat oblique in nature, the sentence is suggestive of a formal complaint process, but not explicitly so;
 - 4.9.7 however, the second apology did no more than reference this fact. That is, it did not suggest any particular position in relation to or any outcome from the process, and it certainly did not 'inform' or otherwise impact our preliminary findings in each, the Draft Report having already been distributed to Cr Sims and the Mayor;
 - 4.9.8 separately, as a matter of law, there is a 'live' issue as to whether the fact of a complaint being made against a public officer can be guaranteed any confidential status;
 - 4.9.9 the only imperative as part of a subsequent investigation process being to ensure that the Member, the subject of the complaint, is not denied procedural fairness on the disclosure of the same;
 - 4.9.10 the reminder from Kelley Jones Lawyers to the parties that an investigation process is a confidential one, is to ensure that reputational damage, embarrassment, or other loss, is not occasioned to a Member, the subject of a complaint, being allegations only at that stage and not concluded findings;
 - 4.9.11 if Cr Sims' chooses to disclose that he is the subject of a complaint process, there could be no denial of procedural fairness for the Mayor. Indeed, following the making of the Complaint, there are no further procedural fairness considerations that are required to be extended to a complainant in any event; and
 - 4.9.12 Cr Sims simply disadvantages his own position, in the event it were to be found that he had not breached the Code in the manner alleged. However, as noted above, at the time of making the second apology, Cr Sims (and the Mayor) were already aware of the preliminary findings and the foreshadowed recommendations.
- 4.10 In which case, in our view, there has not been any predetermination or prejudice to the Mayor in this process and nor could there be.
- 4.11 Accordingly, we do not consider that Cr Sims can be said to have breached any of his confidentiality obligations, by stating the matters he did in the course of his two

(2) public apologies, each made on a voluntary basis, for his actions and behaviours at the Council Meeting of Monday 7 February 2022.

- 4.12 In any event, it is important to note that any allegation Cr Sims has breached confidentiality obligations is a matter that falls under **Part 3 of the Code**. The Council has no jurisdiction to investigate such matters and, in any event, such allegation fall outside of the scope of this investigation.
- 4.13 If the Mayor remains aggrieved with respect to Cr Sim's actions in this respect, it is open for him to report the matter to the Ombudsman, for consideration, and determination.
- 4.14 For completeness, whatever Cr Sims' motivations were in providing the two (2) voluntary apologies, at a period of time when the respective Council Meetings were open to the public, they could not operate to bring the investigation process to an end.
- 4.15 Rather, the fact, and content, of the apologies simply become a relevant consideration to consider in determining any recommendations to be made (if any).

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Where an investigation has determined that a breach (or breaches) of Part 2 of the Code have occurred, it must be the subject of a report of a public meeting of the Council.
- 5.2 It is then a matter for the Council to consider what action, if any, it wishes to take.
- 5.3 The available outcomes are set out at page 6 of the Procedure and clause 2.25 of the Code, which provides, in full:
- 2.25.1 *Take no action;*
 - 2.25.2 *Pass a censure motion in respect of the Council member;*
 - 2.25.3 *Request a public apology, whether written or verbal;*
 - 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
 - 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
 - 2.25.6 *Request the member to repay monies to the Council.*
- 5.4 Based on the findings made, we recommended that, in the circumstances of this matter, the Council:
- 5.4.1 notes this report at a public Meeting of the Council;

5.4.2 notes that, following an investigation into alleged breaches of the Code, it has been found, collectively, that the actions of Cr Sims, in interrupting the Mayor and making rude and disparaging comments whilst he was making a Personal Explanation at the Council Meeting of Monday 7 February 2022, breach of the following clauses of the Code:

2.2 *Act in a way that generates community trust and confidence in the Council*

2.4 *Show respect for others if making comments publicly*

2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions;*

5.4.3 notes that Cr Sims has voluntarily made a public apology to 'the Council' for these behaviours at the Council meeting on 4 April 2022;

5.4.4 notes that Cr Sims has voluntarily made a public apology to 'the Mayor and the Council' for these behaviours at the Council meeting on 2 May 2022

5.4.5 but, now requires that Cr Sims to publicly withdraw any allegation that the Mayor bullied another Member during his Personal Explanation, made at the Council Meeting of Monday 7 February 2022.

5.5 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Mayor has recourse to the Ombudsman, if he remains dissatisfied.

5.6 This Report concludes the investigation of the Complaint.

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APPENDICES

APPENDIX 1

From: Robert Bria <RBria@npsp.sa.gov.au>
Sent: Wednesday, 9 February 2022 11:43 AM
To: Lisa Mara <LMara@npsp.sa.gov.au>
Subject: Confidential: Code of Conduct complaint

Dear Lisa

I am writing to formally lodge a Code of Conduct complaint against Cr Scott Sims.

Specifically, I believe Sims has breached the following sections of the 'Code of Conduct for Members':

2.2 Act in a way that generates community trust and confidence in the Council

2.4 Show respect for others when making comments publicly

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

In my opinion, Cr Sims breaches relate to the *Local Government (Procedures at Meetings) Regulations 2013*:

Section 29 – Interruption of meetings by members

(1) A member of a council or council committee must not, whilst at a meeting-

(a) behave in an improper manner or disorderly manner, or

(b) cause an interruption or interrupt another member who is speaking

I provide the following background information as the basis for my complaint.

At the Ordinary Council meeting held on Monday, 7 February 2022, I made a Personal Explanation in response to an email I received from Cr Fay Patterson on Tuesday, 18 January 2022.

By way of background, Cr Patterson's email referred to a Personal Explanation I made at the Ordinary Council meeting held on Monday, 17 January 2022, which was made in response to an article written by her and published in the *East Adelaide Herald* newspaper on 23 December 2021.

The Personal Explanation I made on 17 January 2022 was accepted in its entirety by the Council for inclusion in the Minutes of that meeting.

While making my Personal Explanation at the 7 February 2022 meeting, Cr Sims interrupted me on at least three occasions, and possibly up to five occasions.

In particular, I recall Cr Sims shouting the following: "*That's bullshit, your worship*" and "*that's bullshit*".

I also recall Cr Sims saying to me: "*you are bullying Cr Patterson.*"

On each occasion that Cr Sims interrupted me, I did not respond, but instead continued to read my Personal Explanation until completion.

Upon completing my Personal Explanation, I addressed Cr Sims' outbursts by saying that I believed he interrupted me on at least three occasions and that it was inappropriate to interrupt an Elected Member while they are making a Personal Explanation.

I also recall stating that I did not appreciate him characterising me as a liar, particularly I as was making a Personal Explanation and would be providing evidence (the email exchange I had with Cr Patterson on 18 and 19 January 2022, and the notes from my conversation with Cr Patterson on 5 November 2021) in support of what I was saying for the Minutes.

(The Council resolved to accept my Personal Explanation in its entirety, as well as the email exchange and my notes of 5 November 2021 I have referred to above. The vote was 10:3, with Councillors Kester Moorhouse, Patterson and Sims voted against the motion).

I also drew Cr Sims' attention to the amended provisions in the *Local Government Act 1999* as they relate to the roles and responsibilities of Councillors.

I said I did not believe his behaviours during my Personal Explanation meet the standard expected on a Councillor, and I described his outburst as "juvenile."

I recall saying that his interruptions and behaviour was an issue that I would take further action on.

Cr Sims quickly made what I believed to be an aggressive and confrontational response by saying: "*Bring it on.*"

I replied that I considered that statement ("Bring it on") as a threat and that it too, would form part of my considerations in regards to taking the matter further.

In conclusion, the reasons for Cr Sims multiple interruptions are unclear given the matter in question did not involve him, but rather Cr Patterson.

Whatever his reason(s) or motivation, I believe his interruptions were rude, offensive and disrupted the orderly running of the Council meeting.

Furthermore, his interruptions also left Elected Members in shock as to the level of disrespect shown towards me (as evidenced by text messages sent to me after the Council meeting), particularly given the meeting was being livestreamed due to COVID-19 in a public forum.

I understand that a copy of the video of the Council meeting on 7 February 2022 has been kept by the Council Administration.

I confirm that I have not viewed the video since the Council meeting, but understand that it may be used to corroborate my recollection of the events from the meeting as part of the investigation into my complaint.

Kind regards

Robert Bria
MAYOR

Sent from my iPad



APPENDIX 2

Transcript of portion of Agenda item 13.3 at the Council Meeting 7 February 2022

Mayor: At the Ordinary Council meeting held on Monday, 17 January 2022 I made a Personal Explanation in response to an article written by Cr Patterson and published in the East Adelaide Herald newspaper on 23 December 2021.

On Tuesday 18 January 2022 I received an email from Cr Patterson questioning the inclusion of references to the Council Administration in my Personal Explanation.

In my opinion, Councillor Patterson's email was entirely inappropriate.

Firstly, I was surprised that having voted to accept my Personal Explanation, Cr Patterson then sought to question its content.

Secondly, I believe her email demonstrates a lack of respect for my right as an Elected Member to make an unfettered Personal Explanation based on my observations, personal opinion and experience in instances where I believe I have been misrepresented.

I interpret Cr Patterson's email as a request that I alter my Personal Explanation so that it is aligned with her interpretation of events, rather than mine.

In this regard, I believe she tried to improperly influence me and by extension, interfere with due process.

Finally, and perhaps most seriously, I am disturbed with what, in my considered opinion, was the threatening tone of the final sentence of Cr Patterson's email: '*I would ask that you carefully consider what you include ...*' –

Cr Sims: That's complete bullshit.

Mayor: *...as part of your Personal Explanation to be published in the Minutes.'*

Cr Sims: I'm sorry that's complete bullshit your worship.

Mayor: ...In my opinion, this infers possible retaliatory action against me...

Cr Sims: No, that's completely inappropriate.

Mayor: ...if my Personal Explanation is included in the Minutes without alteration.

I can confirm to the Council that on Wednesday 19 January 2022 I responded to Cr Patterson's email, advising her that it is my understanding that, legally, there is no opportunity to alter a Personal Explanation after the Council has voted to accept in its entirety. I also advised her that I stand by my Personal Explanation.

In conclusion, is unfortunate that Cr Patterson chose to send me this inappropriate email, rather than reflect on her serious misrepresentation of me and the Council Administration in her article and apologise.

I request that the Council accepts this Personal Explanation in its entirety. I am also taking the unusual step of requesting that the notes I took on 5 November 2021

following my conversation with Cr Patterson, as well as the email exchange referred to in my Personal Explanation also be accepted in the Minutes.

Was there a mover? Councillor Duke, and Councillor Callisto.

Cr Sims: What you said is complete bullshit your worship and I will say that...–

Cr Duke: Cr Scott Sims can you be quiet please.

Cr Sims: ...you are bullying Cr Patterson. You're literally... what you have said is absolute bullshit.

Mayor: Thank you Councillor Duke and Councillor Callisto. I shall put that to the vote, all in favor? Those against? That is carried.

Cr Sims: I would like to call a division your worship. I am requesting a division.

Mayor: Members, the motion is set aside. Cr Sims has called a division. Those voting in favor please raise your hand and keep it there until I ask you to do otherwise.

Councillors voting in favor, Cr Duke, Cr Whittington, Cr Minney, Cr Knoblauch, Cr Granozio, Cr Callisto, Cr Moore, Cr Stock, Cr Mex and Cr Dottore.

Those voting against, Cr Patterson, Cr Moorhouse and Cr Sims.

The vote is carried ten votes to three. Thank you.

Councillor Sims, you interrupted me on at least probably three occasions. Totally uncalled for, there are to be no interruptions to a Personal Explanation.

In addition to that, you essentially accused me of lying and I'll be taking further action.

I do not accept being called a liar, by events that are in writing. Your behavior is totally unacceptable, and I would remind you Cr Sims of the provisions of the Act with regard to the behavior of Elected Members and the expectations of behavior of Elected Members at Council Meetings, and certainly you did not uphold the standard that is required this evening during those juvenile outbursts.

Cr Sims: I would argue that you've made some statements that are pretty outrageous yourself, so hey, bring it on.

Mayor: Well Councillor, if that's a threat, I will take that as a threat, and that'll be part of the further action that I take. There are a number of witnesses here to hear that Councillor, so it is unfortunate that you have taken that approach.

Kelley Jones

APPENDIX 3



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Code of Conduct for Council Members - Complaint Handling Procedure

POLICY MANUAL: Governance

BACKGROUND

The *Code of Conduct for Council Members* (the Code) was published in the South Australian Gazette on 18 August 2013, pursuant to Section 63 of the *Local Government Act 1999* (the Act), and applies to all Elected Members in South Australia.

The Code sets out the standards of behaviour which every Elected Member must observe when carrying out their functions and duties as a **public officer**.

It is the responsibility of every Elected Member to ensure that they are familiar and comply with, the standards in the Code at all times.

The Code is structured into three (3) Parts, namely:

- Part 1 – Principles
- Part 2 – Behavioural Code
- Part 3 – Misconduct

There is an Appendix to the Code which relates to **Criminal Matters**. These are matters that do not form part of the Code and alleged breaches of these matters are to be reported to the Office for Public Integrity (OPI) in the first instance.

A copy of the Code is contained within **Appendix A**.

The Code provides that each Council will adopt a process for the handling of alleged breaches of Part 2 of the Code, the Behavioural Code.

This Procedure has been prepared in accordance with the Council's obligations under Part 2 of the Code, to ensure a consistent, fair and equitable process for receiving and managing complaints made under the Code.

PRINCIPLES

This Procedure is based on the following principles, each being a relevant consideration in the manner in which the Council will approach the receipt and management of complaints under the Code:

- Integrity and Impartiality
- Fairness
- Equity
- Consistency
- Responsiveness
- Efficiency

SCOPE

Any person may make a complaint about an Elected Member under the Code and this Procedure will apply following the receipt of such a complaint.

It is important to note that a complaint remains an allegation, until it has been found proved, following an impartial investigation process.

CONFIDENTIALITY

All complaints will be treated on a confidential basis, until such time that a finding has been made that an Elected Member has breached the Code. A finding of a breach of the Code is required to be the subject of a report to a public meeting of the Council.

Any release of confidential information that an Elected Member knows, or should reasonably know, to be confidential is a breach of Part 3 of the Code.

Any person to whom information about a complaint, or information in relation to or connected with a complaint, has been disclosed, or is required to be disclosed (including the complainant and the subject Elected Member), **must not**, directly or indirectly, disclose that information, except in the following circumstances:

- for the purpose of making a complaint to the Mayor, Chief Executive Officer or General Manager, Governance & Community Affairs under this Procedure;
- in consultation with the Mayor, Chief Executive Officer or General Manager, Governance & Community Affairs for the purposes of:
 - referring the matter to a relevant authority or External Investigator;
 - obtaining legal advice or legal representation, including in accordance with the Council's *Elected Member Access to Legal Advice Policy*;
 - obtaining medical or psychological assistance from a medical practitioner, psychologist or counsellor;
 - obtaining assistance from a mediator/conciliator engaged under this Procedure;
 - where the information has been made public in accordance with this Procedure; or
 - as required by law;
- where the disclosure is made to a close family member of the complainant or the Elected Member who is the subject of the complaint, as defined in section 54(4) of the *Independent Commissioner Against Corruption Act 2012*, as follows:

*For the purposes of subsection (3)(c), a person is a **close family member** of another person if—*

- (a) 1 is a spouse of the other or is in a close personal relationship with the other; or*
- (b) 1 is a parent or grandparent of the other (whether by blood or by marriage); or*
- (c) 1 is a brother or sister of the other (whether by blood or by marriage); or*
- (d) 1 is a guardian or carer of the other.*

The starting position is that where the complaint is made by a member of the public, the identity of the complainant will be kept confidential, unless the complainant consents to their identity being disclosed.

However, where based on legal advice or the opinion of the External Investigator, the identity of the complainant is required to be disclosed to ensure that the matters to which the allegations relate are properly investigated, the complainant will be advised and the consent of the complainant sought to disclose their identity.

If the complainant does not provide consent in these circumstances, it will be at the absolute discretion of the General Manager, Governance & Community Affairs (or delegate), to determine whether the complaint is capable of further investigation.

Notwithstanding the above, any documentation or information pertaining to a complaint made under the Code, is subject to the *Freedom of Information Act 1991*. Any application made for access to this information is required to be assessed under that statutory framework.

NATURAL JUSTICE

Any investigation of an alleged breach of the Code by an Elected Member, will be carried out in accordance with this Procedure and the principles of natural justice/procedural fairness.

The expressions '*natural justice*' and '*procedural fairness*' are often used interchangeably. *Natural justice* requires that a person receive a fair and unbiased hearing before a decision is made that will negatively affect them.

The three (3) key requirements of natural justice that must be met are: *adequate notice*, *fair hearing* and an *absence of bias*, as detailed below:

- the *adequate notice* requirement means that the subject Elected Member must be informed of the complaint and the nature of the allegations;
- the *fair hearing* requirement means that the parties to the complaint, being the complainant and the subject Elected Member, are provided with a reasonable opportunity to present their point of view and to respond to facts presented. These responses are to be given genuine consideration in the investigation process; and
- the *absence of bias* requirement means that the person making the decision (whether that be the General Manager, Governance & Community Affairs (or delegate) or the External Investigator under this Procedure) must act impartially when considering the matter and not be biased (or be seen to be biased) in any way.

The requirements of procedural fairness focus on fairness in the decision making process. It concerns fairness in the procedure which results in the decision or by which the decision is made, rather than the fairness, in a substantive sense, of the decision.

BREACHES OF THE CODE

Alleged breaches of the Code may relate to behavioural matters, as referred to in Part 2 of the Code, or Misconduct, dealt with at Part 3 of the Code.

Allegations of a breach of Part 2 of the Code will be dealt with in accordance with this Procedure. Allegations of a breach of Part 3 of the Code may not be dealt with by the Council and may be referred to the *Office of the South Australian Ombudsman* (Ombudsman SA) or the *Office for Public Integrity* (OPI).

Allegations of criminal conduct, corruption, misconduct or maladministration in public administration, as defined in Section 5 of the *Independent Commissioner Against Corruption Act 2012*.

A copy of Section 5 of the *Independent Commissioner Against Corruption Act 2012* is contained within **Appendix B**.

PROCEDURE

Making a Complaint

A complaint about an alleged breach of the Code must be in writing, marked as confidential and addressed to the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs.

Complaints must, so far as reasonably practicable, include the following information:

- the name of the Elected Member it is alleged has breached the Code;
- the name and contact details of the complainant;
- the name and contact details of the person submitting the complaint (if different to the complainant);
- the name and contact details of any persons able to provide information relating to the complaint;
- the provisions of the Code which the complainant alleges have been breached, including information as to how the provisions have been breached, and when the breach occurred; and
- any supporting evidence that may be available to assist in an investigation of the allegations.

The General Manager, Governance & Community Affairs (or delegate) will, so far as reasonably practicable, provide written acknowledgement to the complainant and the subject Elected Member, of the receipt of the complaint within five (5) business days.

Where the alleged behaviour falls under Part 2 of the Code, the complaint must be made within three (3) months of the alleged conduct, said to be in breach of the Code. This is based on public interest considerations of dealing with alleged breaches of Elected Member conduct in a timely manner.

However, this timeframe may be extended at the discretion of the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs (or delegate), where the merits of the case warrant an extension.

Anonymous complaints will not be investigated by the Council unless required by law, or otherwise, at the discretion of the Mayor, Chief Executive Officer or the General Manager, Governance & Community Affairs (or delegate), where the merits of the case warrant investigation.

Complainants can, at any time, refer their complaint to the *Office of the South Australian Ombudsman* (Ombudsman SA) or to the *Office for Public Integrity*, who will assess and refer the complaint as required. This may result in the matter being referred back to the Council for investigation as the relevant authority.

If more information is required to progress the handling of a complaint at any time, the complainant may be contacted by the General Manager, Governance & Community Affairs (or delegate) or an External Investigator with a request for such information.

All parties to a complaint are required to cooperate with and assist with the receipt and investigation of the complaint.

Failure to do so may result in an adverse finding being made against the subject Elected Member, or, otherwise, a decision being made not to progress the handling of a complaint. This may include not referring a complaint for investigation or discontinuing an investigation of a complaint, where a complainant unreasonably fails to cooperate or assist in its management.

Complainants are invited to contact the General Manager, Governance & Community Affairs to discuss their concerns in the first instance, to determine whether the matter is capable of early resolution, prior to lodging a complaint under the Code.

The General Manager, Governance & Community Affairs is located at the Norwood Town Hall, 175 George Street, Norwood and may be contacted directly by telephone on 8366 4549 between 8.30am – 5.00pm, Monday to Friday.

Initial Assessment/Informal Resolution

Upon receipt of a complaint, an initial assessment will be undertaken by the General Manager, Governance & Community Affairs (or delegate), to determine whether the complaint:

- is trivial, frivolous, vexatious, misconceived or lacking in substance, in which case, no further action may be taken;
- relates to behaviour which falls under Part 2 of the Code;
- relates to misconduct or systemic misconduct which triggers action under Part 3 of the Code; or
- relates to criminal conduct, corruption, misconduct or maladministration in public administration.

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made.

Rather, in undertaking an initial assessment, the General Manager, Governance & Community Affairs (or delegate), will consider whether the complaint discloses prima facie evidence of a breach of the Code and, if so, what action may be required in the circumstances of the matter. In doing so, legal advice may be obtained to assist in the initial assessment of the complaint.

The General Manager, Governance & Community Affairs (or delegate) will, so far as reasonably practicable, undertake the initial assessment of a complaint and advise the complainant and the subject Elected Member of the outcome within ten (10) business days of the receipt of the complaint.

If the matter is determined to be minor in nature, the parties to a complaint may be offered the opportunity to resolve the matter informally, which may include alternative dispute resolution processes such as mediation or conciliation. Informal resolution is only appropriate if all parties to the matter voluntarily agree to explore a resolution.

An independent person with suitable qualifications or experience may be engaged to facilitate this process.

If the matter can be resolved to the satisfaction of all parties at this time, the matter will be closed and no further action taken. All parties will be advised in writing by the General Manager, Governance & Community Affairs (or delegate) that the matter has been resolved.

If the matter cannot be resolved informally, or, otherwise, it is not appropriate for consideration for informal resolution, the matter will be investigated in accordance with this Procedure.

Following the initial assessment and subject to the General Manager, Governance & Community Affairs (or delegate) determining that the complaint discloses prima facie evidence of a breach of the Code, the complaint will be progressed as follows:

- Behaviour which falls under Part 2 of the Code, the Behavioural Code - the Council will maintain jurisdiction of the complaint, which will be dealt with in accordance with the processes set out in this Procedure.
- Behaviour which falls under Part 3 of the Code, the Misconduct provisions - the complaint will be referred to the Ombudsman SA or the OPI as soon as reasonably practicable and guidance will be sought as to whether the complainant may be advised that the complaint has been so referred.
- Criminal conduct, corruption, misconduct or maladministration in public administration, including but not limited to those matters set out in the Appendix to the Code - the complaint will be referred to the OPI as soon as reasonably practicable and guidance will be sought as to whether the complainant may be advised the complaint has been so referred.

External Investigation

Where a complaint has been assessed as disclosing a prima facie breach of Part 2 of the Code and is unable to be resolved informally, or through some other means of alternative dispute resolution, the complaint will be referred to an External Investigator for investigation.

The External Investigator may be but is not required to be, the same person who provided advice on the initial assessment of the complaint.

The External Investigator will conduct an investigation into the allegations, which may include interviewing persons considered to be able to provide relevant evidence in relation to the allegations.

Following the investigation process, the External Investigator will prepare a draft report setting out the factual basis of the allegations, the evidence received, preliminary findings made and any proposed recommendations.

The draft report will be provided to the General Manager, Governance & Community Affairs (or delegate) for information and record management purposes.

In affording the parties natural justice/procedural fairness as part of the investigation process, the complainant and the subject Elected Member will be provided with a copy of the draft report and an invitation to make any further submission to be taken into account in the investigation of the complaint, limited to the facts as stated and the preliminary findings made.

The parties will be provided with a minimum of fourteen (14) days to provide any further submissions to the External Investigator on the draft report.

Following receipt and consideration of any further submission received, the External Investigator will prepare a final report, setting out the findings made and recommendations or whether the allegations were substantiated.

The final report will be provided to the General Manager, Governance & Community Affairs.

Reporting to the Council

In accordance with clause 2.24 of the Code, if, following the investigation process, a breach of Part 2 of the Code, the Behavioural Code, has been substantiated, a report **must** be presented to a public meeting of the Council.

For the avoidance of doubt, this does not require that the final report prepared by the External Investigator is required to be presented to the Council. Rather, a summary report setting out the allegations and findings made may be prepared for the Council's consideration.

This report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to the Council.

In accordance with Clause 2.25 of the Code, the Council may, by resolution, take any of the following actions upon a finding that an Elected Member has breached Part 2 of the Code:

- take no action;
- pass a censure motion in respect of the Elected Member;
- request a public apology, whether written or verbal;
- request the Elected Member to attend training on the specific topic found to have been breached;
- resolve to remove or suspend the Elected Member from a position within the Council (not including the Elected Member's elected position on Council); and/or
- request the Elected Member to repay monies to the Council (ie legal fees).

Where the Final Report finds that a breach of the Code has not been substantiated, a report will not be presented to the Council for consideration or for information, with the exception of the following circumstances:

- the Elected Member who was the subject of the complaint requests that a report be presented to the Council. Where such a request is made, a report will be tabled at the next practicable Council meeting; and/or
- where the External Investigator makes observations or recommendations that are of broader application, a summary report may be provided to the Council for the Council's consideration.

If the matter is not presented to the Council, the obligations of confidentiality set out in this Procedure regarding the complaint, as well as the draft and final reports, will continue to apply, unless otherwise determined by the Council.

At the conclusion of the investigation, the complainant and the subject Elected Member will be notified in writing of the outcome.

Where the final report is to be tabled at a Council meeting, the Complainant will be entitled to a copy of the report at, or following, the relevant Council meeting. If the final report is not presented at a Council meeting, the Complainant will not be provided with a copy of the final report of the investigation.

Appeals

As a non-adversarial process, there is no statutory basis to appeal any of the processes or procedures in relation to the receipt and management of complaints made under the Code and dealt with under this Procedure.

However, irrespective of the manner in which the Council determines to deal with a complaint under the Code, it is acknowledged that a complainant has recourse to the Ombudsman if they are dissatisfied.

BREACHES OF PART 3 OF THE CODE - MISCONDUCT

Any alleged breach of Part 3 of the Code that is made to the Council, may be referred to the Ombudsman SA or the OPI for investigation.

An Elected Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor, Chief Executive Officer, General Manager, Governance & Community Affairs, the Ombudsman SA or the OPI.

A failure to report an alleged, or suspected, breach of Part 3 of the Code is, in itself, a breach of Part 2 of the Code.

A failure of an Elected Member to co-operate with the Council's process in handling alleged breaches of Part 2 of the Code under this Procedure, may be referred for investigation under Part 3.

A failure of an Elected Member to comply with a finding of inappropriate behaviour by the Council, the External Investigator or the Ombudsman SA under Part 2 of the Code, is grounds for a complaint under Part 3 of the Code.

Repeated or sustained breaches of Part 2 of the Code by an Elected Member may be referred, by resolution of the Council, to the Ombudsman SA as a breach of Part 3 of the Code.

A report from the Ombudsman SA that finds an Elected Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.

The Council must pass a resolution to give effect to any recommendations received from the Ombudsman SA, within two (2) ordinary meetings of the Council following the receipt of the Ombudsman SA's recommendations.

However, any report from the Ombudsman SA that finds an Elected Member has not breached Part 3 of the Code will not be presented to a public meeting of the Council, unless directed by the Ombudsman SA.

APPENDIX TO THE CODE - CRIMINAL MATTERS

The matters set out within the Appendix to the Code of Conduct are matters for which a criminal penalty applies. These matters must be reported to the OPI.

In addition, any alleged breach of a criminal offence provision under the *Local Government Act 1999* must also be reported to the OPI.

The Council's *Fraud, Corruption, Misconduct & Maladministration Prevention Policy* provides guidance regarding reporting requirements for public officers. This Policy ensures that the Council fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012*.

The Independent Commissioner Against Corruption (ICAC) has also developed the *ICAC Directions and Guidelines for Public Officers*, setting out the reporting obligations and responsibilities of public officers, which include Elected Members.

Further information about reporting requirements is available on the ICAC website: <https://icac.sa.gov.au>.

REVIEW PROCESS

The Council will review this Procedure within 12 months of the next Local Government General Elections, to be held in November 2022. The Council retains the discretion to review this Procedure and to amend, repeal and to replace it at any time.

INFORMATION

The contact officer for further information at Council is the General Manager, Governance & Community Affairs, telephone 8366 4549.

ADOPTION OF THE POLICY & PROCEDURE

This Procedure was adopted by the Council on 1 March 2021.

TO BE REVIEWED

By November 2023.

APPENDIX A

Code of Conduct for Council Members

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

*Published by the Minister for Planning for the purposes of Section 63 (1) of the
Local Government Act 1999.*

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

- 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 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly 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.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

APPENDIX B

Section 5 of the *Independent Commissioner Against Corruption Act 2012*

seconded—a police officer or special constable is seconded to assist the Commissioner for the purposes of this Act if the police officer or special constable is employed in accordance with an arrangement whereby the police officer or special constable is granted leave without pay in relation to his or her appointment under the *Police Act 1998* for the purpose of being engaged as an employee under section 12 of this Act;

statement of information—see section 28;

vehicle means a vehicle, vessel or aircraft and includes a caravan, trailer and anything attached to a vehicle.

- (2) For the purposes of this Act, misconduct or maladministration in public administration will be taken to be *serious or systemic* if the misconduct or maladministration—
- (a) is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and
 - (b) has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).

5—Corruption, misconduct and maladministration

- (1) *Corruption in public administration* means conduct that constitutes—
- (a) an offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - (i) bribery or corruption of public officers;
 - (ii) threats or reprisals against public officers;
 - (iii) abuse of public office;
 - (iv) demanding or requiring benefit on basis of public office;
 - (v) offences relating to appointment to public office; or
 - (b) an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
 - (ba) an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or
 - (c) any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
 - (d) any of the following in relation to an offence referred to in a preceding paragraph:
 - (i) aiding, abetting, counselling or procuring the commission of the offence;

- (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - (iv) conspiring with others to effect the commission of the offence.
- (2) If the Commissioner suspects that an offence that is not corruption in public administration (an *incidental offence*) may be directly or indirectly connected with, or may be a part of, a course of activity involving the commission of corruption in public administration (whether or not the Commissioner has identified the nature of that corruption), then the incidental offence is, for so long only as the Commissioner so suspects, taken for the purposes of this Act to be corruption in public administration.
- (3) *Misconduct in public administration* means—
 - (a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
 - (b) other misconduct of a public officer while acting in his or her capacity as a public officer.
- (4) *Maladministration in public administration*—
 - (a) means—
 - (i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
 - (b) includes conduct resulting from impropriety, incompetence or negligence; and
 - (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- (5) Without limiting or extending the conduct that may comprise corruption, misconduct or maladministration in public administration, this Act applies to conduct that—
 - (a) occurred before the commencement of this Act; or
 - (b) occurs outside this State; or
 - (c) comprises a failure to act; or
 - (d) is conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer; or
 - (e) is conduct of a person who was not a public officer at the time of its occurrence but who has since become a public officer.
- (6) A reference in subsection (3) to a code of conduct does not include any statement of principles applicable in relation to the conduct of members of Parliament.

APPENDIX 4



1 March 2022

Mayor Robert Bria
City of Norwood, Payneham & St Peters
PO Box 204
KENT TOWN SA 5071

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 68 159 480 723
kelledyjones.com.au

BY EMAIL: RBria@npsp.sa.gov.au

Dear Robert

CODE OF CONDUCT COMPLAINT - CR SIMS - COUNCIL MEETING MONDAY 7 FEBRUARY 2022

By email dated Wednesday 9 February 2022, you made a complaint to the Council's General Manager, Governance & Community Affairs, regarding certain actions and behaviors of Councillor Scott Sims, directed towards you at the live-streamed Council Meeting of Monday 7 February 2022.

More particularly, you have alleged that Cr Sims interrupted you on at least three (3) occasions and, possibly, five (5), whilst you were reading a Personal Explanation that pertained to an email you had received from Cr Fay Patterson on Tuesday 18 January 2022.

It is alleged the Cr Sims stated at least the following, during the course of your Personal Explanation:

- *that's bullshit, your worship*
- *that's bullshit; and*
- *you are bullying Cr Patterson.*

At the conclusion of your Personal Explanation, when you drew Cr Sims' attention to his inappropriate behaviours and, noting that you proposed to take further action, Cr Sims made what you believed to be an aggressive and confrontational response by saying:

- *Bring it on.*

In your view, these actions and behaviours breach regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013* and the following provisions under the *Code of Conduct for Council Members* (the **Code**):

- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.4 *Show respect for others if making comments publicly*
- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions*

Mayor Bria

1 March 2022

Following a Preliminary Assessment of the allegations under Part 2 of the Code, conducted in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**), a determination has been made that the alleged actions warrant further investigation.

This firm has been engaged to undertake an independent investigation of the allegations. This will occur on an objective basis, in accordance with the Procedure and subject to relevant principles of procedural fairness.

You are invited to provide any further written submission and/or material that you wish to be considered as part of our investigation.

If we do not hear from you by the close of business on Tuesday **8 March 2022**, we will assume that you do not wish to make further comment and/or to provide any additional material. We will then proceed to investigate the complaint on the basis of the information available to us.

For completeness, I confirm that, as part of our investigation, we have obtained a copy of the recording of the portion of the meeting in question.

I take this opportunity to remind you this is a confidential investigation process. You must not divulge any of the information contained in this letter or otherwise pertaining to the investigation, other than to a support person (who must be expressly advised of the confidentiality requirements) and/or your legal adviser.

Please do not hesitate to contact me, or Tracy Riddle of this firm, regarding any of the above.

Yours sincerely
KELLEDY JONES LAWYERS



MICHAEL KELLEDY
Direct Line: 08 8113 7103
Mobile: 0417 653 417
Email: mkelleedy@kelleedyjones.com.au

APPENDIX 5

Following a Preliminary Assessment of the allegations under Part 2 of the Code, conducted in accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**), a determination has been made that the alleged actions warrant further investigation.

This firm has been engaged to undertake an independent investigation of the allegations. This will occur on an objective basis, in accordance with the Procedure and subject to relevant principles of procedural fairness.

You are invited to provide any further written submission and/or material that you wish to be considered as part of our investigation. Please note that we have been provided with a link to the relevant section of the meeting in question.

If we do not hear from you by the close of business on **Tuesday 8 March 2022**, we will assume that you do not wish to make further comment and/or to provide any additional material. We will then proceed to investigate the complaint on the basis of the information available to us.

I take this opportunity to remind you this is a confidential investigation process. You must not divulge any of the information contained in this letter or otherwise pertaining to the investigation, other than to a support person (who must be expressly advised of the confidentiality requirements) and/or your legal adviser.

Please do not hesitate to contact me, or Tracy Riddle of this firm, regarding any of the above.

Yours sincerely

KELLEDY JONES LAWYERS

A handwritten signature in black ink, appearing to read 'MJKelleedy', with a long, sweeping underline that extends to the right.

MICHAEL KELLEDY

Direct Line: 08 8113 7103

Mobile: 0417 653 417

Email: mkelleedy@kelleedyjones.com.au

APPENDIX 6

Council Meeting Minutes

4 April 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters



13. OTHER BUSINESS**13.1 Personal Explanation – Cr Scott Sims – Facebook Post**

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to public comments he made on social media (Facebook).

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Granozio and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint made by Mr Dehane Fletcher to the Council recently regarding some public comments I made within the social media environment - specifically Facebook.

The Council might be aware of Mr Fletcher's frustration with and disappointment at the Council's service with regard to his particular complaints.

In my attempt to defend the Council, I acknowledge that I responded in a tone and manner that could, reasonably, have been read as intemperate and disrespectful.

I acknowledge that I was in error and in that, in this instance, I did not meet the high professional standards expected of an Elected Member.

I offer a sincere apology to Mr Fletcher and to the Council.

13.2 Personal Explanation – Cr Scott Sims – Behaviour at Council Meeting

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to his behaviour at a recent Council meeting.

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Stock and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by Cr Patterson.

While my disappointment and frustration at the Mayor's approach to the matter stands, I acknowledge that my behaviour was not appropriate.

I acknowledge that I should not have interrupted the meeting as I did.

Frustration and disappointment is no excuse for inappropriate and unprofessional behaviour as an Elected Member. Accordingly, I offer a sincere apology to the Council.

Kelley Jones

APPENDIX 7

Tracy Riddle

From: Tracy Riddle
Sent: Thursday, 12 May 2022 11:40 AM
To: Tracy Riddle
Subject: Confidential: Sensitive (Code of Conduct complaint)

From: Robert Bria <rbria@electedmembers.npsp.sa.gov.au>
Date: 4 April 2022 at 10:49:36 pm ACST
To: Michael Kelledy <mkelledy@kelledyjones.com.au>
Subject: Confidential: Code of Conduct complaint against Cr Scott Sims

Dear Michael

I refer to the Code of Conduct complaint I made against Cr Scott Sims in relation to his behaviours at the Ordinary Council meeting held on Monday, 7 February 2022, in particular his interruptions whilst I was making a Personal Explanation in response to an email I received from Cr Patterson on 18 January 2022.

As you will recall, in my previous email to you dated 4 March 2022 I advised that at that time Cr Sims had not apologised to me for his behaviours despite telling Cr Granozio that he would do so.

At 5.15pm today, I received an email from Cr Sims advising me that he wished to make two Personal Explanations at the Ordinary Council meeting held tonight. I responded by thanking him for letting me know. A copy of this email exchange will be forwarded to you under separate cover.

When it came to 'Other Business' on the Council agenda, Cr Sims sought and was granted 'Leave of the meeting' to make his first Personal Explanation.

Cr Sims then sought and was granted 'Leave of the meeting' to make his second Personal Explanation (refer to copy below). The Personal Explanation pertained to the events of the Ordinary Council meeting held on 7 February 2022. The Council resolved to adopt his Personal Explanation in its entirety for inclusion in the Minutes.

I draw your attention to the following aspects of Cr Sim's Personal Explanation, which I believe seriously compromises the integrity of the confidential investigation currently being undertaken by KelledyJones Lawyers.

However, before addressing those matters, I wish to state that I believe Cr Sims' statement is a carefully calculated and cynical attempt to circumvent the investigation of my complaint in that it gives the impression of being an apology without really addressing the specific issues and behaviours that gave rise to my complaint in the first place. I will address these later in my email.

Furthermore, I believe the timing of his Personal explanation was also calculated in the hope that making a so-called apology at this stage of the investigation would mean that he would not be required to apologise at a later point in time if he were found guilty of a breach of the Code of Conduct and asked to apologise.

In other words, apologise now to stop the investigation from continuing or at a minimum, mitigate any embarrassment from making an apology later on.

Firstly, I believe that by making reference to “addressing a complaint by the Mayor” Cr Sims has breached the Confidentiality provisions of the Local Government Act 1999, in that he should not have publicly disclosed my complaint against him.

As such, I believe that I have been denied procedural fairness as your investigation, which is based on my confidential complaint, is now for all intents and purposes, no longer confidential. By contrast, I have not disclosed my complaint to other parties as per your written request.

Secondly, while Cr Sims acknowledges that he should not have interrupted the meeting, his Personal Explanation does not address the specific offensive comments he made during his interruptions at the Council meeting on 7 February 2022, namely:

1. Use of profanities (the word “bullshit”) on at least two occasions in regards statements I made a part of my Personal Explanation
2. His aggressive and threatening response (“bring it on”) when I advised him I would be taking action in regards to his interruptions
3. His serious, but completely unsubstantiated allegation against me of bullying Cr Patterson.

Instead, Cr Sims uses general terms such as “inappropriate and unprofessional behaviour”.

Thirdly, and perhaps most importantly is that Cr Sims’ apology is to the Council, not to me.

In my considered opinion, this failure to address the specific nature of his offensive language and false allegation against me demonstrates a lack of genuine remorse for his behaviours. If anything, he has ignored them at worst, or attempted to gloss over them at best. Either way, I find this approach lacking in integrity.

As such, I cannot accept any part of Cr Sims Personal Explanation as being a genuine attempt to recognise his offensive behaviours towards me, as is evidenced by the reference to his “disappointment and frustration at the Mayor’s approach to the matter” (my Personal Explanation in response to Cr Patterson’s email dated 18 January 2022).

In summary, I am extremely disappointed that Cr Sims has publicly disclosed my complaint and feel aggrieved that what I hoped for, and could reasonably expect, would be an unfettered investigation is now compromised.

Please contact me should you have any questions on 0431 754 077.

Kind regards
Robert Bria
MAYOR

APPENDIX 8

Tracy Riddle

From: Robert Bria <RBria@npsp.sa.gov.au>
Sent: Friday, 29 April 2022 11:52 AM
To: Tracy Riddle
Cc: Michael Kelledey
Subject: Confidential: Sensitive (Code of Conduct Complaint)

Dear Tracy

Thank you for your email dated 27 April 2022 advising me that the Draft Investigation Report regarding my Code of Conduct complaint against Cr Sims is complete, and providing me the opportunity to make a further submission.

Having read and carefully considered the Draft Investigation Report, I submit the following matters for your attention and consideration:

1. In his Personal Explanation to the Council on 4 April 2022, Cr Sims refers to "a complaint made by the Mayor regarding my behaviour at a previous Council meeting." I have previously provided email correspondence dated 4 April 2022 to Michael Kelledey stating that I believe that having been advised by letter dated 1 March 2022 that this was a "confidential investigation process," (Underlining Michael Kelledey's emphasis) Cr Sims' disclosure of my complaint in a public forum (Council meeting open to the public) compromised the integrity of the investigation and in the process denied me natural justice as the investigation process was, for all intents and purpose, no longer confidential.

To that end, I see no reference to this breach of confidentiality by Cr Sims in the Draft Investigation Report and am curious why this is the case. I can only surmise that you believe Cr Sims' breach of confidentiality is of no relevance to this investigation, when I believe it is.

Relevantly, under the heading '**EVIDENCE**' in the Draft Investigation Report, there are a number of references made in regards to various pieces of evidence that were considered as part of the investigation process. However, to my surprise there is no reference to the email referred to above. It is in this email that I specifically mention what I believe to be Cr Sims' breach of confidentiality. In my considered opinion, this breach is relevant to the integrity of the investigation process and should not only be referred to in the final Report, but should also be reflected in the recommendations. Specifically, I believe that the recommendations should also include Cr Sims participating in training in regards to the treatment and handling of confidential information. It seems odd to me that there appears to be no consequences for his breach.

Further, I respectfully request that my email dated 4 April 2022 to Mr Kelledey (which I will re-send to you under separate cover) be included in the Appendices attached to the Final Investigation Report.

2. Relevant to my points above, the Draft Investigation Report refers to correspondence received by Kelledey Jones on 14 March 2022 by the "third party Member" referred to in my Personal Explanation. I interpret the "third party Member" to be Cr Fay Patterson.

If I am correct, I am curious as to how Cr Patterson came to know about this confidential (underlining my emphasis) investigation unless she was informed by Cr Sims, who sought to engage her to justify, or explain on his behalf, his behaviours at the Council meeting on 7 February 2022.

Having regard to the letter Cr Sims received on 1 March 2022 advising him of my complaint and the need to treat the investigation process as confidential, if Cr Sims did engage Cr Patterson and ask her to write to Kelledey Jones (or inform her about the complaint prompting her to send an email to Kelledey Jones of her own volition), is this not another example of Cr Sims breaching confidentiality

in regards to the investigation? How else could Cr Patterson know about the complaint unless he told her?

Or is it the case that Cr Sims designated Cr Patterson as his 'support person' for the purpose of the investigation? If this is the case, in my considered opinion, Cr Patterson has, at a minimum a perceived 'Conflict of Interest' - and probably an Actual Conflict of Interest - when this matter is presented to the Council for consideration.

3. Whilst I agree with the statement in the Draft Investigation Report that Cr Sims comments "*were not only disruptive, but disrespectful, disparaging and rude,*" there does not appear to be any reference to what in my considered opinion is Cr Sims' unsubstantiated and vexatious claim that I was bullying Cr Patterson. As I have stated in previous correspondence to Michael Kelledy, I believe this to be a serious accusation, which has no basis in fact and one which Cr Sims, to the best of my knowledge, has not provided any evidence to Kelledy Jones as part of the investigation. .

In this regard, I would have thought that any recommendation by Kelledy Jones to the Council that Cr Sims apologise to me would have a specific reference to this false allegation. In other words, Cr Sims withdraws his accusation of bullying by me against Cr Patterson and unreservedly apologises for any hurt or damage to my reputation.

- In my considered opinion, a lack of reference to this false accusation of bullying in the Final Report will leave this issue 'hanging over my head' as to its validity; **a situation I consider to be both unfair, unreasonable and indeed, unacceptable in regards to both my personal and professional reputation.**

Given the Final Report will be become a public document as part of a report to the Council, I feel particularly strongly that it makes clear there is no evidence of me bullying Cr Patterson.

In conclusion, I thank you again for the opportunity to provide a submission in response to the Draft Investigation Report regarding my Code of Conduct complaint against Cr Scott Sims and await the presentation of the final Report in due course.

I would appreciate acknowledgement of the safe receipt of this email and the attachment (email to Michael Kelledy- 4 April 2022).

Kind regards

Robert Bria
MAYOR
City of Norwood Payneham & St Peters

Sent from my iPad

Kelley Jones

APPENDIX 9

Tracy Riddle

From: Scott Sims <ssims@electedmembers.npsp.sa.gov.au>
Sent: Monday, 2 May 2022 10:10 PM
To: Tracy Riddle
Cc: Michael Kelledy
Subject: Re: Draft Investigation Report - Code of Conduct Complaint (KJ 220032)
Attachments: image001.png; 2nd May 2022 - Personal Explanation - Cr Scott Sims (Actual Final).pdf

Hello Tracy,

I've made a new apology this evening at the Council meeting, which is attached. Hoping that settles the matter. If you like please give me a call to discuss.

Kind regards

--

Scott Sims
Councillor for Trinity / Maylands Ward
City of Norwood, Payneham and St Peters
Mobile: 0403 969 003
Email: scott@aceblue.com

On Wed, 27 Apr 2022, 13:58 Tracy Riddle, <triddle@kelledyjones.com.au> wrote:

Dear Cr Sims

...

Following our investigation into allegations made against you by the Mayor under the *Code of Conduct for Council Members*, we **attach** the Draft Investigation Report and redacted Appendices.

You are invited to provide any further submission you may wish to be taken into account in the finalisation of the investigation, to be received by us by **5:00pm on Wednesday 4 May 2022**.

We also take this opportunity to remind you that at this time, this remains a confidential investigation and the **attached** are confidential Council documents. The documents are not to be distributed further, other than to your legal adviser or support person (who must also, correspondingly, be reminded of the confidentiality of the same).

Regards

2nd May 2022 - Personal Explanation – Cr Scott Sims
Behaviour at meeting

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by Cr Patterson.

I make the point that during my previous statement on this matter I forbore to canvass the reason or provide any context for my (admittedly intemperate and unprofessional) utterances at the meeting.

I chose not to provide any context as, in my view it would only serve to exacerbate this whole matter and, possibly, embarrass the Mayor and another Councillor.

Additionally, I have no wish to add to the expenses already incurred by Council in the prosecution of this matter.

While, my disappointment and frustration at the Mayor's approach to the matter stands, I acknowledge that my behaviour was not appropriate.

I acknowledge that I should not have interrupted the meeting as I did.

Frustration and disappointment are no excuse for inappropriate and unprofessional behaviour as an Elected Member. Accordingly, I offer a sincere apology to the Mayor and the Council.

Kelley Jones

APPENDIX 10

Tracy Riddle

From: Robert Bria <rbria@electedmembers.npsp.sa.gov.au>
Sent: Monday, 2 May 2022 11:10 PM
To: Michael Kelledey; Tracy Riddle
Cc: Robert Bria
Subject: Confidential: Sensitive (Code of Conduct Complaint)

Dear Michael and Tracy

I write to bring to your attention and consideration events at tonight's Ordinary Council meeting related to my Code of Conduct complaint against Cr Scott Sims.

Shortly before the meeting started at 7.00pm Cr Sims approached me to advise that he intended to seek Leave of the meeting under 'Other Business to make a Personal Explanation.

When the Agenda came to 'Other Business' Cr Sims sought and was granted Leave to make a Personal Explanation.

A copy of his Personal Explanation is below.

I wish to make the following points regards Cr Sims' Personal Explanation.

1. Firstly, I note that in his Personal Explanation Cr Sims has again referred to "a complaint by the Mayor". I have previously written to you by email on 4 April 2022 arguing that, in my considered opinion, Cr Sims' disclosure of on my complaint was a breach of confidentiality insofar as Michael's letter dated 1 March 2022 is concerned in that this is a "confidential investigation process."

Relevantly, having read Cr Sim's Personal Explanation, I believe this breach of confidentiality now goes further with Cr Sims now stating that he did "not wish to add to the expenses already incurred by Council in the prosecution of this matter."

I believe that from this statement, there can be no misunderstanding that one; a complaint by me ("the mayor") has been made, and two, there is an investigation currently in process in regards to my complaint whereby the Council is incurring (legal) costs.

In this regard, I believe Cr Sims' disclosure of my confidential complaint and now the confidential (underlining my emphasis) investigation currently being undertaken is a deliberate, but nonetheless reckless and irresponsible, action he has taken.

In my view, this has become and intolerable situation in that Cr Sims has completely undermined the integrity of the investigation process. I believe it to be manifestly unfair and inappropriate that Cr Sims has now breached confidentiality twice in regards to this complaint, whilst I have maintained my silence.

Surely, there must be a sanction recommended for Cr Sims' breach?

2. Further, it is my considered opinion that by making this statement as his Personal Explanation Cr Sims appears to have formed the view that by apologising to me - which appears to be a direct response to the Draft Investigation Report which points out that he had not done so as part of the Personal Explanation he made on 4 April 2022 - this would now bring an end to the matter and, therefore, the Council will not incur any more costs.

In this regard, I believe his 'apology' is, as I have previously argued, all about mitigating any sanctions he may face at a later date rather than an expression of genuine remorse, or as tonight suggest, "killing off" the investigation so the report does not make it to the Council Chamber.

3. As far as his 'apology' is concerned, it is worth pointing out that once again Cr Sims makes general references to "inappropriate and unprofessional behaviour" but did not address the specific comments he made while interrupting as I was making a Personal Explanation at the Ordinary Council meeting held on 7 February 2022.

This includes:

- his of profanities (use of the word "Bullshit")
- his aggressive response ("bring it on") when I advised him that would b3 taking action in regards to his behaviours
- his false and vexatious allegation of me bullying against Cr Fay Patterson

I believe Cr Sims deliberate avoidance of addressing these specific comments goes to the heart of the genuineness of his remorse for his behaviours. Cr Sims cannot not use the argument that that he cannot recall these comments, especially as they were captured on video and transcribed for the purpose of the investigation.

Once again, I wish to impress on you both the seriousness of the bullying allegation and Cr Sims not withdrawing that comment as part of his apology. I believe it is a deliberate attempt on his part to leave this matter 'hanging over my head' and leave some doubt in the community's ming as to my integrity and conduct as Mayor.

If Cr Sims has not presented any evidence to substantiate his bullying claim against me, I believe this should be made clear in the Final Investigation Report, and that any recommendation to the Council include Cr Sims unreservedly withdrawing this allegation and apologise for any hurt caused to my personal and professional reputation.

In conclusion, I continue to be dissatisfied with the response from Cr Sims to my complaint and respectfully request that his failure to address the specific comments he made at the Council meeting held on 7 February be referred to in the Final Report and are part of the recommendations to the Council.

Kind regards
Robert Bria
MAYOR

12. ADOPTION OF COMMITTEE MINUTES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: Not Applicable
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- **Quadrennial Public Art Assessment Panel – (23 May 2022)**
(A copy of the Minutes of the Quadrennial Public Art Assessment Panel meeting is contained within **Attachment A**)
- **St Peters Child Care Centre & Pre-School Committee – (23 May 2022)**
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment B**)
- **Audit Committee – (23 May 2022)**
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE MINUTES

- **Quadrennial Public Art Assessment Panel**

That the minutes of the meeting of the Quadrennial Public Art Assessment Panel held on 23 May 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **St Peters Child Care Centre & Pre-School Committee**

That the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 23 May 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Audit Committee**

That the minutes of the meeting of the Audit Committee held on 23 May 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

Attachment A

Adoption of Committee Minutes Quadrennial Public Art Assessment Panel

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

Quadrennial Public Art Assessment Panel Minutes

23 May 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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VENUE Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood

HOUR 4.45pm

PRESENT

Committee Members Cr Carlo Dottore (Presiding Member)
Cr Sue Whittington
Cr John Callisto
Ms Sue Lorraine (External Member)
Ms Emma Fey (External Member)

Staff Lisa Mara (General Manager, Governance & Community Affairs)
Jared Barnes (Project Manager, Urban Design & Special Projects)
Stuart Pope (Project Manager, City Projects)

APOLOGIES Nil

ABSENT Nil

TERMS OF REFERENCE:

The Panel is established to oversee the contractual processes of the Council's Quadrennial Public Art Commission including:

- *short listing of Expressions of Interest;*
- *selecting an Artist's Concept for development for recommendation to the Council; and*
- *recommending approval of the developed Concept to the Council.*

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE QUADRENNIAL PUBLIC ART ASSESSMENT PANEL HELD ON 28 MARCH 2022

Cr Whittington moved that the minutes of the meeting of the Quadrennial Public Art Assessment Panel held on 28 March 2022 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION

The Presiding Member welcomed Jared Barnes, Project Manager, Urban Design & Special Projects and Stuart Pope, Project Manager, City Projects to the meeting.

3. QUESTIONS WITHOUT NOTICE

Nil

4. QUESTIONS WITH NOTICE

Nil

5. WRITTEN NOTICES OF MOTION

Nil

6. STAFF REPORTS

6.1 CONCEPT DEVELOPMENT FOR THE QUADRENNIAL PUBLIC ART COMMISSION

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA72349
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Quadrennial Public Art Panel (the Committee) that Nicholas Uhlmann will be presenting his final developed concept for the Council's fourth Quadrennial Public Artwork to the Committee for consideration.

BACKGROUND

At its meeting held on 14 February 2022, the Committee assessed the eleven (11) Expressions of Interest which were received from artists in respect to the Council's fourth Quadrennial Public Artwork which will be installed at the Old Mill Reserve, Hackney.

Following consideration of the Expressions of Interest, the Committee selected four (4) concepts to be developed as prototypes for further consideration by the Committee, prior to making its final recommendation to the Council in respect to the successful artist to be commissioned for the Council's fourth Quadrennial Public Artwork.

At its meeting held on 21 March 2022, concepts were presented to the Committee by the following artists:

1. Khai Liew;
2. Nicholas Uhlmann;
3. Paul Herzich; and
4. Quentin Gore.

At its meeting held on 28 March 2022, the Committee considered the concepts which were presented by the artists and resolved the following:

That the Quadrennial Public Art Assessment Panel recommends to the Council that Nicholas Uhlmann be awarded the contract to develop the artwork for the Council's fourth Quadrennial Public Art Work.

Nicholas Uhlmann will be attending the meeting to present his final developed concept to the Committee to enable the Committee to consider the detailed design development of the artwork.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 2: Cultural Vitality

Objective 2.1.1 Use the arts to enliven public spaces and create a sense of place.

FINANCIAL AND BUDGET IMPLICATIONS

The Quadrennial Public Art Commission will be funded through the Council's Major Public Art Reserve Fund. The Council has allocated \$190,000 towards the Council's Quadrennial Major Public Art Project.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The environmental impact of the proposed artwork will be assessed during the commissioning process.

RESOURCE ISSUES

The installation of a major work of public art will involve detailed consultation between relevant Council staff.

RISK MANAGEMENT

There are no risk management issues associated with the selection of a concept for further development.

CONSULTATION

- **Elected Members**
The Council has been kept informed of this project through various reports and the Minutes of the Quadrennial Public Art Committee meetings held on 29 November 2021, 14 February 2022, 21 March 2022 and 28 March 2022.
- **Community**
Not Applicable.
- **Staff**
Not Applicable
- **Other Agencies**
Not Applicable

DISCUSSION

In order to progress the design development and fabrication of the work the artist will present his developed concept and discuss options for the locations of the artwork within the reserve.

On 5 May 2022, an on-site meeting was held with the artist and the Council's Project Manager, Urban Design & Special Projects, Jared Barnes to consider the site in terms of the appropriate locations for the artwork and the installation requirements.

As the Committee may recall, the Committee expressed some concerns regarding the proposed location for one of the artworks and these concerns were raised at the meeting held on 5 May 2022. Following consideration of the concerns an alternative location has been determined.

Jared Barnes will be in attendance at the meeting to discuss any questions of a technical nature in terms of the location and installation of the artwork.

OPTIONS

The Council has engaged Nicholas Uhlmann to develop his concept for the Council's fourth Quadrennial Public Artwork.

The Committee is now required to consider the final concept for final sign off in order for the work to commence to ensure the artwork is completed and installed by 12 August 2022.

CONCLUSION

Following the Council's approval of the final design, the artist will be contracted to commence fabrication of the artwork.

COMMENTS

Nil.

RECOMMENDATION

That the Quadrennial Public Art Assessment Panel recommends to the Council that Nicholas Uhlmann's final concept for the Council's fourth Quadrennial Public Art Work be endorsed.

Short Term Suspension of Proceedings

At 4.47pm the Presiding Member, with the approval of two-thirds of the Committee Members present, suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulation 2013* for thirty (30) minutes to allow for a presentation of the developed artwork.

Resumption of Proceedings

The meeting resumed at 5.15pm.

Cr Callisto moved:

That the Quadrennial Public Art Assessment Panel recommends to the Council that Nicholas Uhlmann's final concept for the Council's fourth Quadrennial Public Art Work be endorsed.

Seconded by Ms Sue Lorraine and carried unanimously.

7. OTHER BUSINESS
Nil

8. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 5.20pm.

Cr Carlo Dottore
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

Attachment B

Adoption of Committee Minutes

St Peters Child Care Centre & Pre-School Committee

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

St Peters Child Care Centre & Pre-School Committee Minutes

23 May 2022

Our Vision

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*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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VENUE Staff Room, St Peters Child Care Centre & Pre-school

HOUR 5.30pm

PRESENT

Committee Members Cr Evonne Moore (Presiding Member)
Ms Simone Munn
Ms Christina Belperio

Staff Sharon Perkins (General Manager, Corporate Services)
Alice Parsons (Director, St Peters Child Care Centre & Pre-School)

APOLOGIES Cr Kester Moorhouse, Ms Georgia Brodribb

ABSENT Nil

TERMS OF REFERENCE:

The St Peters Child Care Centre & Pre-School Committee is established to fulfil the following functions:

- *to provide feedback on the St Peters Child Care & Pre-School Centre's Strategic Plan and Business Plan;*
- *to undertake general oversight of issues related to child welfare, programming and safety of the Centre; and*
- *to execute such powers as the Council may lawfully delegate to it.*

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE ST PETERS CHILD CARE CENTRE & PRE-SCHOOL COMMITTEE HELD ON 28 FEBRUARY 2022

Ms Simone Munn moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 28 February 2022 be taken as read and confirmed. Seconded by Ms Christina Belperio and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION

Nil

3. QUESTIONS WITHOUT NOTICE

Nil

4. QUESTIONS WITH NOTICE

Nil

5. WRITTEN NOTICES OF MOTION

Nil

6. STAFF REPORTS

6.1 DIRECTORS QUARTERLY ACTIVITY REPORT – MARCH 2022

REPORT AUTHOR: Director, St Peters Child Care Centre & Preschool
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8362 1843
FILE REFERENCE: qA61019/A381687
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this Quarterly Report is to provide information to the Committee, in respect to the following:

- commentary on the Centre's Strategic Plan and Business Plan prepared by Centre Management for the Child Care Centre;
- undertake, under the direction of Council and on behalf of Council, the general oversight of issues related to child welfare, programming and safety of the Centre;
- to execute such powers as the Council may lawfully delegate to it; and
- to do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed in the terms of Reference or to achieving its objectives.

This report provides the Committee with a status report on the activities of the St Peters Child Care Centre & Preschool to 31 March 2022.

BACKGROUND

The Centre has been in operation since 1977. The Centre is licenced to accommodate 105 children per day, however to ensure the high quality of care the Centre is known for is maintained, the number of available places has been capped at an average of 94 places per day. The Centre provides care for babies from six (6) weeks old through to children aged up to and including five (5) years of age.

The key activities completed during the Quarter ended 31 March 2022, together with actions completed in previous Quarters, as required by the Centre's Strategic and Business Plans, are included in the Discussion Section of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

This report informs the Council on the St Peters Child Care Centre & Preschool activities and supports Council attaining:

Outcome 1: Social Equity: An inclusive, connected, accessible and friendly community

Objective 1: Convenient and accessible services, information and facilities.

Strategy 1.2: *Maximise access to services, facilities, information and activities.*

Strategy 1.3: *Design and provide safe, high quality facilities and spaces for all people.*

Objective 4: A strong, healthy, resilient and inclusive community.

Strategy 4.2: *Encourage and provide opportunities for lifelong learning.*

Strategy 4.3: *Encourage the use of spaces and facilities for people to meet, share knowledge and connect with each other.*

The operations of Childcare Centres and Preschools are governed by the National Quality Framework. The Centre's policies and procedures are reviewed and updated over a twelve (12) month to two (2) year period, in line with National Quality Standards and the Centre's Continuous Review Policy.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

The Centre actively promotes inclusion for all children and their families.

The information provided in the report has no direct social issues which need to be considered.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

In response to the easing of the COVID-19 restrictions, operations at the Centre are continually being reviewed to ensure that they are in-line with the latest health advice. To minimise the risk of COVID-19 and to ensure that staff and families are continuing to adhere to the public health advice, we are currently:

- requesting all families, both adults and children, undertake hand hygiene by either washing their hand or using hand sanitiser upon entry and exit of the Centre;
- maintaining physical distancing requirements of 1.5 metres;
- limiting the number parents and carers collecting children from their respective rooms for end of day pick up to two (2) parents at any one time;
- while not required, as the Centre was not required to close, the Centre has prepared a COVID Safe Plan and have communicated this to the families and carers.

CONSULTATION

- **Committee Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Child Numbers

The Centre is licensed for a maximum of 105 children daily however, to ensure a high quality of care, the daily attendance numbers are capped at an average of 94 long day care places per day. Based on current staffing levels, the Centre has capacity for up to 28 under two (2) year old, up to 30 two (2) to three (3) year old and up to 36 over three (3) year old. The mix of the numbers per age group may change on as needs basis. The average number of children for which services were provided for the March 2022 Quarter is detailed in Table 1 below.

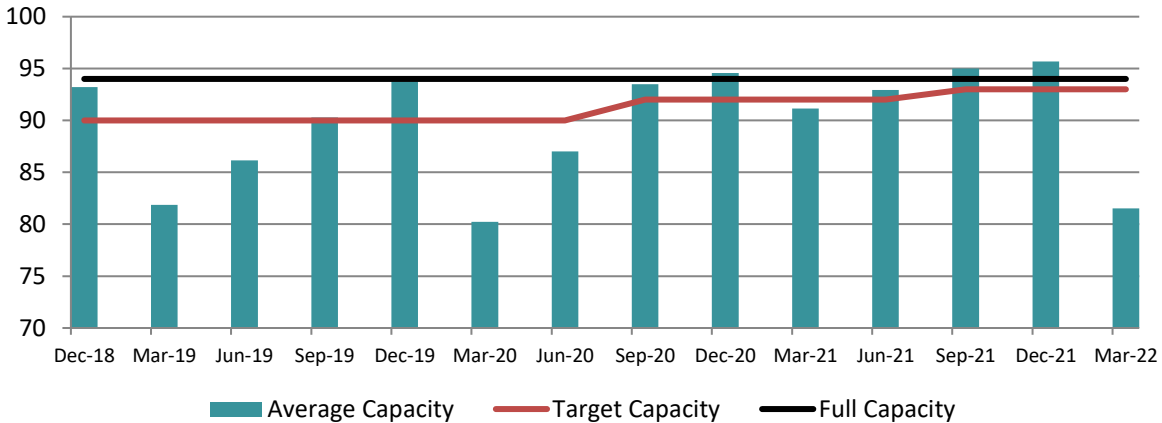
TABLE 1: CHILD NUMBERS

Age of Child	Staffing Ratio	Number Allowed at the Centre (maximum)	Number of Children - Average for the Quarter	
			This Year	Last Year
Under Twos (2) (6 weeks - 24 months)				
Emerald Room	1:4	12	10.38	9.55
Ruby Room	1:4	16	13.69	16.26
Over Twos (2) (2 years to 3 years)				
Aquamarine Room	1:5	15	13.03	15.22
Diamond Room	1:5	15	13.28	15.09
Over Threes (3) (3 years to 4 years)				
Amethyst Room	1:10	18	15.87	18.09
Preschool (4 years to 5 years)	1:10	18	15.28	16.93
Total		94	81.53	91.14
Budget		-	93.00	93.00
Number of sessions where 93 children attended for the quarter, March 2022			01 days out of a total of 63 days	
Average attendance – Year to Date				81.53

As detailed in Table 1 above, for the March 2022 Quarter, the Centre is below capacity. While below capacity, with the exception on the March 2021 quarter, the attendance levels and enrolments is in line with the Centres traditional trend. Attendance numbers and enrolments are anticipated to increase, over the coming months. It should be noted, with the reduced attendances, the Centre has been in the position to maintain Educator to Child ratios while Educators have had to isolate due to COVID-19 requirements.

As detailed in Figure 1 below, for Quarters September 2021 and December 2021 attendance numbers has exceeded budgeted attendances, even though the March 2022 quarter has seen a reduction in attendance. For the 2021-2022 Financial year, the budgeted capacity has been set at an average of 93 daily attendances places.

FIGURE 1: CHILD NUMBERS



Educator to Child Ratios

The Centre is required by the National Quality Standards to maintain a minimum Educator to Child Ratio at all times. Educator to Child Ratios are calculated across the whole service, not by individual rooms. This provides flexibility to respond to attendance numbers to ensure Educators are allocated appropriately based on the age and needs of children in the service.

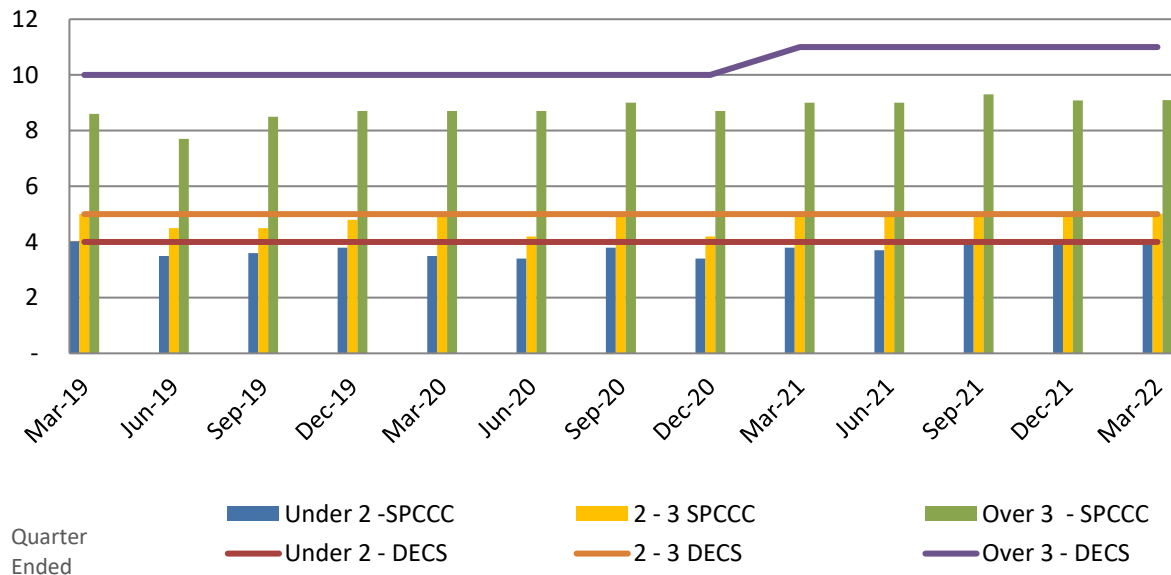
The minimum Educator to Child ratios are detailed in Table 2.

TABLE 2: MINIMUM EDUCATOR TO CHILD RATIOS

Age Grouping	Educator to Child Ratio
0 to 24 months	1:4
Over 24 months to less than 36 months	1:5
36 months to School age	1:11

As illustrated in Figure 2 below, the Centre has exceeded the minimum child to staff ratios for the March 2022 Quarter, in the 3-5 year age group.

FIGURE 2: STAFF TO CHILD RATIO



Staffing

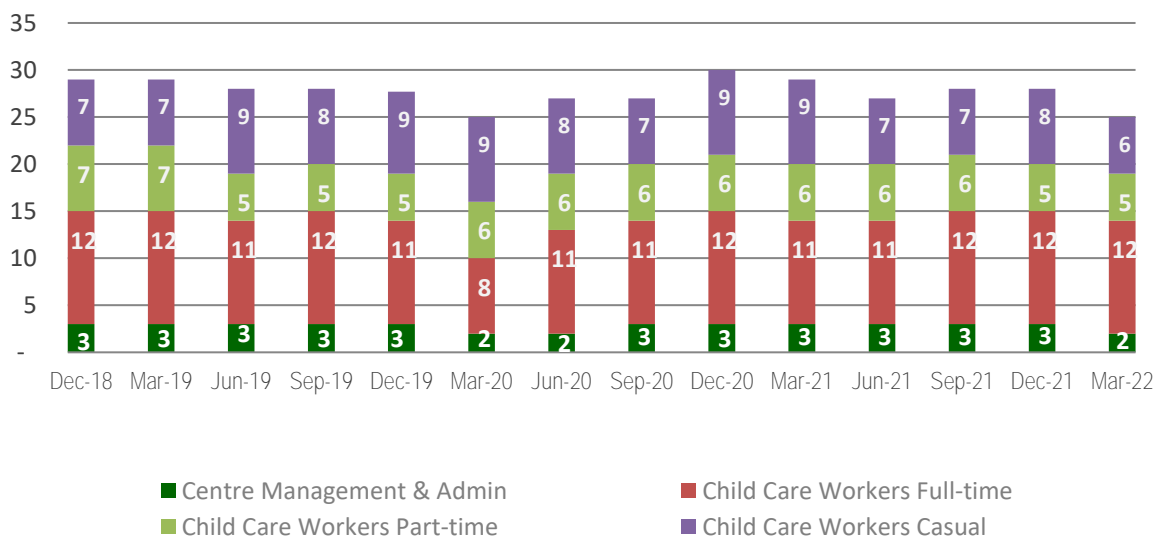
To ensure that the Centre meets the required staff to child ratios, the following Full-time Equivalent Educator positions are required:

- Under 2's 5.00 FTE
- 2 -3 years 5.00 FTE
- Over 3's 3.00 FTE

To ensure the ongoing continuity of care, during periods of staff absences, permanent staff are supported by a pool of Casual Educators who back fill planned and unplanned absences, vacancies and short shift cover for lunch breaks and Centre open and closes. Not only does this ensure that children are cared for by familiar Educators when their primary care givers are absent from the Centre, it ensures that operational costs are maintained, as there is less reliance on engaging temporary contract staff through temporary contract labour hire agencies to cover absences.

Based on the Centres capacity of 94 children per day, thirteen (13) Full-time Educators, six (6) Part-time Educators and the equivalent of ten (10) Casual Educators are budgeted for. A recruitment process is currently being undertaken to increase the number of Educators within the casual pool.

FIGURE 3: STAFF NUMBERS BY EMPLOYMENT CATEGORY



Universal Access to Early Childhood Education

Funding can be claimed for every four (4) year old child who remains at the Centre in the twelve (12) months prior to full-time schooling and has access to fifteen (15) hours of preschool services, providing the child is not accessing a preschool service from another external service, such as a Department of Education Preschool or Kindergarten.

For the year-to-date period to March 2022, the Centre has received \$4,375 under the Universal Access Scheme for the children utilising the Centre for the pre-school service. Pleasingly, the number of families that have been utilising the service for pre-school services is five (5). The funding has been used to offset the salary costs of the Early Childhood Teachers.

National Quality Standard

Staff practices, policies and procedures are continually reviewed in line with the new National Quality Standards and a Quality Improvement Plan has been completed. The Centre has undergone a round of Rating and Assessment. The Centre received an overall rating of 'Meeting' under the revised framework.

The seven (7) areas identified under the National Quality Standard are:

- Educational program and practice
- Children's health and safety
- Physical environment
- Staffing arrangements (including the number of staff looking after children)
- Relationships with children
- Collaborative partnerships with families and communities
- Leadership and service management

The Centre has been rated as 'Meeting' the standards set under the revised The National Quality Framework which came into effect on 1 February 2018, having met all of the forty (40) of the elements.

While under the National Quality Standards, the Centre is to be regularly assessed, the details of the timing of the next review are unknown.

Strategic Plan

The Centre's Strategic and Business Plans have been approved by the Committee and the Council. The Centre's Business Plan established Key Result Areas/Targets. The achievement of the outcomes up to March 2022, are contained in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

The St Peters Child Care Centre & Pre-school is recognised as a leader in the provision of high-quality child care. It is expected that this will continue, with the coming year looking promising with occupancy and educational experiences. The Centre on average for the March 2022 Quarter had 81 children accessing the service on a daily basis, this was expected as traditionally numbers are lower in the March quarter but also due to the effects of the COVID-19 Pandemic.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Ms Simone Munn moved:

That the report be received and noted.

Seconded by Ms Christina Belperio and carried unanimously.

7. OTHER BUSINESS

Nil

8. NEXT MEETING

Monday 25 July 2022

9. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 5.50pm.

Cr Evonne Moore
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

Attachment C

Adoption of Committee Minutes

Audit Committee

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

Audit Committee Minutes

23 May 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7.01pm

PRESENT

Committee Members Cr John Minney (Presiding Member)
Cr Mike Stock
Ms Brigid O'Neill (Independent Member)
Ms Sandra Di Blasio (Independent Member)

Staff Mario Barone (Chief Executive Officer)
Sharon Perkins (General Manager, Corporate Services)
Andrew Alderson (Financial Services Manager)

APOLOGIES Mayor Robert Bria

ABSENT Nil

TERMS OF REFERENCE:

The Audit Committee is responsible to facilitate:

- *the enhancement of the credibility and objectivity of internal and external financial reporting;*
- *propose and provide information relevant to a review of the Council's Strategic Management Plans and Annual Business Plan;*
- *the review and reporting on any matter relating to financial management or the efficiency and economy with which the Council manages its resources;*
- *effective management of financial and other risks and the protection of the Council's assets;*
- *compliance with laws and regulations related to financial and risk management as well as use of best practice guidelines;*
- *the provision of an effective means of communication between the external auditor, management and the Council;*
- *proposing and reviewing the exercise of powers under Section 130A of the Local Government Act 1999;*
- *review Annual Financial Statements to ensure that they present fairly the state of affairs of the Council;*
- *liaising with the Council's Auditor; and*
- *reviewing the adequacy of accounting, internal control reporting and other financial management systems and practices of the Council on a regular basis.*

1. CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF THE AUDIT COMMITTEE HELD ON 28 MARCH 2022

Cr Stock moved that the minutes of the Special Meeting of the Audit Committee held on 28 March 2022 be taken as read and confirmed. Seconded by Ms Sandra Di Blasio and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION

Nil

3. QUESTIONS WITHOUT NOTICE

Nil

4. QUESTIONS WITH NOTICE

Nil

5. WRITTEN NOTICES OF MOTION

Nil

6. STAFF REPORTS

6.1 2022-2023 DRAFT ANNUAL BUSINESS PLAN AND BUDGET

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager Corporate Service
CONTACT NUMBER: 83664585
FILE REFERENCE: qA75186/A397752
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Audit Committee for its information, the Draft 2022 -2023 Annual Business Plan, the Draft 2022-2023 Budget and Draft Rating Policy, which have been approved by the Council and released for community consultation.

BACKGROUND

Pursuant to the provisions contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* (the Act), the Council is required to adopt for each Financial Year, an Annual Business Plan (ABP) and Budget after 31 May and before 15 August.

Part 2 of the Act, “*Annual Business Plans and Budgets*”, requires the Council to consider its budget in conjunction with the Council’s Annual Business Plan and adopt the Budget following adoption of the Annual Business Plan.

Pursuant to Section 123 (3) of the Act, before the Council adopts an Annual Business Plan, the Council must prepare a Draft ABP and release the ABP for community consultation.

At the Special Council Meeting held on 9 May 2022, the Council endorsed the Draft 2022-2023 Annual Business Plan and Budget, as contained in **Attachment B**, be released for public consultation.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

The Council’s Long Term Strategic directions are outlined in the Council’s Strategic Plan, *City Plan 2030 – Shaping our Future*. The Draft 2022-2023 Annual Business Plan and supporting Draft Budget, sets out the proposed services and programs and initiatives for the 2022-2023 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the financial year.

The Council’s Long Term Financial Plan (LTFP), is a key document in the Councils Planning Framework. It is the primary financial management tool which links the Councils Strategic Plan, *City Plan 2030 – Shaping our Future*, Whole-of-Life Assets Management Plans, the Annual Business Plan and Budget.

Financial sustainability underpins the Council’s Financial Goals and Outcomes, which are set out in the Long Term Financial Plan. In general terms, financial sustainability is ensuring that the Council has the financial resources to meet the long term service and infrastructure needs of the community, without any sharp increases in rate revenue or cuts in service provision and standards.

The Draft 2022-2023 Annual Business Plan and Budget is developed on the basis of ensuring that it will assist in delivering on the Councils Long Term Strategic direction set out in the Councils Strategic Plan, *City Plan 2030 – Shaping our Future*, meets the Council’s Asset Management principles set out in the respective *Infrastructure and Assets Management Plans* and financial objectives set out in the *LTFP*.

FINANCIAL AND BUDGET IMPLICATIONS

At the Special Council Meeting of Council held on 13 April 2022, the Council resolved to adopt the Minutes of the Special Audit Committee meeting held on 28 March 2022, which included the following Audit Committee recommendation in respect to the Draft 2022-2023 Budget, as set out below:

1. *That the Audit Committee notes the Draft 2022-2023 Budget is ambitious, with minimal buffer for delays in project delivery or cost over-runs.*
2. *That the Audit Committee recommends that the Council determines by resolution that once the 2022-2023 Budget is adopted, no further projects be approved by the Council unless fully funded (i.e. Grants/ Fee for Service) and that the Council adhere to the budget management principles considered by the Council at its meeting held on 17 January 2022, namely:*
 - *no new recurrent operating expenditure or projects approved without being matched by an increase in operating revenue (i.e., Grants/ Fee for Service) or a reduction in expenditure, elsewhere within the Council's operations;*
 - *expenditure over-runs are offset by deferral of discretionary expenditure or savings elsewhere within the Council's operations;*
 - *income shortfalls to be matched by operating expenditure savings; and*
 - *no new capital expenditure that requires additional borrowings.*
3. *That the Audit Committee recommends that the Rate Revenue increase for 2022-2023 be set between 5% and 6%, to achieve a maximum increase for the Average Residential Ratepayer of \$50 per annum.*
4. *That the following Operating Projects not be funded as part of the Draft 2022-2023 Budget:*

• <i>Investment Prospectus</i>	<i>\$20,000</i>
• <i>Smart City Technology Plan</i>	<i>\$80,000</i>
• <i>25 Years of NPSP</i>	<i>\$25,000</i>
5. *That the funding allocation for the following Operating Projects be reduced by the following amounts:*

• <i>Tour Down Under</i>	<i>\$50,000</i>
• <i>Review of Access & Inclusion Plan</i>	<i>\$10,000</i>

With respect to Part 3 of the Committee's recommendation, at its meeting held on 2 May 2022, the Council endorsed a recommendation from the Chief Executive Officer to amend the wording of Part 3 by removing the words "to achieve a maximum increase for the Average Residential Ratepayer of \$50 per annum", Part 3 now read as follows

That the Audit Committee recommends that the Rate Revenue increase for 2022-2023 be set between 5% and 6%.

The Chief Executive Officers recommendation was based on the position that at that time the Audit Committee considered the draft Budget, the City's property valuation (as advised by the Valuer-General) had not yet been received and therefore, no modelling of the draft 2022-2023 Budget on the 'average residential rate' had been undertaken and therefore not in the position to understand the impact of the recommended rate revenue increase on the "average residential ratepayer".

The 'in-principle' adoption of the Draft 2022-2023 Budget by the Council for the purposes of community consultation, endorsed a rate revenue increase of 6%.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

At the time of writing this report, the State Government is yet to hand down its 2022-2023 Budget. As such, the Draft 2022-2023 Budget could be impacted upon by the decisions of the State Government.

The Draft 2022-2023 Budget as endorsed by the Council, is based on the following assumptions;

- State Government Charges, which are set by Legislation, are yet to be indexed;
- no further increase in the Solid Waste Levy beyond the current fee of \$146 per tonne; and
- no new fees and charges will be introduced.

Any adjustments to the draft Budget arising from State Budget will be incorporated when the details become available.

As part of its 2022-2023 Federal Budget, the Federal Government advanced 75% of the 2022-2023 Financial Assistances Grants to the Council in April 2022. The cash advance is aimed at providing Councils immediate access to funds to assist with the management of the cumulative impacts of floods and the COVID-19 pandemic. While this decision implies that the Council will only receive one (1) quarter of the Financial Assistance Grant in 2022-2023, past practice indicates that advance payments will continue, and as such the Draft Budget has been prepared on the assumption that the equivalent of four (4) quarterly payments will be received. However, if the past practice of advancing Financial Assistance Grants does not continue, the Council will be at risk of being unable to deliver its budgeted Operating Surplus. If the Federal Government does not advance Financial Assistance Grants payments from the 2023-2024 funding allocation, the Operating Surplus will be reduced by \$1.071 million, with a corresponding increase in the cash deficit of \$1.071 million. Since the commencement of advancing Financial Assistance Grant Funding in 2008 (in response to the Global Financial Crisis), with the exception of the 2015-2016 financial year, the Federal Government has made advance payments, however it is considered unlikely that the advance of three (3) quarters will continue and that the advance payments will return to two (2) quarters, which if this does eventuate, the Operating surplus will be reduced by \$435,000 and the cash deficit will increase by the corresponding amount.

Notwithstanding this, the preparation of the Draft 2022-2023 Annual Business Plan and Budget has been prepared to ensure that the Council meets its legislative responsibilities in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011*.

Should the assumptions and other decisions upon which the Draft 2022-2023 Budget is based, not eventuate, there is a possibility that the Council will not be in a position to deliver its proposed budgeted Operating result.

Notwithstanding this, the preparation of the Draft 2022-2023 Annual Business Plan and Budget has been prepared to ensure that the Council meets its legislative responsibilities in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011*.

COVID-19 IMPLICATIONS

The focus in developing the Draft 2022-2023 Annual Business Plan and Budget, has been on ensuring that the Council maintains the service standards for its existing range of services which are aimed at supporting the delivery of the Strategic Objectives outlined in the Councils' Strategic Management Plan *CityPlan 2030*. As such, the Draft Budget has been prepared on the premise that the programs, services and activities that were suspended or cancelled over the last two (2) years will be delivered.

The Draft Budget does not provide for the continuation of COVID-19 financial relief, as provided in the previous two (2) financial years. The Council's *Financial Hardship Policy* provides options for ratepayers with respect to the payment of rates.

CONSULTATION

- **Committee Members**

Mayor Bria, Cr Minney and Cr Stock, have been involved throughout the Budget preparation process and have considered the various components of the Draft Budget and made decisions as appropriate.

Independent Members, Ms Blasio and Ms O'Neill have been involved throughout the Budget preparation process through attendance at Information Briefings provided to Elected Members during the budget process.

- **Community**

The community through community consultation process on the Annual Business Plan will have input into the final form of the Draft Budget. The community consultation period commenced on 18 May 2022 and concludes on 8 June 2022. In addition to written submissions, the community can attend a public meeting which is being held on 8 June 2022, commencing at 7 pm.

- **Staff**

The review of the Operating Expenditure and Special Projects and the Draft Annual Business Plan process has been completed with the involvement of the Chief Executive Officer, General Managers and the various Responsible Officers.

- **Other Agencies**

Nil.

DISCUSSION

The Council's 'in-principle' adoption of the Draft 2022-2023 Budget, endorsed a rate revenue increase of 6% which forecasts an Operating Surplus of \$1.139 million (2021-2022: Operating Surplus of \$471,000) and a Net Surplus (after Capital Income) of \$11.189 million (2021-2022: \$4.641 million).

In addition to the savings recommended by the Audit Committee, a review of both the Draft Operating Budget and the Draft Capital Budget, with particular focus being on carry forward Operating and Capital projects and the Whole-of-Life Asset Management Works Programs has been undertaken.

As a result of this review, the Council endorsed additional operational savings of \$230,000, made up of the following:

- a savings target of \$50,000, to be delivered from the Service Reviews undertaken during the 2022-2023;
- deferring the commencement of Operating Projects, which are yet to commence (\$111,000)
- reduction in the carry-forward budget for the following projects:
 - implementation of parking controls emanating from the City-wide Parking Review (\$44,000);and
 - Feasibility Investigation for an additional level(s) on Webbe Street Carpark (\$25,000).

A review of the Carried Forward Capital Works budget have identified savings of \$2.479 million, from the deferral of projects to future years. However, the review of the 2021-2022 Capital Works Program, undertaken as part of the third Budget review, has identified an additional \$1.290 million of asset renewal works to be carried forward. The net impact is a reduction in the carry-forward Capital projects of \$1.189 million. In addition, a review of the 2022-2023 Whole-of-Life Asset Renewal program has identified works to the value of \$1.447 million which can be deferred without impacting service delivery. The total savings which have been identified are \$2.636 million.

Budget Overview

Table 1 below sets out the proposed Operating Surplus of \$1.139 million, based on a Recurrent Operating Surplus of \$2.660 million, an Operating Deficit relating to Operating Projects (including 2020-2021 Carry Forwards) of \$1.163 million and an additional \$357,000 for additional finance costs associated with borrowings which are required to deliver the strategic projects included within the draft Capital Projects Budget. It should be noted that the Operating Deficit relating to 2022-2023 Projects, incorporates \$362,298 from the Federal Government Roads-to-Recovery Program. While this funding will be utilised to fund a Capital Project, this funding is required to be included when determining the Council's Operating Surplus.

TABLE 1: 2021-2022 PROPOSED STATEMENT OF COMPREHENSIVE INCOME

	Recurrent Operating 2022-2023	Carry Forward s 2021- 2022	Operating Projects 2022-2023	Capital Projects 2022-2023	Proposed 2022-2023
	\$	\$	\$	\$	\$
INCOME					
Rates	39,920,982	-	-	-	39,920,982
Statutory charges	2,006,750	-	-	-	2,006,750
User charges	3,737,711	-	-	-	3,737,711
Grants, subsidies and contributions	2,515,869	-	492,298	-	3,008,167
Investment income	45,500	-	-	-	45,500
Other income	517,740	-	-	-	517,740
Net loss joint ventures & associates	15,444	-	-	-	15,444
Total Income	48,759,996	-	492,298	-	49,252,294
EXPENSES					
Employee costs	15,974,750	-	108,000	-	16,082,750
Materials, contracts & other expenses	18,276,188	213,394	1,334,000	-	19,823,582
Finance costs	515,000	-	-	357,424	872,424
Depreciation & amortisation	11,158,733	-	-	-	11,158,733
Net loss Joint Ventures & Associates	175,360	-	-	-	175,360
Total Expenses	46,100,031	213,394	1,442,000	357,424	48,112,849
OPERATING SURPLUS / (DEFICIT)	2,659,965	(213,394)	(949,702)	(357,424)	1,139,445
Net gain (loss) on disposal or revaluation of assets	-	-	-	25,000	25,000
Amounts specifically for new or upgraded assets	-	-	-	10,024,823	10,024,823
NET SURPLUS (DEFICIT)	2,659,965	(213,394)	(949,702)	9,692,399	11,189,268
OTHER COMPREHENSIVE INCOME					
Change in revaluation surplus- infrastructure, property, plant & equipment	-	-	-	2,000,000	2,000,000
Total Other Comprehensive Income	-	-	-	2,000,000	2,000,000
TOTAL COMPREHENSIVE INCOME	2,659,965	(213,394)	(949,702)	11,692,399	13,189,268

On a full accrual basis, the capital expenditure will not affect the operating result before capital revenues, except through future years' depreciation and financing costs on any associated loan borrowings. Grant income which has been received and which relates to Capital Projects, will however, be included as Capital Income within the Budgeted Income Statement, after the Operating Surplus/ (Deficit) as required by the Model Financial Statements prescribed by the Local Government Act 1999.

Details of the Capital and Operating Projects endorsed as part of the Draft 2022-2023 Annual Business Plan and Budget is contained in *Appendix One: Key Initiatives & Projects* of **Attachment B**.

Financial sustainability underpins the Council's Financial Goals and Outcomes which are set out in the Councils LTFP. In general terms, financial sustainability is ensuring that the Council has the financial resources to meet the long-term service and infrastructure needs of the community, without any large rate revenue increases or cuts in service provision and/or standards.

From an operational perspective, financial sustainability is being able to manage the balance between keeping rate revenues increases to a minimum, maintaining existing service standards and expenditure on appropriate new services and necessary major capital investments and initiatives.

With the additional savings identified by the Council, the Draft Budget, as contained in **Attachment A**, is reporting a cash surplus of \$1.189 million, however this is based on new borrowings of \$30 million required to fund the strategic projects and asset upgrades set out in the Annual Business Plan.

Pursuant to Section 123 (10) (b) of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011*, Part 2 Financial Accountability, the budget is required to contain:

- a) a budgeted income statement, balance sheet, statement of changes in equity and statement of cash flows, presented in a manner consistent with the Model Financial Statements; and
- b) a statement as to whether projected operating income is sufficient to meet projected operating expenses for the relevant financial year; and
- c) a summary of operating and capital investment activities presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances; and
- d) estimates with regard to the Council's Operating Surplus ratio, Asset Sustainability ratio and Net Financial Liabilities ratio presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.

The Financial Statements contained in **Attachment A**, are presented as prescribed in the Model Financial Statements and are based on a 6% increase in rate revenue. The Financial Statements also provide comparisons with the 2021-2022 Forecast and the Audited Financial Statements for the past three (3) years. Together, these Statements provide a complete picture of the Councils budgeted financial position for the 2022-2023 Financial year.

Borrowings

The Council must manage its indebtedness to ensure that its liabilities and associated costs are met without impinging on the Councils financial sustainability. To monitor its performance in the use of debt, the Council uses the Net Financial Liabilities Ratio and the Debt Servicing Ratio. Net Financial Liabilities Ratio measures the extent of what is owed by the Council less any liquid assets (i.e. cash or receivables) of the Council, are met by its operating revenue.

Net financial liabilities is a broader and more appropriate measure of indebtedness than the level of borrowings, because it includes items such as employee long-service leave entitlements and other amounts payable in future as well as taking account of a Council's cash holdings and invested monies.

The target set in the Long-term Financial Plan is for the Net Financial Liabilities to be less than or equal to 75% of operating revenues.

To fund the proposed net capital expenditure (inclusive of carry forwards) \$49.6 million, the Council will be required to borrow in the order of \$30 million to fund the program and achieve a minor cash surplus. The significant increase in borrowings will result in a Net Financial Liabilities ratio of 81.5% which is in-excess of the financial target set in the Long-term Financial Plan. Given the significant increase in borrowings and the future capital expenditure set out in the Council's *Infrastructure and Asset Management Plans* and the *Long-term Financial Plan*, the Council will continue to exceed the financial target set for Net Financial Liabilities over the life of the current Long-term Financial Plan, with the Net Financial Liabilities projected to exceed 100% by the 2026-2027 financial year.

While the ideal is that the Net Financial Liabilities ratio not exceed 100% of operating income, subject to the Council's ability to service its financial obligations, the indebtedness can exceed 100% in order to provide additional services to its community through acquisition of additional assets, however the extension of the Net Financial Liabilities greater than 100%, together with an increasing Debt Servicing Ratio for an extended period of time, is not the desired result. As such the Council does need to be aware that sustained levels of new capital investment, together with associated borrowings, will impact on the Council's ability to maintain its financial sustainability into the future.

Rating Strategy

The Council's LTFP is based on a series of financial outcomes, with one being Rate Stability, with the overall objective being that *"annual rate collections are fair and equitable for our residents and ratepayers with the aim to keep rate revenue increases stable over the medium term"*. The LTFP has set the target of Rate Revenue increases to be between 3% and 6% each year.

Rate revenue increases need to be reflective of the service level increase to ensure that the Council remains financially sustainable. In considering the increase in service level, the Council needs to take into account not only the increase in operating programs and services but also the increase in service level that emanates from past and proposed capital investment.

To maintain financial sustainability, the Council endorsed, in its *Long Term Financial Plan*, a rate revenue increase, which was based on:

- indexation based on the 10 year average of the LGPI;
- new assessment growth;
- factor for increase in service level from capital investment

Applying the endorsed principle, the rate revenue increase should be 7.1%, comprising:

- a Rate Revenue indexation factor of 5.1% (based on March CPI);
- new assessment growth of 0.5%; and
- an indexation factor to account for the future renewal and servicing costs of major capital works of 1.5%.

However, the LTFP sets a maximum rate revenue increase of 6%.

Due to commencement of the second transitional stage of the *Statutes Amendment (Local Government Review) Act 2021*, pursuant to Regulation 6 (ec) of the *Local Government (Financial Management Regulations) 2011*, the Council is now required to include in the Annual Business Plan a *statement on the average change in the expected rates for the financial year (expressed as a whole number of dollars) for each land use category declared, as a permissible differentiating factor, compared to the expected rates for each category for the previous financial year as set out in the annual business plan for that previous financial year as opposed to the change in the rate for the 'average residential property'*.

Applying the new methodology, the Average Rate for Residential Land use is \$1,793 which is an increase of \$144 per annum or 8.7% on 2021-2022. The Average Rate for each land use is detailed in Table 2 below.

TABLE 2: AVERAGE RATE PER LAND USE

Land Use	2022-2023			2021-2022			Average Rate	
	Revenue (net of rebates)	Revenue %	Average Rate	Revenue (net of rebates)	Revenue %	Average Rate	Increase Decrease	% change
Residential	31,098,817	80.61%	1,793	28,551,709	78.61%	1,649	144	8.7%
Exempt -Residential	466,678	1.21%	9,929	547,264	1.51%	11,169	-1,239	(11.10%)
Commercial	5,858,510	15.19%	2,626	6,092,723	16.77%	2,732	-106	(3.89%)
Industrial	317,199	0.82%	2,218	345,086	0.95%	2,348	-129	(5.51%)
Vacant Land	519,721	1.35%	1,704	468,870	1.29%	1,717	-13	(0.78%)
Other	316,061	0.82%	3,633	313,048	0.86%	3,440	193	5.60%
Primary Production	1,679	0.00%	1,679	1,759	0.00%	1,759	-80	(4.55%)
Total	38,578,665		1,914	36,320,459		1,807	107	5.9%

For 2022-2023, the Capital Values have increased (as advised by the Valuer-General) across the City of Norwood, Payneham & St Peters by 23.4%, which is predominately driven by the increase in the Capital Value of residential properties by 27.2%. The Capital Value increase for commercial properties is 11.7%. The impact of the difference in the movement of capital values, has resulted in a residential rate increase in excess of the overall rate revenue increase of 6%, due a 1.9% (\$707,000) increase in the rates revenue being collected from the residential sector.

Going forward, the impact of the valuation growth, either through a general valuation increase or new development, is excluded from the determination of the average rate increase, however the rate increase does take into account the increase in assessment (i.e. new properties). As such, the average rate increase will closer reflect the endorsed rate revenue increase, adjusted for the change in the number of assessments.

While the average rate increase of 5.9% is in line with the Adelaide CPI, the actual rates payable by a rate payer will vary according to individual property valuations, the land use, and whether there has been any new development or capital improvement on the land.

Applying the principle of the “*average property*”, for the 2022-2023 financial year, the “*average residential property*” is valued at \$866,00, compared to the 2021-2022 “*average residential property*” value of \$686,000, an increase of 26.2%. Given the increase in property values, the Council is budgeting for a decrease in the rate-in-the-dollar of 14.9%, which for the “*average residential property*” results in a decrease of \$294 per annum, however with the increase in rates payable resulting from the 26.2% increase in capital value, being \$404 per annum increase, the net increase in rates payable for the “*average residential property*” is \$116 or 7.4%. The average commercial property, which is valued at \$1.080 million will be required to pay \$2,514, a decrease of \$133 or 5.1%.

Rating Policy

A review of the Councils' Rating Policy has been undertaken, with particular focus on the eligibility criteria for Rate Capping Rebates. Pursuant to Section 166(1)(i)(ii) of the Act, the Council grants a rebate of General Rates, subject to certain eligibility criteria, to the principal ratepayer of a residential assessment, where that property is the principal place of residence and that the increase in the rates levied is a result of a rapid change in the property value.

For eligible residential ratepayers, the increase in general rates (excluding the Regional Landscape Levy) will be capped at two (2) times the upper rate revenue increase target as set out in the LTFP or the rate revenue increase, whichever is the greater, subject to certain conditions.

The current eligibility criteria for the automatic rebate is any such increase in property value, in whole or part is not result of:

- (a) development greater than \$30,000 undertaken on the property, or
- (b) a change in land use for rating purposes on the date the Council declared its general rates; or
- (c) a change in the zoning of the land; or
- (d) a change in the ownership of the property since 1 January 2021.

For the 2022-2023, for eligible residential ratepayers, the increase in rates payable will be capped at 12%. Given the extent of the Capital Value increase for the residential properties it is estimated Rate Capping Rebates will be in the order of \$350,000.

Draft Annual Business Plan

To fulfil the requirements of the *Local Government Act 1999* and therefore provide citizens with the opportunity to review and comment on the Council's proposed activities for the 2022-2023 Financial Year and the proposed funding of those activities, the Draft 2022-2023 Annual Business Plan endorsed for public consultation is included in **Attachment B**.

Following consideration of the submissions by the Council on 21 June 2022, the final 2022-2023 Annual Business Plan will be put forward for adoption, followed by the 2022-2023 Annual Budget at the Council Meeting to be held on 4 July 2022.

OPTIONS

Nil

CONCLUSION

Through the adoption of the Long-Term Financial Plan, the Council has committed to the attainment of Financial Sustainability. The development of the Annual Budget with reference to the financial targets and outcomes outlined in the LTFP, will ensure that the Council continues to move in the right direction to achieve its ultimate goal of Financial Sustainability.

The Draft 2022-2023 Annual Business Plan and Budget as presented in **Attachment B**, will deliver an Operating Surplus of \$1.139 million based on a 6% increase in Rate Revenue, however, the underlying Operating Result, which excludes 2021-2022 Operating Project carry forwards and Joint ventures, for the provision of the Council's continuing services and programs and new initiatives, is an Operating Surplus of \$\$1.513 million.

The proposed Rating Strategy and the Draft Budget as presented in this report, is based on sound financial management principles, which will contribute to the Council achieving its goals and objectives as set out in the suite of Strategic Planning documents.

COMMENTS

If Committee Members have any questions or require clarification in relation to specific budget items, and/or any issues raised in this report, do not hesitate to contact the General Manager, Corporate Services, Sharon Perkins on 8366 4585, prior to the meeting.

RECOMMENDATION

It is recommended that the report be received and noted.

Ms Brigid O'Neill moved:

It is recommended that the report be received and noted.

Seconded by Ms Sandra Di Blasio and carried unanimously.

6.2 2021-2022 THIRD BUDGET REVIEW

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: q64901/A150308
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2021, following the Third Budget Review. The forecast is based on the year-to-date March 2022 results.

BACKGROUND

Pursuant to Section 123 (13) of the *Local Government Act 1999*, the Council must, as required by the Regulations reconsider its annual business plan or its budget during the course of a financial year and, if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* ("the Regulations") comprises two (2) types of reports, namely:

1. the Budget Update; and
2. the Mid-year Budget Review.

Budget Update

The Budget Update Report sets out the revised forecast of the Council's Operating and Capital investment activities compared with the estimates for those activities set out in the Adopted Budget. The Budget Update is required to be presented in a manner consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations requires a Budget Update Report to include a revised forecast of the Council's operating and capital investment activities compared with estimates set out in the Adopted Budget, however it is recommended by the Local Government Association that the Budget Update Report should also include at a summary level:

- the year-to- date result;
- any variances sought to the Adopted Budget or the most recent Revised Budget for the financial year; and
- a revised end of year forecast for the financial year.

Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (inclusive) in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. The Mid-Year Budget Review Report must also include revised forecasts for the relevant financial year of the Council's Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

The Mid-year Budget Review is a comprehensive review of the Council's Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year-to-date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Long Term Strategic directions are set out in *City Plan 2030 – Shaping our Future*. The Council's Long Term Financial Plan (LTFP), is a key document in the Councils Planning Framework. It is the primary financial management tool which links the Council's Strategic Plan, *City Plan 2030 – Shaping our Future*, Whole-of-Life Assets Management Plans, the Annual Business Plan and Budget.

The *2021-2022 Annual Business Plan* and Budget, sets out the proposed services, programs and initiatives for the 2021-2022 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the financial year. The 2021-2022 Adopted Budget estimated an Operating Surplus of \$471,000. The Operating Surplus was decreased as part of the Mid-Year Budget Review to \$185,300.

FINANCIAL AND BUDGET IMPLICATIONS

The Third Budget Review, provides the opportunity to reflect any changes in projections based on the actual year-to-date results to March 2022 and forecast the 2021-2022 Operating result.

Details of material movements in the forecast from the Adopted Budget are contained in the Discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2022 and has no direct external economic impacts.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

COVID-19 IMPLICATIONS

Since the re-opening of the South Australian border on 23 November 2021 and the emergence of the Omicron variant of COVID-19, a number of businesses have been impacted by the increase in the number of COVID-19 cases and capacity restrictions introduced by State Government. To support the local businesses, a Financial Assistance Package was approved by the Council at its Meeting held on 17 January 2022. The financial impact of the Financial Assistance Package, was taken into account as part of the Mid-Year Budget review that was endorsed by the Council at its meeting held on 7 March 2022.

CONSULTATION

- **Elected Members**

The Council considered the First Budget Update and the Mid-year Budget review at its meetings held on 6 December 2021 and 7 March 2022 respectively.

- **Community**

Not Applicable.

- **Staff**

Responsible Officers and General Managers.

- **Other Agencies**

Not Applicable.

DISCUSSION

Budget Review

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing services, programs and facilities (Recurrent Operating Budget), which encompass the basic responsibilities, which the Council is required to provide under the *Local Government Act* and other relevant legislation, plus ongoing services and programs as a result of community needs and expectations.

Such on-going services include regulatory services, such as animal management and parking management, street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements associated with the introduction of new services or the enhancement to existing services (Operating Projects).

The 2021-2022 Adopted Operating Budget, projected an Operating Surplus of \$471,000. At the Council meeting held on 7 March 2022, the Council endorsed the Mid-Year Budget Update, which reported a forecast Operating Surplus of \$185,000.

Following the Third Budget Review, the Operating Surplus has increased to \$1.356 million.

The material movements in the components that make up the Operating Surplus following the Third Budget Review are detailed below.

A. Recurrent Operating Budget

For 2021-2022, the Recurrent Operating Budget forecast a Recurrent Operating Surplus of \$1.064 million. Following the First Budget Update and the Mid-Year Budget Review, the Recurrent Operating Budget Surplus was reduced to \$933,500.

As a result of the Third Budget Update, the Recurrent Operating Surplus is increased to \$1.663 million. The major reasons for the movement in Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRENT OPERATING BUDGET – THIRD BUDGET REVIEW

	Favourable/ (Unfavourable) \$
As part of the 2022-2023 Federal Budget, the Federal Government announced that it is advancing 75% of the 2022-2023 Financial Assistance Grants. Past practice has been for the Federal Government to advance 50% of future years Financial Assistance Grants. The additional 25% cash advance is aimed at providing Councils immediate access to funds to help manage the cumulative impacts of floods and the COVID-19 pandemic.	533,000
Adjust Rate Rebates and Rate Capping expenses to the level calculated as part of the annual Rates Notice generation process.	140,000
Following a review of the cash position and the review of the Capital Works Program, it is anticipated that no new long-term borrowings will be drawn down prior to 30 June 2022, therefore, finance cost has been reduced to reflect interest payable on existing loans only.	60,000
Reduction in payments to external service providers of Home Support services to anticipated payments for the year.	50,000
General Savings across administration costs such as printing & stationary, cash collection and postage.	56,000
Given the increase in property sales, the number of Rate & Property Searches has increased. The Rate Search Income has been increased to reflect anticipated activity for the remainder of the year.	20,000
Legal expenses has been increased to reflect the actual expenditure on legal proceedings and settlement costs associated with to the scramble crossing at the intersection of the Parade and George Street, Norwood.	(100,000)

B. Operating Projects

The Adopted Budget includes an estimate of operating project expenditure for the year under review and:

- previously approved and carried forward projects from the prior budget years; less
- an allowance for current year approved projects projected to be carried forward to subsequent budget years.

Carried Forward estimates (from prior financial years) are reviewed upon finalisation of the Annual Financial Statements. Additional expenditure required for non-completed Operating Projects at the end of the Financial Year, is incorporated in the Budget as part of First Budget Update.

Taking into account the Carried Forward Operating Project expenditure and new projects which have been endorsed by the Council, the 2021-2022 Adopted Operating Projects Budget forecast a cost to the Council of \$955,000, inclusive of carry forward project expenditure of \$203,000.

Following the First Budget Update, the value of carried forward expenditure was increased to \$510,000. The increase in the Carried Forward Budget, is due to projects not progressing as anticipated or the commencement of some projects being deferred.

The Mid-Year Budget Update forecast the cost of Operating Projects to be \$1.170 million. The Third Budget Update is estimating that the cost of Operating Projects to be \$760,000, a decrease of \$410,000.

The reduction reflects the operating projects not expected to be finalised by 30 June 2022, coupled with completed projects being delivered under budget.

The Operating Projects, and expenditure not expected to be incurred in the 2021-2022 is detailed in Table 2 below.

TABLE 2: OPERATING PROJECTS NOT EXPECTED TO BE COMPLETED IN 2021-2022

Service Initiative	\$
Authority Content Migration to Councils EDMS, Objective ECM is proposed to be deferred to 2023-2024 due to other priorities and resourcing of the IT and Corporate Records team.	58,400
The development of the <i>City-wide Parking Policy</i> was delivered under budget. Excess funds were carried forward to implement any necessary changes emanating from the review. A review of how parking controls are enforced is being undertaken in-house, with \$10,000 from the savings to be carried forward to the 2022-2023 Financial Year.	53,870
Ehive - Cultural Heritage Collections Project – the digitisation of the Council’s Cultural Heritage collection is being deferred, with delivery proposed to be undertaken in 2023-2024.	52,570
Due to the planting season, \$50,000 of the Additional Street tree planting program will be carried forward to the 2022-2023 financial year.	50,000
Initial investigations on the feasibility assessment of additional level on the Webbe Street Parking has commenced however the full investigations are not anticipated to be finalised by 30 June 2022.	50,000
Development of the <i>People, Place and Activation Strategy</i> has commenced with the work undertaken to date being delivered by internal resources. The Budget allocation relates to cost associate with consultation and finalisation of the documentation which is not anticipated to be completed by 30 June 2022.	30,000
Review of the <i>Public Art Strategy</i>	30,000
Development of the <i>Tree Management Policy & Strategy</i> was delivered under budget. Excess funds have been carried forward to the 2022-2023 financial year to implement the year one actions set out in the Strategy.	20,000
The project of <i>Age Friendly Wayfinding Strategy</i> has commenced; however the installation of signage will not be installed prior to 30 June 2022.	20,000
Resilient East Project	13,000
TOTAL OPERATING PROJECTS NOT EXPECTED TO BE INCURRED IN 2021-2022	377,840

C. Capital Projects

The Council adopted a Capital Budget of \$26.972 million for 2021-2022, which comprised funding allocations for New Capital Projects involving new or the upgrading of existing assets (\$8.081 million), the renewal/replacement of existing assets (\$14.089 million) and Carried Forward Projects from 2020-2021 (\$4.801million).

The First Budget Update forecast the cost of Capital Projects to be \$30.594 million. The increase is predominately due to a number of projects which were initially anticipated to be completed by 30 June 2021 being delayed or still being in progress as at 30 June 2021. Following the Mid-Year Budget Review, the Capital Project expenditure is forecast to increase by \$289,952 to \$30.884 million. Following a review of the status of the Capital works Program, the Capital projects to be completed by 30 June 2022 is anticipated to be \$16.197 million, with project expenditure of \$14.687million to be carried forward to future years. Details of Projects to be carried forward to be undertaken in the 2022-2023 Financial Year are detailed in Table 3 below.

TABLE 3: PROJECTS TO BE CARRIED FORWARD TO 2022-2023

Capital Project	Increase/ (Decrease) \$
River Torrens Linear Park Path Upgrade The reconstruction of the shared path along the River Torrens Linear Park between the intersection of Battams Road/Ninth Street Royston Park and Twelftree Reserve, Collage Park, encompassing a section of the path that passes through Dunstan Adventure Playground. \$1.350 million of grant funding will also be carried forward.	1,945,000
St Peters Street Streetscape Upgrade – As previously advised, works have commenced with the project due to be completed by 31 December 2022.	700,000
The Parade Master Plan was endorsed by the Council in May 2019. Stage 2 encompasses the design development for the Parade between Fullarton Road and Portrush road, and detail design and construction documentation for George Street between the intersection of The Parade and Webbe Street. Funds carried forward relate to the George Street Construction and finalisation of Stage 1 detailed design.	889,000
Burchell Reserve Upgrade The redeveloped Burchell Reserve will establish a contemporary setting, whilst improving the amenity of the Reserve through new community tennis courts, seating, refurbished toilets and landscaping that would create a gathering point for the community and encourage social interaction. Construction works scheduled to commence in September 2022 and to be completed by June 2023.	2,060,000
Payneham Memorial Swimming Centre The redevelopment of the Payneham Memorial Swimming Centre, as per the Council's Swimming Centres Strategy and endorsed concept plans, with carried forward funds being carried forward to completed detailed design.	2,500,000
Quadrennial Public Art Project - Installation of the Major artwork.	146,800
Norwood Library Strategic Review & Concept Plan – preliminary investigation has commenced; however final concepts are not anticipated to be delivered prior to 30 June 2022.	100,000
Borthwick Park Creek improvements.	400,000
Building Works Program:	728,500
<ul style="list-style-type: none"> Solar installation at St Peters Library, St Peters Childcare Centre & Pre-school and the Glynde Depot (\$208,550). Works have been tendered and awarded however works will not be completed by 30 June 2022. Norwood Town Hall Airconditioning upgrade (\$520,000). Due to the lead times for the delivery of the air-conditioning units works will not be completed by 30 June 2022. 	
Civil Infrastructure Works Program – Awaiting works designs, which are subject to traffic review and drainage designs.	1,134,761
Design and construction of the traffic management devices along Langman Grove to resolve traffic management issues associated with Langman Grove, Briar Road and Turner Street, Felixstow, as per the recommendation from the Traffic Management Committee	148,000
Minor Projects	253,740

In addition, the following Capital Projects set out in Table 4 below will be deferred to be undertaken in future Financial Years.

TABLE 4: CAPITAL PROJECTS TO BE CARRIED FORWARD TO FUTURE YEARS

Capital Project	\$
Following a review of the Stormwater Drainage Program, the Trinity Valley Stormwater Drainage Upgrade – Stage 1 is now scheduled to be undertaken in the 2024-2025 Financial Year.	1,950,000
Stephen Street (Norwood) Improvements – commencement of works is dependent on the completion of the private development (Norwood Green). Following discussions with the developers, due to on-going construction and site access by heavy vehicles occurring via Stephen Street, works have been deferred to the 2024-2025 financial year.	250,000
To ensure that the proposed upgrades reflects current trends and delivers on the needs and expectation at the time of delivery, the commencement of the following two (2) Master Plans have been deferred, as the delivery of the projects have been reprioritised as part of the recently endorsed Long Term Financial Plan: <ul style="list-style-type: none"> • \$50,000 for Adey Reserve Master Plan; • \$50,000 for Hannaford Reserve Master Plan. • 	100,000
Concept Design for Norwood Swimming Centre - Works at the Norwood Swimming Centre are not scheduled to commence until 2026-2027 as per the LTFP. Given the timespan between the development of the Masterplan and the delivery of works, to ensure that the proposed concept reflects current technologies and delivers on the needs and expectations at the time of delivery, it is recommended that the preparation of the Masterplan be deferred.	47,075
Minor Projects	60,710

Regulation 9 (1) (b) of the Regulations states the Council must consider:

“between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.”

Further Regulation 9 (2) of the Regulations states the Council must consider:

“revised forecasts for the relevant financial year of the council’s operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.”

The revised Budgeted Financial Statements and Financial Indicators as a result of the Mid-Year Budget Update are included in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Third Budget Update Report be received and noted.
 2. That the Audit Committee recommends to the Council that pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within **Attachment A** be adopted.
-

Ms Brigid O'Neill moved:

1. *That the Third Budget Update Report be received and noted.*
2. *That the Audit Committee recommends to the Council that pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within Attachment A be adopted.*

Seconded by Ms Sandra Di Blasio and carried unanimously.

6.3 SERVICE REVIEW PROJECT

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: qA75186
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to advise the Committee of the proposed Service Review Project which will be undertaken by the Council.

BACKGROUND

The *Local Government Act 1999*, provides that Council can examine and report on the financial management or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives.

Reviewing the efficiency and economy of an organisation are ostensibly service reviews.

The best and most prudent, efficient, structured and objective way of undertaking service reviews is to agree on and have in place a program of what needs to be reviewed and then agree on how the respective service will be reviewed.

Over the years, a number of service reviews have been undertaken by the Council. The most recent examples are the Street & Footpath Sweeping Program, the Home Library Service and a review of On-Street Parking Management is currently in progress. These reviews have been undertaken as part of the organisations Business Excellence Program.

At its meeting held on 4 April 2022, the Council resolved the following with respect to the Service Review Project:

1. *That the conduct of the Service Review Project over a three (3) year period commencing in the 2022-2023 financial year, be endorsed.*
2. *The Council notes that \$100,000 has been included on the draft 2022-2023 Budget for the purposes of undertaking the first year of the Service Review Project.*
3. *The Council notes that a report setting out the scope of the Service Reviews and the suggested and recommended services, programs and process to be reviewed, will be prepared for the Council's consideration at the June 2022 Council Meeting.*

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

An allocation of \$100,000 has been included in the draft 2022-2023 Budget.

In addition, the draft 2022-2023 Budget includes a dividend of \$50,000, which is an estimate of the savings which could be delivered through the reviews which are undertaken in the 2022-2023 Financial year.

CONSULTATION

- **Elected Members**
The Council formally adopted the Service Review project at its meeting held on 4 April 2022.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

It is proposed to implement the Service Review Project over three (3) years, commencing in the 2022-2023 Financial year. As part of the project, the Council will determine (based upon advice and recommendation of staff) the high priorities and which services/programs/processes it wishes to review.

Following this, the Council's Audit & Risk Committee is proposed to have oversight of the Service Review Project, which will also entail making recommendations to the Council following consideration of any outcomes and recommendations of the respective reviews.

Whilst some of the service reviews will be undertaken *'in house'* there will be a need to engage specialist consultants as required (depending on the service/program/process which are proposed to be reviewed).

To fund the Service Review Project (which will commence in 2022-2023), an allocation of \$100,000 has been included in the draft 2022-2023 Budget, with a corresponding dividend of \$50,000. Given both the financial and service improvements which are likely to be derived from the Service Review Project, these funds will be well spent.

The Service Review Project will be coordinated by the Chief Executive Officer.

OPTIONS

Not Applicable.

CONCLUSION

Subject to the Council endorsing the Service Review Project (and allocating funds as contained in the draft 2022-2023 Budget), a report which sets out the scope of the Service Review Project, the review schedule and the service/programs/processes which are proposed to be reviewed, will be prepared for the Council's consideration and endorsement.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Stock moved:

That the report be received and noted.

Seconded by Ms Sandra Di Blasio and carried unanimously.

6.4 BORROWING & INVESTMENT PERFORMANCE FORECAST FOR YEAR ENDED 30 JUNE 2022

REPORT AUTHOR: Accountant
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA392651
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Audit Committee with information on the management of the Councils' borrowings and investment performance, for the year ended 30 June 2022.

BACKGROUND

Pursuant to Section 140 of the *Local Government Act 1999* (the Act), the Council is required, at least once in each year, to review the performance (individually and as a whole) of its investments.

This report provides a summary of the outstanding debenture loans as at 30 June 2022, together with the outcome of the Councils investment performance.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's *Treasury Management Policy* which was adopted by the Council on 2 March 2020, requires a Treasury Management performance report to be presented to the Audit Committee, at least annually.

FINANCIAL AND BUDGET IMPLICATIONS

The financial implications arising from this report, relate to the Councils ability to meet loan instalment payments inclusive of interest when they fall due.

Through its annual budget process, the Council ensures that sufficient cash flow is maintained to service its financing obligations.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

The risk management issues relate to the Councils ability to meet loan instalment payments when they fall due. This risk is minimised by the Annual Budget process which recognises the timing of cash requirements and the revenue required to manage the Councils operations.

CONSULTATION

- **Committee Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Nil.
- **Other Agencies**
Not Applicable.

DISCUSSION

Borrowings

Pursuant to Section 134 of the *Local Government Act 1999*, the Council can enter into financial arrangements as deemed appropriate by the Council, to borrow monies to fund recurrent operations and capital expenditure requirements.

The Council's policy is to borrow on a fixed interest basis for the term of the loan to fund Capital Projects. To minimise future financing costs, the current funding strategy is to utilise surplus funds in the first instance, with short-term funding needs being met through the utilisation of the Cash Advance Drawdown (CAD) facility held with the Local Government Financing Authority (LGFA).

As at 30 June 2022, the balance of outstanding borrowings is forecast to be \$9.4 million. The balance comprises four (4) active fixed interest rate loans. The Council has approved loan borrowings to the value of \$28.6 million which are yet to be drawn down. In addition, the Council has two (2) Cash Advance Drawdown (CAD) variable rate facility, held with the Local Government Financing Authority. Due to Covid-19, LGFA offered the Council a discounted convertible cash advance debenture loan facility where the interest rate is 0.75% off of the current standard variable interest rate of 2.3%. This discounted facility is a completely new facility and is effective for three (3) years from the date of drawdown. This facility will expire by 17 August 2023.

The active fixed interest loans have been provided by the Local Government Financing Authority. The loan terms range from fifteen (15) years to twenty (20) years, with the respective interest rates varying between 2.4% pa and 6.1% pa.

The list of the Council's active loans is contained in **Attachment A**.

From 1 May 2021 to 30 April 2022, there was one (1) finalised loan. Debenture 14 matured on 15 September 2021 and was taken out in 2006 for the purposes of undertaking the 2011-2012 Infrastructure Works. The total principal payments and interest payments were \$500,000 and \$303,861.6 respectively.

Given the current cash reserves and projected timing of the capital expenditure, it is not anticipated that other Long Term Borrowings will be required before 30 June 2021, however there may be a need to draw down on the CAD facility to cover cash needs between June 2022 and the first quarter rates payments, which are due in September 2022.

Principal repayments made on long term active loans for the year to 30 June 2022, are forecast to be \$930,000.

The details of the movement in the loan balances are contained in **Attachment A**.

Investments

Pursuant to Section 139 of the *Local Government Act 1999*, the Council can invest monies under its control.

The Council's *Treasury Management Policy* allows for surplus funds which cannot be applied to reduce existing borrowings to be invested. Surplus funds are to be invested either:

- a. "At Call" with the Local Government Finance Authority; or
- b. fixed term investment products, where the term of the investment does not exceed a point in time where the funds could be applied to defer new borrowings or reduce existing borrowings.

For the 2021-2022 financial year, surplus funds are invested "At Call" with the Local Government Finance Authority. The balance of funds invested at 30 April 2022 was \$6.459 million. Interest earned on funds which have been invested, was \$18,356.

In addition to the 'At Call' account, the Council manages the 'St Peters RSL Trust Account'. The balance of Trust Account at 30 April 2022 was \$42,495. Interest earned to 30 April 2021 was \$113.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That Borrowing and Investment Report be recommended to the Council for endorsement.

Cr Stock moved:

That Borrowing and Investment Report be recommended to the Council for endorsement.

Seconded by Ms Sandra Di Blasio and carried unanimously.

6.5 GOVERNANCE ARRANGEMENTS – REGIONAL SUBSIDIARIES

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA75186/A397642
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Audit Committee with a record of information which has been provided to the Council since the last meeting.

BACKGROUND

At the Audit Committee meeting held on 21 January 2010, it was resolved:

“That reports be prepared by the General Managers responsible for each Regional Subsidiary on any matters of concern within the Subsidiary, for consideration by the Audit Committee in lieu of the distribution of minutes etc.”

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The emphasis of this report is to provide the Audit Committee an overview of the Draft 2022-2023 Budgets of the Council’s Regional subsidiaries which have been considered the Council.

The Councils Draft 2022-2023 Budget includes the respective cost of services which are delivered on behalf of the Council by the respective Regional Subsidiary and the Council’s share of the respective Regional Subsidiary operating result.

The Budget implications are discussed in the Discussion section of this report

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

There are no resource issues arising from this report.

RISK MANAGEMENT

There are no risk management issues arising from this report.

CONSULTATION

- **Committee Members**
 Cr Minney is a Board member of ERA Water and Highbury Landfill Authority. Cr Mike Stock is a Board member of East Waste. Ms Brigid O'Neill is a member of the Audit Committee of ERA Water. Ms Sandra Di Blasio is a member of the Audit Committee of East Waste.
- **Community**
 Not applicable.
- **Staff**
 Chief Executive Officer
 General Manager, Urban Services.
 General Manager, Urban Planning and Environment.
- **Other Agencies**
 Not Applicable.

DISCUSSION

Eastern Health Authority (EHA)

EHA have advised that the key priorities for the Authority for the 2022-2023 Financial year, are based on the focus areas set out Regional Public Health and Wellbeing Plan, '*Better Living, Better Health*', which include:

Public and environmental health services

- Continue to assist SAPOL and SA Health with monitoring and education of relevant COVID-19 Directions.
- Develop educational material to be communicated to Personal Care and Body Art premises on specific high-risk practices.
- Provide feedback to SA Health on the review of Public Health Regulations review as required.

Immunisation

- Promotion of EHA's public immunisation clinic program through channels identified in the EHA Marketing Plan.
- Continue to ensure the effective governance and delivery of EHA's public clinic immunisation program in accordance with the National Immunisation Program (NIP) Schedule.
- Deliver School Immunisation Program (SIP) in accordance with the SA Health Service Agreement contract.
- Develop a business case for the provision of immunisation services on behalf of non-Constituent Councils (dependent on available opportunities)

Food safety

- Prepare a report on the outcomes from the first twelve months of the SA Health voluntary Food Star Rating Scheme.
- Communicate and inform food businesses of the proposed legislative food management tools: food safety supervisor; food handler training and evidence that will come into effect within 12 months.
- Collate a biennial food safety newsletter training be distributed to EHA's food businesses.
- Provide tailored food safety training to workplaces upon request.

Governance and organisational development

- In consultation with Constituent Councils, review and revise the EHA business planning and reporting framework.
- Work with the Audit Committee and the Board to review and revise the financial indicators in the Long-Term Financial Plan.
- Create a Chief Executive group with Constituent Council CEOs to channel information and bilateral communication.
- Development of targeted quarterly performance report for Constituent Councils.
- Develop a presentation highlighting strengths and benefits of centralised service delivery model for Constituent Council Elected Members.

While the Authority's Charter does not require the Constituent Councils to endorse the Draft Budget, by virtue of the endorsement of the Business Plan, the Council ostensibly endorsed the EHA Draft Budget.

EHA's main source of income to fund its operations is contributions from its Constituent Councils. To deliver the Annual Business Plan, EHA requires contributions of \$1,828,000 (which is a 0% increase on 2021-2022) to fund the operational expenditure.

Following the 2021 EHA Service Review, it was recommended that the administration fee of 12.5% be divided into fixed and variable components. The fixed portion of the administration fee of 5% is now shared equally (1% per council), while the variable component is calculated on a proportional basis, dependent on use. The impact of the change in methodology is that larger Councils now pay a slightly higher proportion of the administrative fee and smaller Councils pay less. As such, the Councils contribution has increased from 31.3% to 32.0%.

As a receiver of services from EHA, the Council's Draft 2022-2023 Budget includes a funding allocation for the provision of environmental health services of \$585,000, a 2.17% or \$12,500 increase on 2021-2022.

EHA are forecasting an Operating Deficit of \$49,000, with the Council's share of the EHA Operating result being \$15,660. It should be noted that budgeted Operating Deficit is an accounting deficit and the contributions requested from Constituent Councils will provide for a balanced operating cash budget.

A copy of the Authority's draft Annual Business Plan and Budget is contained in **Attachment A**.

East Waste

The East Waste Draft 2020-2021 Budget is developed based on a Common Fleet Costing methodology, with Common Fleet Costs, which predominately relate to collection costs, being charged to Constituent Councils based on the cost to undertake the collection of each Council's waste streams. The allocation of the Common Fleet Costs is based on the GPS System utilised by East Waste. It should be noted that as per the Authority's Budget Policy, the Common Fleet Cost includes an additional charge to incorporate a return on revenue, which is currently set at 1% of the Common Fleet Costing Charge.

In addition, where Constituent Councils utilise East Waste for other services such as Contract Management Services (Disposal and Resource processing) and Waste Bin Maintenance, these services are on-charged to Councils at cost.

The Draft 2022-2023 Budget is reporting an Operating Surplus of \$108,000. The Council's share of the draft Operating Surplus is \$15,444, which is based on an ownership share of the Authority of 14.3%.

The Authority's collection costs have increased by 6.3% on the 2021-2022 Budget, however for this Council, the collection cost has increased by 6.4%, which is slightly higher than the overall increase in the East Waste collection costs. East Waste have advised that the increase in collection costs is due to:

- fuel costs due to the combined impact of the significant increase in the fuel price combined with the high AdBlue costs. The projected increase in fuel costs account for 60% of the overall cost increase for the 2022-2023 financial year; and
- an increase in employee expenses due to an increase in service requests, combined with the Enterprise Agreement increases and the mandatory increase in super contributions to 10.5%.

The Council's Draft Waste Management Budget, reflects a proposed Common Fleet fee of \$2.270 million (2021-2022 \$2.204 million) to be charged for the collection of this Councils waste streams, which include Domestic waste, Green Organics, Recyclables, Public Litter Bins, Illegal Dumping and pre-booked Hard Rubbish Collection.

While the East Waste Budget includes income from disposal costs, the disposal charges are a "pass through" cost from East Waste to each Constituent Council; as such the Council's proposed budget for the disposal of the Council's streams is based on the Council's estimate of waste which is collected and processed as opposed to the East Waste estimates.

The East Waste Draft 2022-2023 Annual Plan is contained in **Attachment B**.

ERA Water

The Draft 2022-2023 Budget assumes that 253ML of water will be sold in the 2022-2023 Financial year, with the first 205ML of the available water, being sold to the Constituents Councils on a take or pay basis and the balance (48ML) being made available for third parties with existing commitments and the City of Burnside taking 10 ML more than their take or pay allocation. The water sold to Constituent Councils will be priced at the SA Water price, which is forecast at \$2.85/kl. Forecast income from Constituent Councils is in the order of \$603,000.

The other water sales which are sold to third parties and Constituent Councils in excess of the take or pay allocation, are assumed to be sold at 85% of the SA Water price, with the income forecast at \$117,000 and represents 16% of total water sales for 2022-2023. The Budget assumes that 352ML will be available for sale in 2022-2023. ERA Water are pursuing opportunities for the additional water supply; however, the income budget does not assume any new connections.

Operating costs are forecast to be \$634,000 which includes Employee Expenses of \$251,500. Fixed Operating costs of \$127,500 and other variable operating costs of \$255,000 to operate and maintain the Scheme. The Scheme's operational costs include mechanical and electrical operations and maintenance support provided by an external contractor, licence fees, water testing, utilities costs and administration costs such as insurances, audit fees and general administrative costs.

At the Special Council Meeting held on 13 April 2022, the Council considered and endorsed the ERA Water draft Budget, which was based on a recapitalisation proposal comprising of a capital injection of \$3 million to be contributed in line with the ownership share plus a water security charge of \$1.250 million to be paid over five (5) years, with the contribution per Constituent Council being based on the take or pay water allocation.

The recapitalisation funds will be utilised to:

- expand the network and the number of connections to build scale over a five (5) year period, so that ERA Water has an operating cash break-even position;
- invest in assets to increase and or improve the reliability of supply;
- meet operating cash deficits over the five (5) year period; and
- pay down debt.

For the City of Norwood Payneham & St Peters, the total contribution requested as part of the recapitalisation proposal is \$1.475 million, which is made up of a \$1 million capital contribution and an annual water security charge of \$95,000, payable for five years.

The ERA Water Charter requires the ERA Water Board (the Board), prior to it adopting its Draft Budget, to obtain unanimous approval of its Draft Budget from all Constituent Councils.

Following feedback from the City of Burnside on the draft budget, the Board reviewed its draft budget to ensure that it would receive unanimous approval from all Constituent Councils.

The main change from the draft Budget endorsed by this Council at the Special Council meeting held on the 13 April 2022, is a reduction in capital injection required from this Council and the City of Burnside from \$1 million to \$200,000 for the 2022-2023 financial year.

This amendment brings the capital contribution in-line with that of the Town of Walkerville. It should be noted, that the total capital contribution by the three (3) Constituent Councils, to be paid as part of the recapitalisation of ERA Water remains at \$3 million. It is unknown at this stage regarding the timing of future contributions, (i.e., future capital contributions for this Council and the City of Burnside may be in-line with the original five (5) payment schedule set for the Town of Walkerville or there may be a request that balance of \$800,000 be made in 2023-2024 financial year).

As a result of the proposed reduced capital injection:

- the forecast debt as at 30 June 2023 will increase from \$13.839 million to \$15.270 million, which while still within the debt cap of \$15.3 million, does not allow for any contingency should the assumptions, upon which the budget is predicated on, not holding true;
- the increased debt levels, coupled with a change in the interest rate on the Cash Advance Debenture facility, will increase the interest expense by \$31,000 to \$358,000; and
- the provision for Capital works will decrease from \$850,000 to \$350,000. It is proposed that the capital works undertaken during the year will be funded on a business case and feasibility assessment, as such a provision of \$300,000 has been allowed for in the Operating Budget to engage consultants to assist with the development of the business and feasibility assessment for capital projects.

The revised ERA Water Budget continues to forecast a small cash surplus however due to the reduction of the capital contribution to \$600,000 (i.e. \$200,000 for each Constituent Council), which is \$1.6 million less than the initial draft Budget, ERA Water is not in a position to repay borrowings which were originally set at \$1.355 million.

The revised Draft 2022-2023 Budget is forecasting an Operating Deficit of \$803,000 and increase of \$324,000 on the original draft Budget. This Councils share of the Operating Deficit, which will be required to be included in the Councils 2022-2023 Budget will increase by \$108,000 to \$267,667.

The Draft Budget includes water sales to this Council of \$220,477 which is based on the consumption of 76.67ML. The Council's Draft 2022-2023 Budget includes a budget estimate of \$380,000, which includes water sourced from SA Water and ERA Water for the Councils reserves, parks, medians and sporting grounds, the water security charge of \$95,000 and the capital contribution of \$1 million.

The Councils Draft 2022-2023 Budget will be amended to reflect the increase in the share of the Operating Deficit and the lower capital contribution, thereby reducing the Council's cash needs by \$800,000 for the 2022-2023 Financial Year.

The revised Draft ERA Water Budget is being considered by the Council at its meeting scheduled for 6 June 2022. It is recommended that the Audit Committee recommends to the Council that the revised Draft ERA Water Budget be approved.

A copy of the revised Draft Budget is contained in **Attachment C**.

Highbury Landfill Authority

At the time of writing this report, the Council is yet to receive the Draft 2022-2023 budget for the Highbury Landfill Authority.

OPTIONS

Nil.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

1. That the report be received and noted.
2. That the Audit Committee recommends to the Council that the revised Draft 2022-2023 ERA Water Budget be approved.

Ms Brigid O'Neill moved:

- 1. That the report be received and noted.*
- 2. That the Audit Committee recommends to the Council that the revised Draft 2022-2023 ERA Water Budget be approved.*
- 3. The Audit Committee recommends that the Council seek clarification from the City of Burnside regarding its change in position on the re-capitalisation of ERA Water.*

Seconded by Ms Sandra Di Blasio and carried unanimously.

6.6 FINANCE POLICIES

REPORT AUTHOR: Accountant
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: fA16462/A397771
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present finance related policies which have been reviewed to the Audit Committee, for consideration and endorsement prior to being presented to the Council for adoption.

BACKGROUND

Pursuant to Section 125 of the *Local Government Act 1999*, the Council must ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.

The 2021-2022 Audit Committee Work Program requires the Audit Committee to review the appropriateness of the range and content of the Council's financial policies and practices.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Documentation of policies relating to the Council's financial transactions improves transparency and ensures consistent treatment over subsequent reporting periods unless Accounting Standards or legislation changes.

CONSULTATION

- **Committee Members**
Not Applicable
- **Community**
Not Applicable
- **Staff**
Nil
- **Other Agencies**
Not Applicable

DISCUSSION

In accordance with the Finance Policy Timetable, a review a number of policies, as contained in **Attachment A** to **C**, has been undertaken. Following the review, the amendments to the policies, as detailed in Table 1 below, are presented to the Committee for consideration and recommendation to the Council for adoption, subject to any amendment which may be considered appropriate by the Audit Committee.

TABLE 1: PROPOSED POLICY AMMENDMENTS

Policy	Details of Proposed Amendment
Financial Hardship Policy (Attachment A)	No changes recommended.
Expenditure Policy (Attachment B)	<p>Due to position title changes the following updates have been made:</p> <ul style="list-style-type: none"> • Financial Services Manager update to Manager Finance; and, • Team Leader, Customer & Regulatory Services update to Team Leader, Regulatory Services. <p>It is recommended the changes set out below be made due to realignment of positions:</p> <ul style="list-style-type: none"> • Technical Officer Field Services is removed from Responsible Officer Level 1 as position no longer exists; • New position created under Responsible Officer Level 2 for Coordinator, Events & Marketing. <p>The specified delegation for the Corporate Stationary as set out in Schedule 2 is recommended to be removed due to the restructure of the Team Leader, Customer & Regulatory Services position. The financial delegation now sits with the Manager, Finance subject to the transaction limit set out in Schedule 1.</p>
Rating Policy (Attachment C)	No changes recommended.

OPTIONS

The Policies can be recommended to the Council for adoption with or without amendment.

CONCLUSION

To ensure compliance with Section 125 of the Act, the Council must have in place appropriate policies, practices and procedures which assist the Council to carry out its activities in an efficient and orderly manner. It is important to ensure that the policies adopted by the Council are regularly reviewed to ensure that they reflect the current operating environment and continue to meet the Council's overall objectives.

COMMENTS

Nil

RECOMMENDATION

1. That the Audit Committee notes that the following policies have been reviewed and notes that no amendments are recommended:
 - Financial Hardship Policy; and
 - Rating Policy.
 2. That the Audit Committee notes that the Expenditure Policy & Delegation of Authority has been reviewed and notes that minor amendments are recommended.
 3. That the Audit Committee recommends to the Council that the following policies be adopted:
 - Financial Hardship Policy (**Attachment A**);
 - Expenditure Policy & Delegation of Authority (**Attachment B**); and
 - Rating Policy (**Attachment C**).
-

Cr Stock moved:

1. *That the Audit Committee notes that the following policies have been reviewed and notes that no amendments are recommended:*
 - *Financial Hardship Policy; and*
 - *Rating Policy.*
2. *That the Audit Committee notes that the Expenditure Policy & Delegation of Authority has been reviewed and notes that minor amendments are recommended.*
3. *That the Audit Committee recommends to the Council that the following policies be adopted:*
 - *Financial Hardship Policy (Attachment A);*
 - *Expenditure Policy & Delegation of Authority (Attachment B); and*
 - *Rating Policy (Attachment C).*

Seconded by Ms Sandra Di Blasio and carried unanimously.

7. CONFIDENTIAL REPORTS
Nil

8. OTHER BUSINESS
Nil

9. NEXT MEETING
Monday 25 July 2022

10. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 8.10pm.

Cr John Minney
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

13. OTHER BUSINESS
(Of an urgent nature only)

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any duty of confidence;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the official announcement as been made.

14.2 EAST WASTE RECYCLING CONTRACT – COMMITMENT OF RECYCLING TONNES

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information; and
 - (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

15. CLOSURE