

CLARE & GILBERT VALLEYS COUNCIL



ANNUAL REPORT 2005/2006

*Working together to
create a prosperous future*

HISTORY AND PROFILE

Clare and Gilbert Valleys is known internationally and nationally for its fine wines and splendid living conditions. This unique part of South Australia incorporates a number of towns with distinct characteristics.

The Clare & Gilbert Valleys experiences distinctive seasons and hosts a variety of annual events to correlate with the seasonal changes. The Valleys are predominately green all year round, producing a wonderful natural canvas of colour for the nature lover who visits. The indigenous Australians of the region, Ngadjuri, survived times of drought using the mallee root and underground soakages for water. Today residents are very conscious about the natural environment at their disposal and proactively conserve their unique surroundings for the enjoyment of everyone that visits.

Clare received its name in 1846 from Edward Gleeson who settled in the area as a sheep farmer and named it after his native county in Ireland. Settlers from England, Wales, Austria and Poland moved in to the region, creating its rich heritage and assorted architectural styles. In 1845 copper was discovered in nearby Burra, hence a transport corridor was built to convey the ore to the Gulf of St Vincent. Around this passageway, towns sprang up: Mintaro, Watervale, Auburn and Leasingham, which all still stand today. Mintaro has world class slate deposits with operating quarries and superbly maintained heritage buildings, many available as tourist accommodation.

Riverton is situated in the heart of the fertile Gilbert Valley, some 30 minutes from Clare. Farmers in the Gilbert Valley produce cereal crop, sheep, cattle, pigs and poultry, and in recent times they have diversified into small seed crops, vines, olives, hatcheries, mushrooms and emus.

Clare Valley, renowned for its Riesling has another landmark named after the wine: the Clare Valley Riesling Trail. The trail utilises a disused railway line for cycling and walking and incorporates many of the wineries and vineyards during its 27km path. Almost 30 wineries in this region are supported by a visitor information centre which assists tourists in discovering the excellent services, food and wines of the area.

With its close proximity to Adelaide, the Clare and Gilbert Valleys offer an escape for the domestic city dweller. With its array of accommodation, bed and breakfast, hotels, motels and camping facilities, tourists can be satisfied with the range available. The natural beauty of the Clare and Gilbert Valleys also attracts gifted artists to the region for inspiration. Galleries and craft stores have established themselves within the region, providing another tourist driven industry to benefit the community.

The residents of the Clare and Gilbert Valleys have welcomed and capitalised on tourist numbers with careful management of their natural resources. Award winning wines from the region help attract international tourists to the Valleys as well as winemakers who wish to experience the wine producing qualities of this market.





CLARE & GILBERT VALLEYS COUNCIL

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Our Community Vision:

Working together to create a prosperous future

Our Statement of Purpose:

To be a Council respected for making a meaningful positive difference to people's lives

To achieve our Statement of Purpose we will:

- *be ethical and professional at all times*
- *promote open and effective community consultation, which facilitates discussion, involvement, action and partnership*
- *provide excellence in customer service by facilitating prompt, accurate and effective response to customer concerns*
- *adopt sound business principles in the management of Council resources*
- *encourage quality, innovation and continuous improvement in the delivery of services to the community.*

The following extract from the *Local Government Act 1999* details Council's statutory requirements.

1. A Council must, on or before 30 November in each year, prepare and adopt an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.
2. The annual report must include the material, and include specific reports on the matters, specified in schedule 4 as amended from time to time by regulation.
3. The annual report must comply with any requirement prescribed by the regulations.
4. A copy of the annual report must be provided by the Council to each member of the Council.
5. A copy of the annual report must be submitted by the Council
 - a) to the Presiding Members of both Houses of Parliament; and
 - b) to the persons or bodies prescribed by the regulations, on or before a day determined under the regulations.
6. The Presiding Members of the Houses of Parliament must within six sitting days after receiving a copy of annual report under subsection (5), lay the copy before their respective Houses.
7. A Council may provide to the electors for its area an abridged or summary version of its annual report.
8. A Council must ensure that copies of its annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.



MAYOR'S WELCOME

I have pleasure in presenting to the community, the Annual Report of the Clare & Gilbert Valleys Council for the year ended June 30th 2006.

Councillors have again given sound commitment and support to the work of the Council and Mayoral Office. This has been very much appreciated.

The responsibilities and duties of Management and Staff of Council have been carried out diligently and in a very professional manner. I thank them for their effort, support and commitment, which has been outstanding throughout the year.

Projects and developments have progressed during the year. There have been several projects with issues to be resolved – some of which has been dealt with, while others demand continued attention. I commend Chief Executive Officer Mark Goldstone and Deputy Chief Executive Officer Des Jennings, for their attention to detail and firm resolve in these matters.

The year ahead will realise the commencement of some major projects with others coming to fruition as Council works towards creating a prosperous future for the region of Clare & Gilbert Valleys.

Patricia Jacka
Mayor



COUNCILLORS

Back Row: Chief Executive Officer Mark Goldstone, Deputy Mayor John Koch, Don Hannaford, John Young, Martin Pynor, Trevor Ackland, Deputy Chief Executive Officer Des Jennings
Front Row: Don Benger, Sue Wurst, Mayor Patricia Jacka, Rosemary Dunn, Wayne Thomas

Mayor:	Patricia J. Jacka	PO Box 126 Clare SA 5453
Deputy Mayor:	John D. Koch	PO Box 611 Clare SA 5453
Councillors:	Trevor B. Ackland	PO Box 77 WATERVALE SA 5452
	Don F. Benger	PO Box 101 MINTARO SA 5415
	Rosemary F. Dunn	C/- Post Office Tarlee SA 5411
	Don M. Hannaford	Marrabel Road Riverton SA 5412
	Martin J. Pynor	2/177 Main North Road Clare SA 5453
	Wayne M. Thomas	PO Box 37 Manoora SA 5414
	Susan G. Wurst	12 Henry Street Clare SA 5453
	John F. Young	PO Box 745 CLARE SA 5453

COUNCILLOR ATTENDANCE

A total of 12 Ordinary Council meetings and 3 Special Council meetings were held during the year.

	Ordinary Meetings	Special Meetings
Mayor Patricia Jacka	12	3
Deputy Mayor John Koch	11	2
Cr Trevor Ackland	12	2
Cr Don Bengner	11	3
Cr Tom Chapman(resigned)	5	2
Cr Rosemary Dunn	12	3
Cr Don Hannaford	11	3
Cr Martin Pynor	9	3
Cr. Wayne Thomas	1	1
Cr Sue Wurst	12	3
Cr John Young	11	3

Ordinary meetings of Council are usually held every third Monday of the month, commencing at 7pm. Members of the public are welcome to attend all regular Council meetings. Public question time is held during the meetings and anyone wishing to ask a question of Council is encouraged to attend. Further information about public question time and Council meetings is available from the Council offices.



CHIEF EXECUTIVE OFFICER'S MESSAGE

The 2005/06 financial year saw Council deliver significant progress in many areas in line with the Strategic Plan of Council.

Some projects undertaken include:

- Clare Sport Recreation and Aquatic Centre - redevelopment
- Lions Park - planning
- Ennis Park - planning
- Apex Park - planning
- Skate Park - planning & tenders called
- Melrose Park - planning
- Clare Bike Plan - prepared
- Catchment Plan for Clare
- Clare and Residential planning study - progression
- Riverton Pool - upgrade
- Toilet block construction at Riverton Town Hall
- Clare round-a-bout development
- Clare Town Centre strategy - progress
- Mill Place completion
- Council Chambers - redevelopment
- Clare History Group relocation

This report provides an overview of Council's achievements during the year. I consider that the financial report presents fairly the financial position of the Clare and Gilbert Valley Council as at 30 June 2006 and the results of its operations for the financial year.

Works undertaken in the 2005/06 financial year have been undertaken in a volatile financial environment, resulting in a deficit position of Council. Such deficit is attributed to increased fuel costs, extended rural road grading activity (due to ideal weather conditions), the conduct of a supplementary election, increased maintenance to public conveniences and a number of other minor items. It is proposed that cost savings throughout the coming financial year will enable the deficit to be reduced appropriately.

I would like to take the opportunity to thank elected members and staff for their efforts and commend them for maintaining a professional manner at all times.

Mark Goldstone
CHIEF EXECUTIVE OFFICER

COUNCIL MANAGEMENT



MARK GOLDSTONE
CHIEF EXECUTIVE OFFICER

Mark was appointed as Chief Executive Officer with Council in January 2002 and has extensive experience in Local Government.

Responsible for:

- Governance
- Strategy
- Council Operations
- Community
- Environmental Services



DES JENNINGS
DEPUTY CHIEF EXECUTIVE OFFICER

Des has 29 years experience in Local Government. First appointed to Clare & Gilbert Valleys Council in February 2000, Des has worked in the Corporate and Infrastructure Services area for five years.

Responsible for:

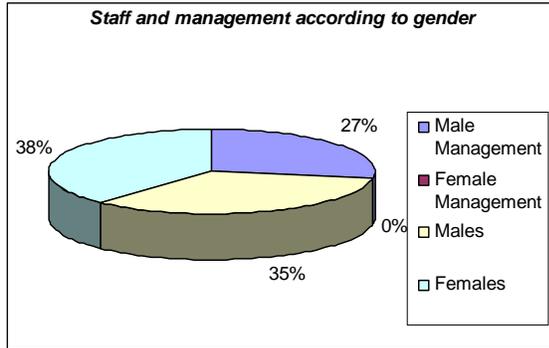
- Administration
- Engineering Services
- Caravan Parks
- Finance
- Libraries
- OHSW/Risk Management
- Sport & Recreation Facilities
- Youth Development

HUMAN RESOURCES - COUNCIL STAFF

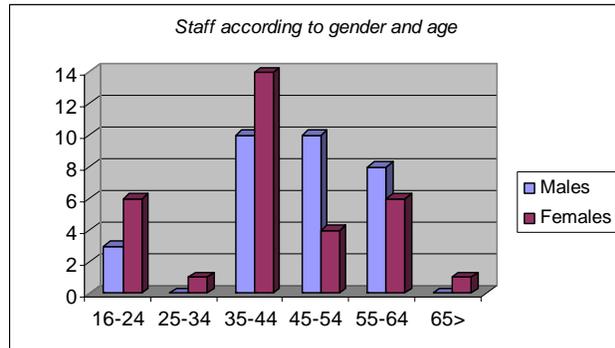
(at 30 June 2006)

Council employs a total workforce of 63 people (including 9 casual), 22 of whom are part of the external work force.

Council services for the year were provided through two broad teams – Corporate & Infrastructure Services and Engineering Services, as shown in the organisation chart overleaf.



Staff and management according to gender



Staff according to gender and age

Equal Employment Opportunity

Council maintains its commitment to equal employment opportunities. As shown in the above graphs, Council has staff which cover a wide range of age groups, and Council maintains a relatively balanced gender representation. The Chief Executive Officer is appointed as the Equal Employment Officer.

The Chief Executive Officer is responsible for:

- developing and implementing an equal employment opportunity program relating to employment with the Council;
- developing and implementing other initiatives to ensure that employees have equal employment opportunities in relation to that employment.

Human Resources and Personnel Practices, Policies and Procedures will be further reviewed during 2006/2007.

ORGANISATIONAL STRUCTURE

(as at 30 June 2006)

GOVERNANCE

Mark Goldstone – Chief Executive Officer
Bev Goode – Executive Assistant



ADMINISTRATIVE SERVICES

Des Jennings – Deputy Chief Executive Officer
Leanne Kunoth - Executive Assistant
Pat Flood – OHS&W & Risk Management Officer
Chris Pitcher – Customer Service/Records Management
Abbie Slater – Customer Service/Records Management
Helen Karger – Customer Service
Tania Dodd – Customer Service
Claire Longbottom – Customer Service
Karen Griffiths - Customer Service
Heather Lymburn – Library Manager
Joy Williams – Librarian
Dora Newhouse – Library Assistant
Candice Ellis – Library Assistant
Bernadette Fahey – Library Assistant
Charles Cooper – Library Assistant



Chris



Abbie



Tania



Claire



Helen



Karen

ENVIRONMENTAL SERVICES TEAM

Robert Veitch – Manager Environmental Services
Brendon Corby – Assistant Building Surveyor
Mirjana Ostojic – Environmental Health Officer
Stephanie van Dissel – Planning Officer
Kathy Jones – Executive Assistant
Susan Giles – Administration
Kristian Wohlstadt – Planning Officer (casual position)



Robert



Brendon



Stephanie



Mirjana



Kathy



Susan

FINANCIAL SERVICES

Carol McAvaney – Finance Officer
Sarah Pyrke – Finance Assistant
Lyn Cook – Accounts
Cynthia Price - Rates



Cynthia, Carol, Lyn, Sarah

LIBRARY SERVICES



Bernie, Charles, Candice, Heather



Joy



Dora

WORKS TEAM

Tony Eckermann - Works Manager
Leanne Schirmer - Infrastructure Assistant



Steve Woolley – Compliance Officer
Gary Easthope - Facilities, Contracts &
Maintenance Supervisor
Neil Moroney - Maintenance Officer





Rob McMurray, Ian Francis, Damien Philp, Graham Lands, Ian Noble, Geoff Duke, Mick Headen, Barrie Simpson, Andrew Sandall, Darren Clark, John Hogan, Nigel Mills, Steve Seaford, Chris Sullivan, Ian Smith, Mick Hean, Richard Tappin

Absent: *Paul Durkay, Des Elson, Rob Heinrich, Mark Chapman, Dion Fry, George Nitschke*

COMMUNITY DEVELOPMENT SERVICES

Jo Lawrie – Manager Community Services
Liz Connell – Community Coordinator
Julie McEwin - Internet Café/Domain Coordinator
Katie Knappstein – Recreation Centre
Caroline Goldstone – Recreation Centre
Lucretia Sperring – Recreation Centre
Bernie Fahey - Domain



Jo



Liz



Caroline, Julie, Lucretia



Katie



Bernie

STRATEGIC MANAGEMENT PLAN

Council is required to report on its performance in implementing its management plans during the relevant financial year and the Council's projections and targets under its plans for the next financial year.

The Clare & Gilbert Valleys Council adopted its Strategic Plan at a Council meeting held on 15th July 2002. The Strategic Plan states the vision for future directions and the strategies of Council for the following five years.

The key strategic goals are as follows:

1. To enhance and reinforce our regional centre status by realising opportunities which focus on Clare as the Mid North hub for trade, business, employment, transport, culture and leisure activities, and health and education services.
2. Provide, manage and use our infrastructure efficiently to ensure the economic, social, mental and physical wellbeing of the community is enhanced and maintained.
3. Be a region proud of its unique natural and created environment and highly regarded for managing and enhancing it for the enjoyment of present and future generations.
4. Contribute to the development of a cohesive and caring community where people of all backgrounds, age groups and circumstances have access to an appropriate range of community services and facilities.
5. Ensure that Council demonstrates leadership, effective and efficient service delivery, consultation and proper custody of assets in its stewardship of the district.

The Strategic Plan is incorporated into Council's annual Operation Plan and Budget Estimates.

Strategic initiatives include:

Peak Bodies

Clare and Gilbert Valleys Council continues to implement its successful Peak Body program which is designed to improve communication and facilitate projects within the eighteen communities. The key elements are that the community nominate one group per town to plan strategically and implement projects that are important for that community. Peak bodies have also been included in the consultation policy and have participated in providing feedback on proposals.

Peak bodies have been implementing a range of projects from upgrading town facilities to projects with an economic and health basis. Peak bodies have a Partnership Agreement with Council and receive financial support and assistance to access external funding.

The Peak Bodies have become an important communication link between Council and local residents operating at a grassroots level. Council is being kept informed of local priorities quickly and can often respond more efficiently to concerns. The program has increased the capacity of communities and has enabled them to influence local issues.

One of the methods for achieving this is to meet annually with Council's key staff and elected members and discuss significant local projects and create networking opportunities among peak bodies. This year has seen many plans come to fruition and successful grant applications totalling many tens of thousand of dollars.

The fourteen Peak Bodies are:

- Tarlee Hall and Community Services
- Saddleworth District Community Assoc.
- Rhynie Improvement Scheme
- Watervale Community Assoc.
- Mintaro Progress Assoc.
- Stanley Flat Soldiers Memorial Hall Inc.
- Manoora Community Committee
- Marrabel and District Community Association
- Riverton Community Management Committee
- Auburn Community Development Committee
- Stockport Community Association
- Clare Positive Futures
- Waterloo Soldiers Memorial Hall Committee
- Armagh Community Committee

OCCUPATIONAL HEALTH SAFETY WELFARE & RISK

Risk Management Review

Once again during 2005/2006 a Risk Management Review was undertaken by the Local Government Association Mutual Liability Scheme (LGAMLS) to assess the level of application of risk management in Local Government in South Australia. Risk Management has widely been recognised as the key to good corporate governance and compliance and there is a growing trend in the area of legislation and certification to require that risk management be in place.

This annual review of LGAMLS Members, of which Clare & Gilbert Valleys Council is one, forms the Risk Management component to the Performance Bonus System for the 2006/07 Contribution period. The Review gives Council the opportunity to be rewarded back (as a “discount”) up to 10.2% of its Gross Contribution via the Bonus System.

The Risk Management Review covers most areas of Council operations and specifically areas that have a level of civil liability exposure according to LGAMLS experience, or areas that require a formal risk management approach to prevent potential civil liability claims. As the main pieces of legislation that are administered by Local Government, focus is given to compliance with legislation such as the Local Government Act 1999 and the Development Act 1993.

The review was divided into eight categories with a summary of results provided in the table below:

LGAMLS Risk Management Review 2005/6								
Category	2004/5 %	2005/6 %	Diff %	Regional Ave%	% diff from Reg Avg	Metro Avg %	LG Avg %	
Risk/ Emergency Management & PI	84.00	90.32	+6.32	73.1	+17.22	86.6	76.5	
Committee & Non-Employment Management	75.00	58.82	-16.18	74.1	-15.28	87.8	77.6	
Contract Management	95.50	94.44	-1.06	90.1	+4.34	90.9	90.3	
Legislative Requirements - Land	100.00	95.45	-4.55	94.3	+1.15	96.2	94.8	
Asset management Programs & Systems -Land	95.7	95.00	-0.7	84.4	+10.6	92.5	86.5	
Land Use (Lease/Licence/ permit activities)	90.9	94.44	+3.54	88.6	+5.84	94.8	90.2	
Legislative requirements - Roads	72.2	93.75	+21.55	89.80	+3.95	82.691.30	90.3	
Road Management Programs & Systems	84.6	100.00	+15.4	84.0	+16.0	89.2	85.3	
Total Ave %	88.00	90.5	+2.5	84.1	+6.4	90.9	85.9	

The table shows Council's Risk Management Performance in relation to last year, the regional average, the metropolitan average and the Local Government average. It shows that Council has had a significant increase in Road Management which is a reflection of the work being conducted in the Road Asset Audit. We did however have a drop in score in Committee & Non- Employment Management which is a direct reflection of the new questions in the audit relating to the "safe environment principles and practices" legislation. This area will be targeted over the coming year.

Council has continued to improve with an overall increase in Risk Management of **2.5%**. This improvement coupled with Council's Claims Loss Ratio of 56% gave Council a **Performance Bonus of \$12,065** which is deducted from the 2006/2007 contribution.

Council's gross contribution was \$90,713, which was an overall premium increase of 6%. Due to the costs associated with a long term claim our loss ratio increased to 56% which only gave a bonus of \$3,810. *However with an increase in Risk Management performance, we received a further bonus \$8,255 and an additional cap saving of \$1,904.*

Council continues to score above the Regional Council's average and also on par with the Metropolitan Council's average and therefore above the Local Government average across the board. This shows a continued commitment by all Council staff to embrace Risk Management systems and practices.

Event management

Over the last twelve months Council has organised or assisted with many significant community events. While many small events ran smoothly Council Staff should be commended for the smooth organisation of the Queens Baton Relay in February 2006. This was only accomplished through the implementation of good risk management strategies put in place by the Queens Baton Relay working party over a long period prior to the event. This involved not only core members of staff but also community members who were all committed and worked tirelessly to ensure a memorable event.

This highlights the true understanding and commitment of Council staff to Risk Management Principles and Practices which will continue to minimize operational risks, property losses and liability claims.

Occupational Health Safety & Welfare

The Clare & Gilbert Valleys Council continues its endeavour to maintain a high standard of Occupational Health Safety & Welfare Management.

Pursuant to the WorkCover Exempt Employer Standards, Council is required as an exempt employer, to set its own Occupational Health Safety & Welfare (OHS&W) objectives based on the organisations own gap analysis and to integrate Occupational Health Safety & Welfare into the Councils Strategic Plan.

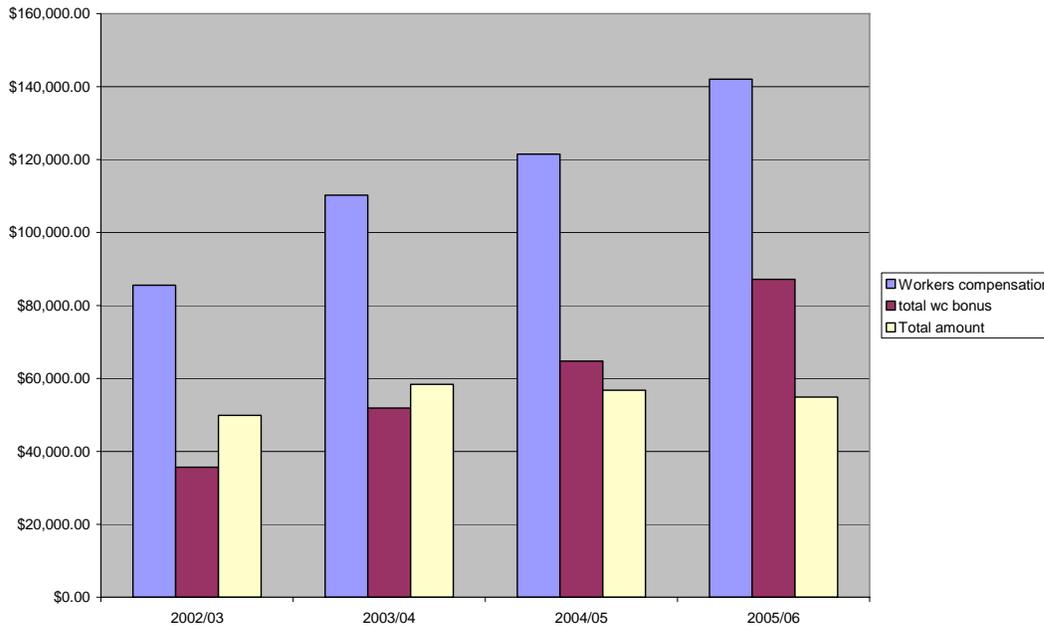
Council's Occupational Health Safety and Welfare Committee, which comprises management and employee representatives, continues to update its program, policies and procedures for the use of employees. Council, the committee, (which meets regularly to address occupational health safety and welfare issues), and all employees have a continuing commitment to Occupational Health Safety & Welfare. This includes achieving the best possible policies, practices and procedures for the Occupational Health Safety & Welfare of all employees. The Committee currently consists of: administration: Helen Karger & Sarah Pyrke; Works: George Nitschke & Mick Hean. Des Jennings and Tony Eckermann are the Management Representatives, with Pat Flood OHSW / Risk Management Officer making up the last member.

All Member Councils of Local Government Association Workers Compensation Scheme (LGAWCS) have participated in the *Bonus/Penalty System* at contribution time, since 1991. Each year Council receives a rebate or penalty in relation to their Workers Compensation premium from LGAWCS on our overall Safety, Rehabilitation and Claims performance in line with a Rebate Penalty formula. This is calculated over a 4 year period with the current Rebate/Penalty trading window being from 1 April 2002 to 31 March 2006. The maximum rebate is 60% of premium and the maximum penalty is 100% of premium.

As of this year 35%, (30% last year), of the Rebate Entitlement is allocated to calculate the OHSW performance rebate. This is calculated by an annual self audit set against Key Performance Indicators set by LGAWCS. Next Year this amount will be increased to 40% and increased by 5% each year until it reaches 50%. This rebate amount is available to Council in full should our audit score be 30/30. If Council gets less than 30 the Maximum Rebate Entitlement is reduced proportionately.

The table below highlights results in 2005/06 compared to 2004/05, showing an increase in percentage from 46.2% to 52.2%. Of this 35% was applicable to the OHS Self Audit completed by Council and LGAWCS in early late 2006, in which Council scored 29.6 out of a possible 30. This equates to a **Rebate Cheque of \$87,144.**

It is also interesting to note that with Council’s continued good performance that even though our employee payroll has increased we are paying a smaller Net Premium. This equates to 2.09% of payroll which is excellent as the SA Council’s average net rate is 2.54%.



Year	Total Premium	Bonus %	Bonus	Total Bonus	Net Premium	Net Rate
2002/2003	\$85,551	36.00%		\$35,649	\$49,902	2.975%
2003/2004	\$110,270	45.00%		\$51,886	\$58,384	2.340%
2004/2005	\$121,514	(claims) 46.20%	\$45,508			
		(audit) 97.8%	\$19,243	\$64,751	\$56,763	2.290%
2005 /2006	\$142,022	(claims) 52.2%	\$56,902			
		(audit) 97.8%	\$30,242	\$87,144	\$54,879	2.04%

Council continues to improve and will endeavour through sound OHSW Practices to develop and improve its OHSW systems and procedures until the maximum rebate of 60% is achieved.

These results can be attributed to the continued support of Council, Management and Employees and to the dedicated work put in by Council’s OHSW Representatives and OHSW Committee.

Training

A range of training courses for employees were conducted during 2005/2006 including:

- Compliance Officer attended sessions on Dog & Cat Management
- Managers attended the LGA AGM
- Finance Employees attended Rating Issues for LG
- CEO attended Discrimination & Harassment

- Mechanics attended a Caterpillar H Maintenance Session
- Planning Staff attended EDALA Upgrade Training
- Works Employees completed Dog Handling & Capture Course
- Records Management Officer attended Records Management Sessions
- Employees attended STEDS Reform seminar
- Community Coordinator attended Building Community Capacity
- Admin Employees attended Map Info User Group
- Works employees completed the Road to Worker Safety CD
- Environmental Services employees attended NALGIG Meeting
- Compliance Officer attended Senior Dog Control Officers Meetings
- Compliance Officer attended Regional Waste Management Seminar
- Works employees completed Roadside Vegetation Management
- All Staff attended Fair Treatment in the Workplace
- CEO attended Council Members Residential Seminar
- Fitness Instructor completed Advanced Ball training
- OHSW Representative completed 5 days Level 2 or 3 OHSW Training
- Youth Officer attended Community Development Forum
- Community Coordinator attended Governance training
- Works Employees attended OHSW Responsibilities session
- Works Supervisors attended OHSW Responsibilities session
- Managers attended Council & Committee Meeting Procedures
- Admin Staff attended Intro to Local Government
- Planning Staff attended Winter Planning Conference
- Pool Operator attended an Aquatics Info Day
- Admin Employees attended in house Ergonomics training
- Library Employees attended Innovators seminar
- EHO attended Immunisation Training
- Payroll Officer attended Award & Wages Administration
- Pool Staff completed Surf Rescue & CPR Update
- Librarian attended PLSA Conference
- Works employees completed training in large plant
- Rates Officer attended Rate Administrators training
- Risk Manager attended the National Risk Manager Conference
- Works Employees attended Sun Protection/Heat Stress training
- 2 Mechanics attended *EWPA Maintenance Training*
- Pool Staff attended *Pool Operators Course*
- EHO attended *Plumbing for EHO's Course & Wastewater Management Seminar*
- Library employees had in house training on *FISH Customer Service & Rewarding Reading*
- Works Employees attended *Drummuster Training*
- NRM attended *NRM Forum & Cities for Climate Protection*
- All Staff attended training on the *CGVC Customer Service Protocols*
- CEO, DCEO & Finance Manager attended *Financial Sustainability Forum*
- All staff attended *Fire Extinguisher Awareness training*
- CEO attended *Translating Strategic Plans*
- Finance staff attended *LGA Super Seminar & LGA Rates Seminar*
- Library staff attended sessions in LINK Management System
- Youth Workers attended *Mandatory Reporting*
- Community Coordinator and Community Services manager attended *Principles of Management*

- CEO attended *OHSW Responsible Officer's Training*
- NRM attended *Business Writing Skills*
- Library staff attended "*Little Big Book Club*"
- Compliance Officer attended APA Annual Seminar
- Employees attended workshop on *Native Vegetation Legislation*
- EHO attended *Sanitary Plumbing Workshop*
- Head Gardener completed *Master Tree Grower*
- Community Services Manager attended Youth Works – *Inspire Conference*

Adult Traineeships

Many staff attended training in 2005/2006 but significantly many are now doing or have now completed certificates in their chosen field over the last 4 years.

Twenty Five (25) works employees have now completed Certificate III in Civil construction and another nine (9) are currently undertaking this course. One works employee has completed Certificate IV in Operational works and one is completing Certificate IV in Arboriculture.

Three (3) administration staff have completed certificate III or IV in, business or finance. One is currently doing Certificate IV in Finance and one is doing Diploma in Human resources. One employee completed certificate II in Library Studies and one employee is currently doing Certificate III in Library Administration. One Recreation Centre employee has completed Certificate III in fitness and one is currently undertaking this course.

Many of these employees were eligible for funding and therefore Council received **\$4,000** per eligible employee and lower course fees. This equate to over **\$40,000** in rebates over the last 4 years to Council, with more expected at the completion of the current courses. This provides funding for other employees who are not eligible for training to complete certificates in their chosen field.

COMPLIANCE OFFICER

The Compliance Officer is responsible for the monitoring and enforcement of much of the legislation applicable to Council. Duties include monitoring Council's responsibilities pursuant to the Dog and Cat Management Act, the Fires and Emergency Services Act, the Road Traffic Act, Australian Road Rules, and those parts of the Local Government Act that relate to use of Council owned or controlled land, litter control and abandoned vehicles.

The Compliance Officer is also responsible for the day to day management of the Community Waste Water Management Schemes (formerly Septic Tank Effluent Drainage Schemes) at Clare, Saddleworth and Riverton and has a supervisory role in the management of Council's land fill sites at Rhynie and Clare.

The position liaises closely with SA Police, the Environment Protection Agency, Country Fire Services, Department of Environment & Heritage, National Parks SA, Royal Society for the Prevention of Cruelty to Animals, other Federal, State and Local Government Agencies, commercial operators, contractors and the general public.

Dog Management

Registration Fees

Records kept in accordance with the legislation indicate a continuing decline in the number of dogs being registered in Council's area. The Compliance Officer is negotiating with a specialist local government focused employment agency to supply at least one qualified and authorised officer to survey householders on a cost recovery basis.

Impounded Dogs

Fifty nine (59) dogs were impounded, which is a 100% increase on last years figures. Twenty two (22) were returned to their owners, twenty six (26) were rehoused either by the Animal Welfare League (AWL) at Elizabeth or through local residents. Eight (8) of total 59 were surrendered by their owners and donated to the AWL. Three (3) dogs were destroyed as a result of attacks on other animals.

Dogs attacking humans or animals

No reports were received of humans being injured by dog attacks. One dog attacked another dog at Tarlee and was destroyed. Two other dogs had attacked caged pet rabbits in Clare and were also destroyed.

The owner of a pack of Chihuahuas that attacked and killed some day old lambs was fined for allowing the attack. It was not possible to determine which dogs were actually involved in the incident. The dogs were registered and the owner has now left the area and taken the dogs.

Barking Dogs

The number of reports received regarding barking dogs still remains steady at an average of 1 every week.

Council trialled a new bark counting collar that showed the suspect dog barked less than 1.4 times per hour over a 7 day period, with most barks recorded at 8.00am and 4.00pm when the family left or returned to the house. This data was used to show the dog owner and person complaining that Council could not proceed with any legal action on this complaint.

The Dog and Cat Management Board is assisting with further research and development of this collar and may make one available to Council for further testing.

A sensitive barking complaint was investigated and the results forwarded to the Dog and Cat Management Board for assessment and advice. The Board's Chief Executive Officer indicated that legal action was not possible on the evidence presented. No further action will be taken on that matter.

Expiation Notices

Six (6) expiation notices of \$80 each were issued where dogs were found wandering at large and the owner had previously been cautioned about the offence. Three (3) notices of \$210 each were issued where the dog had attacked another animal. All have been paid.

Liaison with the Dog and Cat Management Board

The Board established the Senior Officer's Group last year and the Compliance Officer has participated in:

- Establishing and receiving training in operating a national Dangerous Dog database, where declared dogs are recorded on a national network that allows authorised officers to quickly and safely identify these dogs.

- Creating a “Dog Attack Injury Reporting Form” for use in Hospitals and Medical Centres across the State. When a human has been injured in a dog attack, this form allows consistent assessment of the injuries received and the breeds of dogs involved.
- A review of the duration of dog registrations. This sub committee investigated and reported back to the Board its findings into the feasibility of extending dog registrations from the current annual renewals to a period of up to 3 years or life of the dog. The Board is yet to decide its position on the matter.
- A review of the Board’s activities and use of Council generated funds. This resulted in a minor disbursement to all Councils by the Board for dog management within the Council.

Animal Management Plan

The draft Animal Management Plan has been adopted in principle by Council and is currently undergoing a period of community comment. Once approved by Council it will be presented to the Dog and Cat Management Board and form part of Council’s commitment to dog management.

Bushfire Prevention

The introduction of the Fires and Emergency Service Act has required that the District Bushfire Prevention Committee meet three times each year. The Compliance Officer continues to provide an executive and secretarial role to this committee, which has been extended to include two (2) Councillors in accordance with the legislation.

Section 83 Notices

This notice replaced the Section 40 Notice, where private property was inspected and notices issued to the land owner if the land was found to be in an unsafe condition. Three hundred and eighteen (318) notices were issued; this is a 100% increase on the previous year’s figures. Four (4) Expiation Notices of \$160 each were issued to the land owners. One had to be withdrawn as the land was under probate and an actual owner had not been declared. The remaining three notices have not been paid to date and the matters have been placed with the Courts Authority Fines Payment Unit for action.

Permits to burn during the Fire Danger Season

The Fire Danger Season commences on 15 November each year and runs through until 30 April the following year. During that time it is illegal to light and maintain a fire in the open without a permit or other legal exemption. Two hundred and thirteen (213) permits were issued during this Fire Danger Season. This is an increase of about 40% on last year’s figures.

Council has resolved that for legal and resource based reasons it will not provide Council staff as authorised officers for the issuing of these permits in the future. This decision has been made known to the Country Fire Service and the State Cabinet. The Compliance Officer is working with the Country Fire Service to investigate alternative methods of providing authorised officers for this task.

Fire Access Tracks

A grant application for funding to upgrade the fire access track from Mintaro to Watervale via “Kadlunga”, the Mount Horrocks radio repeater station and “Ackland’s Vineyard” was successful.

A local contractor has been awarded the contract. Work will be completed prior to the start of the forthcoming Fire Danger Season and will allow ‘rapid response’ by emergency services.

A further application for funding has been lodged to upgrade a similar access track from Herd’s Hill Road to Lower Skilly Road.

Regional Fire Prevention Committee

The Compliance Officer has been appointed as a proxy member of this committee, which coordinates the actions of all District Bushfire Prevention Committees and provides advice to the State Bushfire Prevention Advisory Committee.

Litter Control

Two (2) Expiation Notices of \$315 each were issued to one person who had dumped litter in the Riverton area. Six (6) other reports were received and investigated, but the offenders were not identified.

Abandoned Motor Vehicles

Four (4) abandoned motor vehicles were located; 1 each at Clare, Auburn, Linwood Bridge and south of Rhynie. Three (3) were impounded, and 2 expiation notices of \$315 each were issued where the owners could be located. The owner of the third vehicle could not be located and the fourth vehicle had been stolen and burnt out. The expiations remain outstanding and the vehicles will not be released until all costs have been met.

Vehicle Parking

Parking controls within the Clare Central Business District and Schools in the district have been enforced with seventy eight (78) expiation notices ranging from \$30 to \$48 being issued. This is an increase of approximately 20% on last year's figures, but further action is still required to ensure greater compliance.

The Compliance Officer is investigating the feasibility of utilising the dog survey officers to undertake additional parking inspections on an 'ad hoc' and cost neutral basis.

Two proposals to amend traffic flows and parking controls around the Clare Primary School and St. Joseph's School in Clare have been presented to Council and are under review following a period of community consultation. A review of parking and traffic controls adjacent to other schools in the region has seen several minor upgrades to signs and line markings.

The parking controls initiated at the Clare High School by the Department of Transport and Infrastructure are under independent review as a result of complaints to that Department. The Compliance Officer is working with the Department in clarifying the issues raised.

Community Waste Water Management

Council is committed to the construction of a waste water treatment plant to replace the existing Community Waste Water Management Scheme in Clare. The Compliance Officer has been meeting with consultants and officers of the Environment Protection Agency to ensure that this plant is established as soon as possible.

Repairs and regular maintenance of the pumping stations at Riverton and Clare have reduced the number of alarm calls from those sites.

Waste Management

Council is also committed to the construction of a Waste Transfer Station and the closure and capping of the existing landfill site in Clare. The Compliance Officer has been meeting with consultants and officers of the Environment Protection Agency to ensure that this facility is established as soon as possible.

The times of operation of the Rhynie and Clare landfill sites have been reviewed, resulting in 1 person now operating both sites as a full time employee. There has not been a reduction in the actual number of hours that these sites are open to the public.

The times of kerbside collections by Council's Waste Truck have also been reviewed and amended, resulting in a more efficient service.

The collection of domestic waste at Stanley Flat and Armagh has also been reviewed and a voluntary 'user pays' mobile garbage bin service will replace the existing free 'blue bin' operations at those sites. Residents have been advised of these changes through Council's newsletter.

The Compliance Officer is a member of the Regional Waste Management Group which is investigating various resource and cost saving measures relating to waste management within the Central Local Government area.

Miscellaneous

The Compliance Officer has provided support and advice to Council's Planning and Environmental Health Officers on legal issues, site inspections and other relevant matters.

Plans have been drawn up for an upgraded dog pound to be sited within the new Council Depot that is to be established adjacent to the Waste Transfer Station / Waste Water Treatment Plant on Benny's Hill Road. Once the facility is complete the existing pounds at Clare and Saddleworth will be removed.

The Compliance Officer has been requested to deliver two papers relating to evidence collection and presentation to the next National Conference of Compliance Officers to be held in July 2007 and hosted by the Gold Coast Council.

Presentations relating to traffic management and responsible pet ownership have been made to various interest groups, school students and school councils.

PARLIAMENTARY REPORTING – RETIREMENT VILLAGES

Pursuant to the requirements of Section 23(4) of the Local Government (Implementation) Act 1999 it is reported that Council did not receive any applications for rebates of rates under Section 166(1)(h) (Retirement Villages) during 2005/2006.

COMPETITIVE TENDERING ARRANGEMENTS

Council is required to report on Competitive Tendering arrangements and other measures to ensure services are delivered cost effectively.

The Clare & Gilbert Valleys Council is committed to ensuring a fair, transparent and accountable process in the provision of services, purchasing of goods and services and in the disposal of land and other assets.

a)	The following methods of obtaining goods and services for the Council are:	Over \$25,000	By Tender
		Between \$500.00 and \$25,000 inclusive	By either verbal or written informal quotation
		Less than \$500.00	No quotations necessary
b)	The Chief Executive Officer and Senior Staff are authorised to engage consultants and contractors provided the expenditure complies with Councils budget.		
c)	The Chief Executive Officer and Senior Staff are authorised to call tenders or quotations where there is a need for urgency, or it is evident that a sole acceptable supplier situation exists and where expenditure complies with Council's budget.		

The Competitive Teding Policy is available for inspection at Council's principal office.

In the event of all factors being equal, preference shall be given to local suppliers.

COUNCIL'S COMPOSITION

The Council comprises of a total area of 185,142 hectares. Therefrom arises the positions of 9 Councillors, with the position of Mayor being elected by the whole area.

The average representation quota for the Council is 753 electors per Elected Member.

As requested under Schedule 4 of the Local Government Act 1999, a comparison with councils of similar size/type reveals the following:

Council	Elected Members	Electors	Rep. Quota
Wakefield	8	5856	732
Tatiara	8	5554	694
Mallala	11	6538	594
Clare & Gilbert Valleys	10	7532	753
Grant	10	6928	692
Naracoorte	11	6500	591
Renmark Paringa	8	7003	875
Berri	11	8176	743
Light	11	9782	889

INFORMATION ON ALLOWANCES PAID TO ELECTED MEMBERS OF THE COUNCIL

Position	\$
Mayor	21,800
Deputy Mayor	6,800
Councillors	5,450

In addition, Elected Members are provided a notebook computer, fax machines to receive information from Council and are paid a travel allowance for “eligible journeys” (as defined in Regulation 3 of the Local Government (Members Allowances and Benefits) Regulations 1999) at the rate per kilometre prescribed in Section 82KX(1)(a) of the Income Tax Assessment Act 1936.

INFORMATION ON REMUNERATION OF SENIOR EXECUTIVE OFFICERS

Council has a Senior Executive Team of 2 members led by the Chief Executive Officer as follows:

Chief Executive Officer	Mark Goldstone
Deputy Chief Executive Officer	Des Jennings

The salary packages of the members of the group includes private use of a motor vehicle in lieu of overtime and penalty rates.

FREEDOM OF INFORMATION

Council recognises its responsibility for public accountability and to this end makes available a variety of information to the public.

The following documents are available for public inspection at the Clare & Gilbert Valleys Council offices free of charge or members of the public may purchase copies at a set fee:

- Annual Budgets
- Annual Report
- Policy Manual
- Agendas and Minutes of all meetings
- Audited Financial Statements

Council also has a policy to provide information to the community as provided for by the Freedom of Information Act 1991.

Council received one application for access to Council documents in the financial year ended 30th June 2006.

ACCESS TO COUNCIL DOCUMENTS

The following documents are also available for public inspection at the Clare & Gilbert Valleys Council offices free of charge or may be purchased for a set fee:

Documents (general, codes, policies and registers)

- Australia Day Awards Policy
- Banner Policy
- Building Fire Safety Committee
- Car Parking Contribution Policy
- Clare Library Borrowing Policy
- Clare Town Hall Hire Policy
- Code of Conduct for Council Members
- Code of Conduct for Employees
- Code of Practice for Access to Council Meetings & Documents
- Colour of Sheds Policy
- Competitive Tendering, Contracting, Purchasing, Sale &
- Disposal of Land & Other Assets Policy
- Community Owned Property Rate rebate & Service Charge
- Donation Policy
- Concession Policy
- Connection to STEDS Policy
- Corporate Card Usage Policy
- Council Meeting Rotations
- Deferment of Rates Due to Hardship Policy
- Department of Correctional Services Policy
- Development Assessment Procedures Policy
- Economic Incentive Development Policy
- Elected Members Appointment to External Boards
- Entranceways Policy
- European Wasp Policy
- Fines on Rates of Estate Properties
- Heartbeat Inc – Trash & Treasure Markets Ennis Park Policy
- Inspection of Building Work Policy
- Interim Farm Buildings Policy
- Internal Review of Council Decisions Policy
- Keeping of Animals Policy
- Land Development Incentive Policy
- Loans & Council Funding
- Media Contact Policy
- Mobile Food Vehicles Policy
- No Smoking Policy
- Occupational Health Safety & Welfare & Injury Management
- Opening Prayer Policy
- Order Making Policy
- Planting of Vines – Town Centre Policy
- Private Water Pipes on Public Road Policy
- Public Consultation Policy
- Purchase of Closed or Rented Roads Policy
- Rate Capping Rebate Policy
- Rate Rebate Policy 2005
- Rating Policy 2005
- Rhynie - Low Lying Land Policy
- Risk Management Policy
- Riverton Parklands Policy
- Rotary Art Prize Policy
- Scholz Park – August Scholz Travelling Trunk Policy
- Secondhand Transportable Dwellings Policy

- Section 41 Committees Financial Support
- Signs Policy
- Slashing of Township Allotments Policy
- Temporary Occupation of Buildings for Living Purposes Policy
- Tree Management Policy
- Tree Planting on Roadsides Policy
- Underground ETSA Services Policy
- Unmade Road Reserves Policy
- Use of Bird Scarers (Gas Guns etc) Policy
- Volunteer Policy
- Waste Management Charge Rebate
- Water Connection to Council Property Policy
- Elected Member Register of Interests
- List of Fees and Charges
- Record of Delegations
- Register of Salaries

APPLICATION OF COMPETITION PRINCIPLES – NATIONAL COMPETITION POLICY

The Clare & Gilbert Valleys Council is committed to the application of national competition principles, the process for which is set out in the “Statement on the Application of Competition Principles for Local Government” known as the Clause 7 Statement.

All Councils in South Australia are required to identify activities that they are involved in which would be classified as “significant business activities” as defined in the National Competition Policy.

In broad terms “significant business activities” are defined as those activities where the costs are met predominantly from the user, rather than from rates or other revenue sources, and Council is conducting the activity with a view of earning a return, rather than meeting a community need that would not otherwise be met. The National Competition Policy is not intended to apply to non business, non profit government activities.

Any identified “significant business activities” must then be categorised further into category one and category two activities.

Category One business activities are those with an annual revenue in excess of \$2 million, or employing assets with a value in excess of \$20 million.

In accordance with the above the Clare & Gilbert Valleys Council has not identified any category one significant business activities.

Category Two business activities are those that either generate income or consume resources and which are significant to the Council concerned.

The Clare & Gilbert Valleys Council has not identified any category two business activities.

The National Competition Policy principles also extend to the application of Council by-laws and the extent that their application may restrict competition.

Council is preparing a number of by-laws in accordance with this principle ensuring that competition principles are adhered to.

During the reporting period, Council did not receive any complaints about the application of competitive neutrality.

CONFIDENTIALITY

In accordance with Council's adopted Code of Practice for use of Confidentiality Provisions in the Local Government Act, the following report confirms the use or otherwise of all of the confidentiality provisions during 2005/2006.

- Number of occasions each of the provision of Section 90(3) and 91(7) were utilised:
 - 15 occasions
- Number of occasions each of the provisions of Section 90(3) and 91(7) were utilised, expressed as a percentage of total agenda items considered:
 - 3.35% (being 15 of 448 minute items)
- An indication of any particular issues that contributed to the use of confidentiality provision on more than one occasion:
 - 2 issues were dealt with on more than one occasion
- An indication of the categories of Section 90(3) that were used:
 - 9 occasions – disclosure which would involve the unreasonable disclosure of information concerning personal affair sof any person.
 - 3 occasions – disclosure which could reasonably be expected to confer a commercial advantage
 - 2 occasions – disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or a commercial advantage on a third party
 - 1 occasion – information relating to actual litigation
- Number of occasions that information originally declared confidential has subsequently been made publicly available:
 - 15 occasions
- Number of occasions that information declared has still not subsequently been made publicly available and the reasons for this in each case:
 - Nil

PUBLIC CONSULTATION

The Clare & Gilbert Valleys Council maintains a Public Consultation Policy (refer attachment one). This was developed and adopted in accordance with Section 50 of the Local Government Act 1999. Section 50 requires the policy to identify steps Council intends to take where the Act requires consultation and provides for the steps to vary according to the class of decisions to be made by Council.

The purpose of this Policy is to outline the principles and procedures that the Council will follow to involve the community in planning and decision making in the local area, and to ensure accountability of the Council to the community through effective communication and consultation strategies.

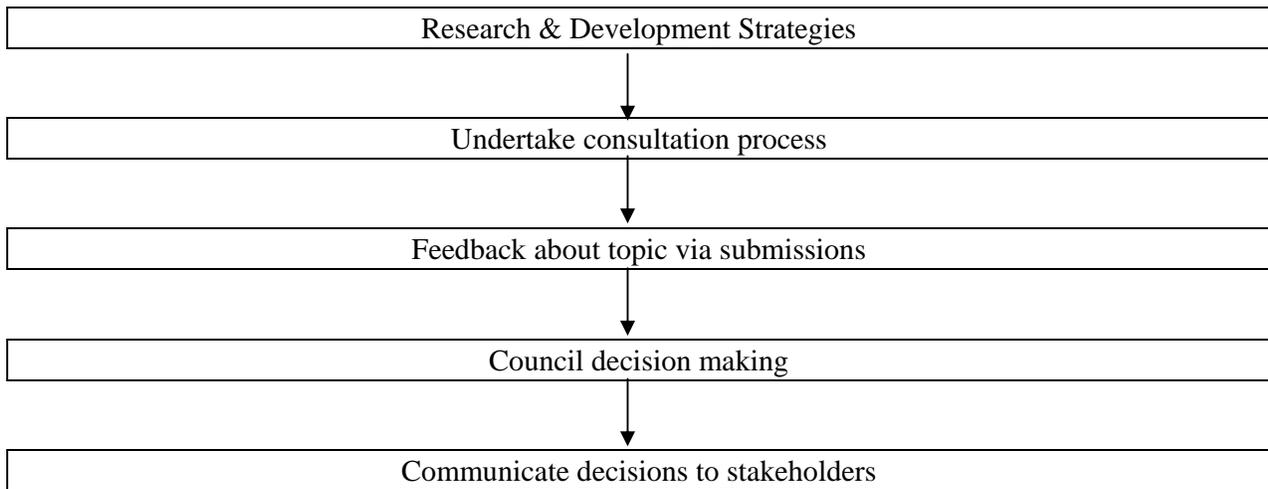
To fulfill the requirements of this Policy, Council will, or has, identified a range of options available to it to communicate information to interested persons and invite submissions.

As a minimum, Council will publish a notice in a newspaper circulating in the area describing the matter for which public consultation is required, and inviting persons to make submissions to the Council within a period, being at least twenty one days from the date of the notice. Council will consider any submission received as part of its decision making process and will have regard to any relevant legislation.

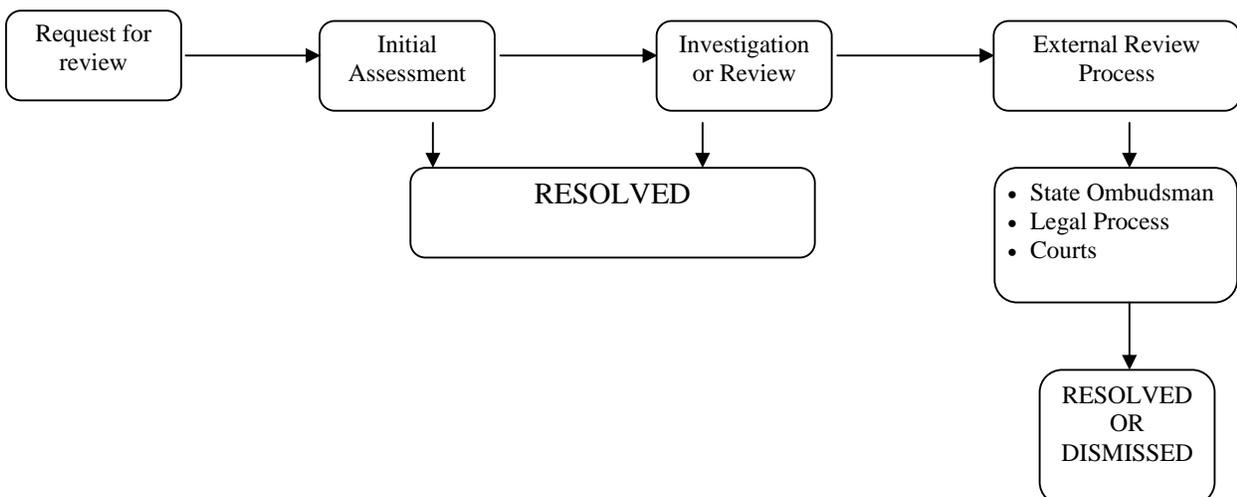
The Clare & Gilbert Valleys Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the internal review of decisions.

DECISION MAKING PROCESS

The following diagram outlines how Council views its consultation activities in relation to the decision making process:



INTERNAL REVIEW OF COUNCIL DECISIONS



During this reporting period Council received one request for an internal review of a decision under Section 270 of the Local Government Act 1999.

LOCAL GOVERNMENT LAND – CHAPTER 11 LOCAL GOVERNMENT ACT 1999

All Local Government land became classified as Community Land when the Local Government Act came into effect from 1st January 2000.

The Clare & Gilbert Valleys Council progressively determined which land should be excluded pursuant to Section 193 of the Local Government Act, with community consultation occurring throughout this process. Following consideration of submissions Council made its decision on the land to be excluded.

A Community Lands Register for Council was completed by the 31st December 2002.

Where community land is being used for a specific purpose (eg being leased or a permit issued) management plans were prepared detailing the use of the land.

RATING POLICY

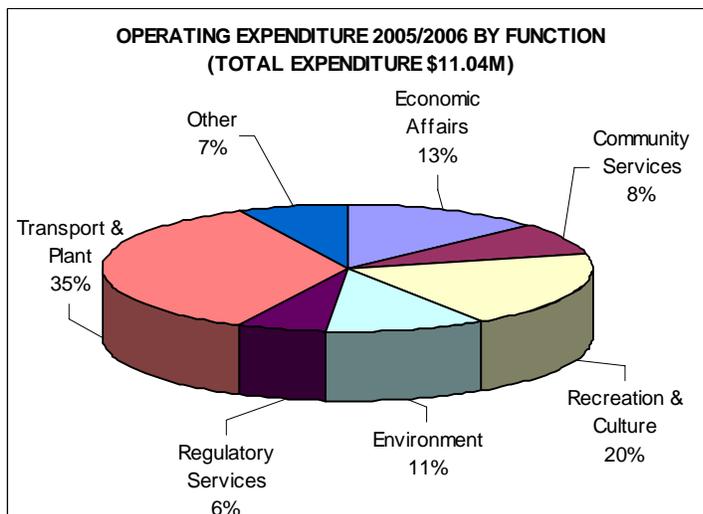
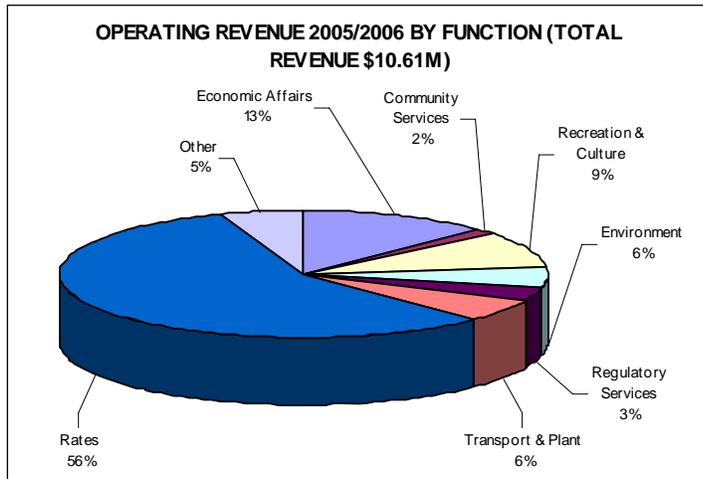
Council must in conjunction with its declaration of rates, adopt a rating policy (refer attachment five).

ANNUAL FINANCIAL STATEMENTS

Annual Financial Statements are prepared each financial year, and are independently audited by Council's external auditors.

The Annual Financial Statements outline the final actual financial result of the Council for the year 1 July 2005 to 30 June 2006.

The 2005/2006 Financial Statements which were independently audited in August 2006, are attached as an appendix to the report (attachment three).



ECONOMIC AFFAIRS

Caravan Parks, Land Development, Effluent Drainage, Regional Development, Tourism

COMMUNITY SERVICES

Public Order & Safety, Health Services, Senior Citizens Facilities, Other Services for the Aged & Disabled, Child & Youth Services, Community Assistance, Other Community Support, Cemeteries, Public Conveniences, Car Parking

CULTURE & RECREATION

Libraries, Heritage, Museums, Parks & Gardens, Indoor Sports Facilities, Outdoor Sports Facilities, Swimming Centres, Halls

ENVIRONMENT

Animal/Plant Boards, Waste Management, Stormwater & Drainage, Street Cleaning, Street Lighting, Streetscaping, Other

REGULATORY SERVICES

Dog Control, Building Control, Town Planning, Health Inspection, Parking Control, Other

TRANSPORT

Bridges, Footpaths & Kerbing, Roads, Traffic Management

OTHER EXPENDITURE

Governance, Elected Members Expenses, Unclassified Expenditure including Rate Rebates

& Discount

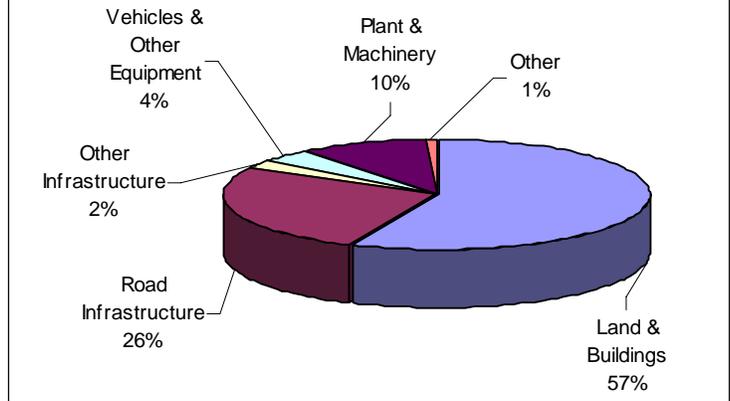
OTHER INCOME

Government Grants, Interest

2005/2006 CAPITAL EXPENDITURE

Land & Buildings	\$ 3,957,326
Road Infrastructure	\$ 1,830,068
Other Infrastructure	\$ 162,879
Plant & Machinery	\$ 669,018
Vehicles & Other Equipment	\$ 294,604
Other	\$ 63,857

CAPITAL EXPENDITURE 2005/2006



BALANCE SHEET SUMMARY 30 JUNE 2006

Assets		Liabilities	
Current Assets	\$4.87M	Creditors	\$0.73M
Land & Blgs	\$16.25M	Provisions	\$0.68M
Infrastructure	\$33.77M	Loans	\$3.07M
Other Non-current Assets	\$3.98M		
	<u>\$58.87M</u>		<u>\$4.48M</u>

FINANCIAL SERVICES

KEY SERVICES PROVIDED TO COUNCIL DURING 2005/2006

BUDGET PREPARATION

The annual budget process generally commences in April/May with the preparation of a draft budget document by the finance staff under the direction of department managers and in consultation with other relevant staff members. Once the initial draft document has been prepared, a number of budget workshops are held with elected members to refine the document prior to its adoption for the following financial year.

The budget document discloses the potential financial impact that the proposed budget will have on the local community. Proposed expenditure and revenue is listed under the various functions and activities carried out by Council and notes are included in the document to clarify the contents and assist Council in the budget deliberation process.

A comparison of the 2004/2005 adopted budget to the 2005/2006 adopted budget is included in the table below:

	2004/2005	2005/2006
Total Budget Value	\$12.07M	\$13.1M
General Rate Revenue	\$5.28M	\$5.9M
General Rate Revenue as % of total revenue	44%	45%
Operating Expenditure	\$9.63M	\$11.05M
Operating Revenue (excluding General Rates)	\$2.92M	\$3.78M

MONTHLY FINANCIAL REPORTING

It is important that elected members are kept informed of the financial performance of the Council on a regular and timely basis.

To facilitate this, detailed financial reports outlining the financial performance of Council against the adopted budget are prepared and included in the meeting agenda for consideration by elected members at each monthly Council meeting.

BUDGET REVIEWS

In accordance with the provisions of the Local Government (Financial Management) Regulations, reviews of the budget are considered by Council on a quarterly basis.

These reviews assist Council in monitoring its financial performance and also assist with developing the framework of the following year's budget.

During the 2005/2006 financial year budget reviews were prepared as at the end of October, January and April.

ANNUAL FINANCIAL STATEMENTS

At the completion of each financial year the Annual Financial Statements are prepared. These detail the financial result of the Council for the entire financial year and are independently audited by external auditors appointed by Council.

The 2005/2006 Financial Statements, which were independently audited in August 2006, are attached as an appendix to the report.

FIXED ASSET REGISTERS

The extensive fixed assets under the care and control of the Council are listed in Council's fixed assets register.

The fixed asset register includes the following categories of assets:

- Land & Buildings (\$28.9M)
- Infrastructure (including roads, bridges, footpaths, stormwater drainage, effluent disposal schemes & car parks) (\$32.9M)
- Equipment (including road plant, vehicles and office equipment) (\$3.6M)
- Other (\$0.34M)

Revaluations of these fixed assets are required to be carried out on a five year basis in accordance with the Australian Accounting Standards.

DEVELOPMENT

Council provides a wide range of services, many of which are prescribed by various state Government Acts and Regulations.

This includes:

- The Development Act
- The Heritage Act
- The Building Code of Australia
- The Public and Environmental Health Act
- The Food Act
- The Environment Protection Act
- The Dog and Cat Management Act

The Development Act

Local Government plays a significant role in the development of policies and management of the environment at the local level. It also has a role at the regional and State level in such matters.

Provision is made under the Development Act, 1993 as amended, for Council to receive applications for development. These applications range from carports, verandahs and garages to relatively large scale commercial development.

The Heritage Act

Local Government also plays a significant role in the assessment of development proposed in the State Heritage Area of Mintaro, the Heritage Conservation Zone in Auburn and numerous State and local listed buildings and properties – throughout the Council area. These development applications are also assessed under the Heritage Act 1993, with the assistance of a Heritage Adviser.

The Development Plan

Management of land uses is controlled using the provisions of the Development Plan, in conjunction with the Development Act. The Council area is covered by the provision of Council's Development Plan, consolidated 16 October 2003.

The process to amend the Development Plan is known as a Plan Amendment Report (PAR). The Development Act prescribes various activities that must be undertaken during the preparation of any such PAR. One key activity is the two month consultation period of a draft PAR with the community, which occurred in June 2001 and will next occur in 2006/2007, for a Heritage PAR for Mintaro and a Residential & Centre PAR for Clare.

Council commenced the PAR process in accordance with the Development Act, to address the above issues in late 2003/early 2004, with a Section 30 Review. Following on from this a Heritage Study for Mintaro was completed in December 2005 and a Residential & Centre Study for Clare commenced in 2005 and will be completed early in 2006/2007. The processes will finally conclude in late 2007 when agreed amendments are proposed to be authorised and included in an updated version of Council's Development Plan.

Development Applications - Planning

The majority of planning applications reviewed and processed by Council under the Development Act were “Consent Applications” which do not involve public notification and are dealt with by Council staff using delegated authority.

Other applications considered as Category 2 or 3 forms of development pursuant to the Development Act required public notification procedures to be followed. Similarly, those forms of development classed as non-complying also followed the public notification procedure.

As is provided under the Development Act, any persons who are aggrieved by the decision of Council, with respect to their application, or who are third parties who have lodged representations during the public notification period, are able to lodge an appeal against that decision to the Environment, Resources and Development Court. Compromises are usually reached on all matters which are the subject of an appeal to the Court, however this process was only required for two of Council’s decisions during 2005/2006.

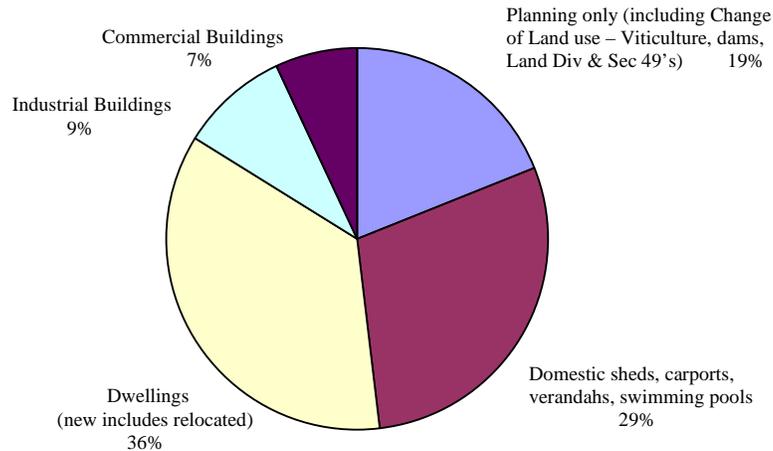
Development applications received between 1st July 2005 and 30th June 2006 are shown, and as a comparison, development applications received between 1st July 2004 and 30th June 2005 and 1st July 2003 and 30th June 2004 are also provided.

It is worth noting that while only fifteen additional development applications were received for the 2005/06 financial year than the previous year, the \$ value dropped slightly from \$28M in 2004/05 to \$26M, due to the increased number of domestic type applications being balanced out with less commercial and industrial applications. It should be noted that these figures relate to planning assessments only and not ‘as built’ work.

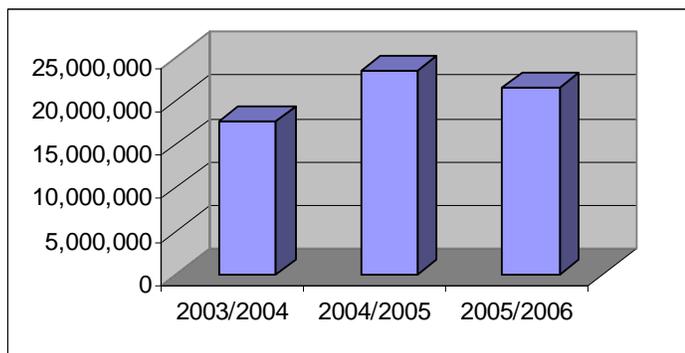
It is also worth noting that of the 505 applications lodged for the 2005/2006 year, 336 were received for development in townships (by development plan zones). The following breakdown (previous 2 financial years figures shown in brackets (2004/05, 2003/04)) shows the ‘spread’ of development throughout the Council:

• Clare	185	(181, 169)
• Riverton	43	(35, 28)
• Auburn	23	(22, 17)
• Saddleworth	12	(14, 15)
• Tarlee	12	(10, 6)
• Watervale	8	(6, 3)
• Rhynie	9	(7, 5)
• Mintaro	12	(11, 7)
• Stockport	7	(6, 9)
• Sevenhill	6	(6, 5)
• Manoora	2	(2, 4)
• Penwortham	4	(3, 3)
• Waterloo	2	(2, 2)
• Armagh	11	(9, 7)

CLARE & GILBERT VALLEYS COUNCIL DEVELOPMENT PLANNING APPLICATIONS 2005/2006



Development Applications - Buildings



For the year 2005/2006, full Development Approvals dropped slightly to the value of \$21,580,578 with this slight decline due mainly to increased residential development and reduced commercial and industrial development.

Full approval occurred and construction commenced on the Clare Recreation Centre/Pool Upgrade (\$6.5M), major alterations to existing commercial buildings (Clare Medical Centre and Woolworths Specialty Shops) and numerous large hay storage buildings throughout the Council area.

Building Fire Safety Committee

Pursuant to Section 71 (19) of the Development Act 1993, Council established the Clare and Gilbert Valleys Council Building Fire Safety Committee just prior to July 2004.

The Committee carried out inspections and provided guidance for 14 licensed premises, 2 nursing homes, 1 large new retail premises, and Stage One of the Clare Recreation Centre/Pool Upgrade in 2005/2006.

The committee aims for improvements in fire safety and essential safety provisions for premises inspected, primarily through co-operation with building owners.

Disability Discrimination Act 1992

Pursuant to the requirements of the Disability Discrimination Act 1992, Council adopted its own Disability Action Plan in July 2004. This is an 'organic' document requiring routine review and upgrading, to work towards ensuring that people with disabilities can access Council functions, facilities and services. Several of Council's public buildings were earmarked for alterations to ensure that they are DDA compliant in 2004/2005, with planning work for this commencing during 2005/2006.

THE YEAR AHEAD

The 2006/2007 financial year will be a productive time for the Clare & Gilbert Valleys Council area as we work to improve on the achievements of 2005/2006.

Revenue collected will enable the following:

BRIDGES

❖ Muana Road	\$ 69,140
❖ Brennan's Siding	\$200,000

Roads Sealed

❖ Main Road 45	\$143,290
❖ Mintaro/Manoora Road	\$146,130
❖ Copper Ore road	\$ 22,710
❖ Sheoak Road	\$ 70,850

Roads Resheeted

❖ Gillentown Road	\$ 43,430
❖ Calcannia Road	\$ 41,070
❖ Tarlee/Finnis Point Road	\$ 61,430
❖ Stockport/Giles Corner Road	\$ 51,250
❖ Winders Road	\$ 51,250
❖ Dunns Road	\$ 51,500
❖ I'Anson Road	\$ 31,710
❖ Whyte Park Road	\$ 61,430
❖ Rhynie/Balaklava Road	\$ 61,430

Other Capital Projects

❖ Clare CBD Development	\$400,000
❖ Clare Stormwater Drainage	\$369,500
❖ Riverton Swimming Pool Equipment	\$270,000
❖ Riverton Doctor's House	\$230,000
❖ Skate Park, Clare	\$150,000
❖ Public Toilet Upgrades (Sanders/Apex Park)	\$150,000
❖ Clare Oval Toilets	\$150,000

Overall, Council's capital budget is \$5,269,282 million. Capital works are a core business of Council and benefits will be seen in the areas of bridge upgrades, Septic Tank Effluent Disposal Scheme maintenance, waste transfer station construction, road works and road renewal.

Looking ahead to the next 12 months, Council has committed to numerous major projects and activities that will improve the level of service and facilities provided to the community.

Code of Conduct for Council Members

1.0 Background

This Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that we the Members of the Clare & Gilbert Valleys Council have decided its stakeholders could reasonably expect of us as Members of the Council to demonstrate in the performance of our responsibilities as elected community representatives.

The standards in this Code of Conduct are in addition to any statutory requirements of the Local Government Act 1999 or any other relevant Act or Regulation.

2.0 Statement of the general duties of Council Members

The general duties of Council Members are to act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties. Council Members must not make improper use of information acquired or make improper use of their position as a Member of Council.

3.0 Statement of Commitment

We the Members of the Clare & Gilbert Valleys Council are committed to discharging our duties conscientiously and to the best of our ability.

In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and Local Government generally.

In addition to all legislative requirements, we the Members of the Clare & Gilbert Valleys Council have adopted the requirements of this code of conduct as the standards that we will adopt in the performance of our role.

4.0 Principles of this Code of Conduct

4.1 A Member of Council must act in a fair, honest and proper manner according to the law.

Elected members in fulfilling this principle should focus on:

- understanding and giving proper consideration to legal requirements
- reasonable, just and non discriminatory behaviour in all aspects carrying out their roles and responsibilities

- actions to be undertaken in good faith and not for improper or ulterior motive
- behaviour that maintains and enhances the image of our Council and does not reflect adversely on the Council
- guidelines as to the appropriateness of the acceptance of gifts and gratuities
- impartiality in reaching Council decisions and acceptance of the responsibility associated with that decision
- honest and fair reimbursement of expenses and usage of Council equipment for official purposes.

4.2 A Council Member must act with reasonable care and be diligent in the performance of his or her duties and responsibilities.

Elected members in fulfilling this principle should focus on:

- appropriate and proper use of information, balancing the interests of the community against the rights of the individual.
- attendance and participation in Council meetings, apologising or obtaining leave of absence in advance for non attendance.
- the proper consideration of the business of the Council and being informed on the matters for decision.
- the fair and equitable treatment of all matters under consideration.
- respect for decisions of the Council.
- careful consideration to the allocation of resources and expenditure.

4.3 Council Members must be fair and honest in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council and the community.

Elected Members in fulfilling this principle should focus on:

- honest and fair dealing with all members of the community.
- courteous and sensitive behaviour that does not discriminate against people.
- awareness and disclosure of any situation that may create a tension between public and private roles.
- respect for electors opinions and property.
- the prevention of misuse of his or her position to gain an advantage for themselves or others.

- recognition that an individual Council Member has no authority to make decisions, direct staff or commit Council resources.

When representing the Council in the Community to:

- provide an accurate and fair representation of Council decisions.
- recognise that Council Members have a duty to respect Council decisions and policy directions.
- conduct themselves in a manner that will not reflect unfavourably on the Council.

4.4 Council Members and employees will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving the Council's objectives.

To achieve the teamwork approach, Elected Members, Officers and Employees need to:

- develop mature and constructive working relationships based on mutual trust and respect.
- conduct their relationship with courtesy and respect .
- accept and respect their different but complementary roles in achieving the Council's objectives.
- not publicly criticise individuals in a way that casts doubt on their competency and integrity.
- not use their position to improperly influence an individual to gain an advantage for themselves or others.

4.5 Members will establish a working relationship with fellow Members that recognises and respects the diversity of opinion and achieves the best possible outcomes for the community.

To achieve a good working relationship with fellow Members, Elected Members need to:

- conduct their relationship with courtesy and respect.
- ensure behaviour that seeks to establish mature and constructive working relationships.
- accept the right of all points of view to be heard.

4.6 Information obtained by a Member in the course of his or her duties is respected and used in a careful and prudent manner.

Elected Members shall:

- ensure that information obtained as a result of his or her role is not to be used for any purpose other than Council business
- recognise that in their relationships with the media the Member is putting forward personal views and not those of the Council unless the individual has been specifically authorised by the Council to convey a particular position to the media
- ensure that personal comments are clearly identified
- ensure that information given in relation to the Council or Council decisions should be accurate and not be a misuse of information
- ensure respect for and maintenance of confidentiality

5.0 Compliance with this code of conduct

Compliance of elected members with these standards of conduct for Local Government should be monitored by elected members themselves and their electors. Alleged breaches or failure to comply with the code of conduct that are not subject to any statutory provisions of the Local Government Act or other legislation should be dealt with internally by the Council. Where an alleged breach of the code is considered and found to be of substance, the Chief Executive Officer should prepare a report on the matter for the Council's consideration.

6.0 Further information

Members of the public may inspect this Code of Conduct for Council Members at the principal office of the Clare & Gilbert Valleys Council at 4 Gleeson Street, Clare, and, on payment of a fee of \$4 obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to the Chief Executive Officer at 4 Gleeson Street, Clare, Telephone (08) 88426400 Fax (08) 88423624.

Code of Practice for Access to Council Meetings and Documents

STATEMENT OF PRINCIPLE

The Clare & Gilbert Valleys Council supports the principle that the procedures to be observed at a meeting of Council or a Council Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council.

However Council also recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

OBJECTIVES

The objectives of this code are to:

1. clearly outline to the community for what purpose and on what basis Council may apply the provisions of the Local Government Act 1999 to restrict public access to meetings or documents;
2. provide information on Council's code of practice to the community; and
3. summarise the legal position relating to public access to Council and committee meetings and documents.

NB – These guidelines relate to the provisions of the Local Government Act, 1999.

See **Appendix 1**.

INTRODUCTION

The code is intended to provide clear guidance as to the application of the provisions in the Local Government Act 1999 to restrict public access to meetings or documents. It also includes information on:

- the relevant provisions in the Act,
- adopted policy on the *use* of these provisions,
- the *process* that is utilised to restrict public access when this is considered necessary,
- the Council contact officer, should additional information be required, and
- refers to a process for dealing with any grievances.

It sets out the policy of Council for access to meetings and documents. It includes:

- a statement of Council principle,
- access to the agenda for meetings,
- public access to meetings,
- process to exclude the public,
- matters for which Council, or a committee, can order that the public be excluded,
- how Council will approach the use of the confidential provisions,

- public access to documents,
- accountability and reporting to the community, and the codes availability, and
- grievances about the use of the code by Council.

COMMUNITY INVOLVEMENT IN THE DEVELOPMENT OF THE CODE

Council is required prior to adopting a code of practice, and prior to alteration or substitution of a code, to make copies available for inspection or purchase at the principal office. In involving the community Council must follow the relevant process set out within Council's community consultation policy. A copy of that policy can be viewed or obtained at any of the Council offices during normal business hours.

ACCESS TO THE AGENDA FOR MEETINGS

At least three clear days before a Council and Council committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/ Committee Members setting out the date, time and place of the meeting and the notice must contain or be accompanied by the agenda for the meeting. The notice and agenda are also to be placed on public display at the principal office of Council at the same time as they are forwarded to Council members. Items listed on the agenda are to be described with reasonable particularity and accuracy. The practice of Council is to place on public display 3 days prior to the meeting a list of the items of business plus any documents and reports relating to these matters (with the exception of any matters that might be indicated as subject potentially to the making of an order of confidentiality). Further copies are made available to the public at the meeting of the Council/committee.

Note: - these provisions apply to Council meetings, committees that have as part of their responsibility some regulatory activities and those other committees to which Council has determined these procedures will apply. Where a committee is not performing a regulatory activity these procedures may be varied, eg. notice may be given in a form decided by the committee, and need not be given for each meeting separately. Public notice may be given at a place determined by the CEO taking into account the nature and purpose of the committee.

Three 'clear days' means that the time between the giving of the notice and the meeting is to be determined excluding the day on which the notice was given and the day of the meeting eg. notice is given on a Thursday for a following Monday meeting, the clear days being Friday, Saturday and Sunday.

Distribution of agenda papers to members of Council, or members of a committee, may include advice from the CEO of Council (after consultation with the principal member of Council, or in the case of a committee, the presiding member) that a document or report on a particular matter may be considered in confidence with the public to be excluded.

Where this occurs, the Chief Executive Officer must specify the basis under which such an order could be made.

The following is an example

The Council Meeting is to consider tenders for the provision of electrical services. The document outlining the tenders received and the agenda item are clearly marked by the CEO to indicate that they may need to be considered in confidence under clause 90 (3)(k) – tenders for the supply of goods, provision of services or the carrying out of works.

Should the Council not confirm, and thereby not place an order of confidentiality on an item that the CEO has indicated may be considered as such, then a copy of the document will be available to the public at the meeting (publicly tabled) and placed on public display the next working day.

PUBLIC ACCESS TO MEETINGS

Council (and committee) meetings are open to the public and attendance is encouraged - except where Council (or the committee) believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter.

The public will only be excluded when considered proper and necessary ie. the need for confidentiality outweighs the principle of open decision making.

The following is an example

Council is intending to bid at an auction to acquire land and would not want others involved, such as the vendor to have prior knowledge of what Council was setting as an upper limit to bid at the auction, as to do so would prejudice the position of Council and disadvantage the community.

Details of meeting dates and times are listed on the public notice board at the front of the principal office in Gleeson Street, Clare.

It is not unlawful for members of Council, a committee and staff to participate in **informal gatherings** or discussion provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside a formally constituted meeting of Council or committee.

The following are examples (listed in the Act):

- planning sessions associated with the development of policies and strategies;
- briefing or training sessions;
- workshops;
- social gatherings to encourage informal communication between members or between members and staff.

An example might involve the Council having a briefing session as to the implications of the GST.

PROCESS TO EXCLUDE THE PUBLIC

Before a meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter . If this occurs then the public must leave the room. Once Council, or committee, has made the order it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police force to use reasonable force to remove the person from the room if s/he fails to leave on request.

Once discussion on that particular matter is concluded, the public is then permitted to re-enter the meeting.

Please note that Council, or the committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

It is the policy of Council that for the convenience of the public present at a meeting, where it is resolved to consider a matter in confidence, that this matter, unless there are pressing reasons as to why it should be debated at that point of the meeting, will be deferred until all other business has been dealt with. This is the preferred option of Council rather than asking the public to leave the room, to wait around for however long it takes until the matter is concluded and then invite them back into the meeting room, possibly with the same process being repeated for a subsequent matter.

MATTERS FOR WHICH COUNCIL, OR A COMMITTEE, CAN ORDER THAT THE PUBLIC BE EXCLUDED. (Sect.90(3))

Council, or a committee may order that the public be excluded in the following circumstances:

- a. a personnel matter concerning a particular member of the staff of the Council;
- b. the personal hardship of any resident or ratepayer;
- c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, or prejudice the commercial position of Council;
- d. commercial information of a confidential nature that would, if disclosed –
 - i. prejudice the commercial position of the person who supplied it; or
 - ii. confer a commercial advantage on a third party; or
 - iii. reveal a trade secret;

- e matters affecting the security of the Council, members or employees of the Council, or Council property;
- f. information that would, if disclosed, prejudice the maintenance of law;
- g. matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- h. legal advice, or advice from a person employed or engaged by the Council to provide specialist professional advice;
- i. information relating to actual or possible litigation involving the Council or an employee of the Council;
- j. information provided by a public official or authority (not being an employee of the Council, or a person engaged by the Council) with a request or direction by that public official or authority that it be treated as confidential;
- k. tenders for supply of goods, the provision of services or the carrying out of works;
- l. information relating to the health or financial position of a person, or information relevant to the safety of a person;
- m. information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or
- n. information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.

Council, or a committee, cannot make an order that the public be excluded from a meeting only on the basis that discussion of a matter in public may:

- cause embarrassment to Council or the committee concerned, or to members or employees of Council: or
- cause a loss of confidence in Council or the committee.

If a decision to exclude the public is taken, Council or the committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Minutes of a meeting of Council must be publicly available within five days after the meeting.

APPROACH TO THE USE OF THE CONFIDENTIALITY PROVISIONS

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within the Local Government Act 1999. These are listed in the previous section of this code. They are referred to as section 90(3).

The policy approach of the Clare & Gilbert Valleys Council is that:

1. The principle of open and accountable government is strongly supported;
2. Confidentiality provisions will only be utilised after careful consideration and when considered proper and necessary;
3. Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting;

4. Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item remain confidential. In determining this, the meeting shall have regard to the provisions of section 91 and in particular section 91 (8) which details when a Council must not order that a document remain confidential;
5. If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be carried by the meeting;
6. Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless Council has resolved to order that some information remain confidential, eg the price to which Council is prepared to bid for land yet to be auctioned. Details relating to any order to keep information or a document confidential in accordance with section 91 (7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. This along with the making of the order and the grounds on which it was made are also to be recorded in the minutes;
7. In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications.

Where a person provides information to Council and requests that it be kept confidential the Council is not able to even consider this request unless the matter is one that falls within section 90 (3). If this is the case, Council will then be in a position to consider the request on its relative merits.

Example recommendations/resolutions pursuant to the Local Government Act 1999 to restrict public access to meetings or documents appear in **Appendix 3**.

PUBLIC ACCESS TO DOCUMENTS

Various documents are to be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for access.

Council or a committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary in the broader community interest. Council or a committee can only make such orders in relation to documents that are considered in confidence under section 90 (3).

Once a matter has been dealt with, Council or a Committee may order that a document relating to the matter considered in confidence is to be kept confidential. There are some exceptions. Council or a Committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee after they have been set or determined; or

- the disclosure of the identification of a successful tenderer or any reasons as to why that tenderer has been selected; or
- the disclosure of the identity of land that has been acquired or disposed of by Council, or of any reasons why acquisition or disposal has occurred.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be reviewed.

The resolution will also indicate whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with this delegation.

The following is an example:

Council decided to bid \$100,000 at auction for a parcel of land. An order that the discussion be confidential could be made in accordance with section 90(2). Council resolved that the document containing information on the value of the land remain confidential in accordance with section 91(7). Council could delegate to the CEO the authority to make this information public following the completion of the acquisition in accordance with section 91(9)(c).

The minutes shall record the relevant grounds and duration of the order and any delegation to revoke the order, should this be applicable.

Requests to access Council and committee documents can be made under the Freedom of Information Act 1999. Any inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's nominated Freedom of Information Officer who is Des Jennings, Deputy Chief Executive Officer, telephone 88426400.

AVAILABILITY OF CODE

The public may inspect a copy of the code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The availability of this code will be promoted to the local community from time to time through Council newsletter.

REVIEW

Council will review this code on an annual basis to ensure that the principle of open government is being applied in a proper manner. However, Council has the ability to review this code at any time if considered desirable.

GRIEVANCE

Council is required to establish procedures for the review of decisions of:

- Council, and its committees;
- employees of the Council and
- other persons acting on behalf of the Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for consideration under the review of decisions procedure established by Council. A copy of the procedures adopted by Council is available from the Principal Council Office, telephone 88426400.

In the first instance, an application for a review of decision should be expressed in writing, addressed to:

The Chief Executive Officer
Clare & Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453

A person may also lodge a complaint with the Ombudsman, who may carry out an investigation if it appears (to the Ombudsman) that Council (or committee) may have unreasonably:

- excluded members of the public from a meeting; or
- prevented access to documents.

If an investigation is conducted, the Ombudsman must supply the Minister and Council with a copy of the written report that is prepared. After considering the report of the Ombudsman if the Minister believes Council has unreasonably excluded members of the public from a meeting or prevented access to a document, the Minister may give directions to Council about the future exercise of its powers concerning the exclusion of the public from meetings or the making of orders to withhold a document (or part thereof) or to release information that should, in the opinion of the Minister, be available to the public. Before taking such action the Minister must give Council a reasonable opportunity to make submissions to the Minister in relation to the matter.

REVOKING OR AMENDING PREVIOUS RESOLUTIONS

Subject to some circumstances, Council and Council committees can pass resolutions that amend or revoke resolutions previously adopted. Whilst this is not a regular practice it can happen where for example new information is presented.

Appendix 1

LOCAL GOVERNMENT ACT 1999 PROVISIONS

Chapter 6 of the Local Government Act sets out arrangements for meetings of Council and committees. It requires that all Council and Council committee meetings are to be held in public except where special circumstances exist as prescribed in the Act and a Council or committee orders that the public be excluded.

There are very strict circumstances in which a discussion or document considered in a Council or Council committee meeting can be kept confidential. These provisions are included in the following sections:

83 (5) Council & 87 (10) Committee

- the Chief Executive Officer (CEO) may, after consultation with the principal member of Council, or in the case of a committee the presiding member, indicate on a document or report (or on a separate note) provided to members of Council or committee, as the case may be, that the matter may, if the Council or committee so determines, be considered in confidence. The CEO is required to specify at the same time the basis on which such an order can be made.

87(15) & 88(7) – the provisions of these sections may be modified if the Council committee is not performing a regulatory function. Regulations 23 & 24 of the Local Government (Procedures at Meetings) Regulations 2000 enable variation to the notice of meetings for members and public notice of meetings.

90 (2) & (3) - circumstances where Council may order that the public can be excluded from attendance at a meeting, or part of it, to enable a matter/s to be considered in confidence.

90 (8) – informal gatherings and discussions are not unlawful under certain circumstances.

91 (7) - circumstances when a document considered in confidence can be ordered to remain confidential.

91 (8) - circumstances where a Council must not order that a document remain confidential.

91 (9) – the Council or committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order will be reviewed. The power to revoke an order can also be delegated to an employee of Council.

92 – requires the Council to prepare and adopt a code of practice relating to access to meetings and documents. Prior to adoption, alteration or substitution the proposed code (or changes) must be available for inspection and purchase. Council is also required to follow the relevant steps set out in its public consultation policy. Council must, at least once in every financial year, review the code.

94 – provides that the Ombudsman may, on receipt of a complaint, investigate the use of these provisions.

270 – Council to establish procedures for the review of decisions.

NB - A copy of the relevant sections of Act can be viewed at the Gleeson Street Office or a copy provided for a cost of \$4

Appendix 2

ACCESS TO THE AGENDA FOR MEETINGS

The provisions for access to the Agenda for meetings apply to the Council meetings:

Appendix 3

EXAMPLE RECOMMENDATION/RESOLUTION 1

- General – Section 90(2)

It is recommended [was resolved]:

- (a) That under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence [agenda item number]
- (b) That the [Council/committee] is satisfied that it is necessary that the public be excluded to enable the [Council/committee] to [receive, discuss or consider] the [information/matter/report] at the meeting on the following ground/s:
[Identify one or more of the grounds in Section 90(3)]
- (c) That accordingly, on this basis, the principle that meetings of the [Council/committee] should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

EXAMPLE RECOMMENDATION/RESOLUTION 2

- Public Official or Authority Request/Direction – Section 90(3)(j)

It is recommended [was resolved] that under the provisions of Section 90(3)(j) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence information relating to

Code of Conduct for Council Employees

1.0 Introduction

This Code of Conduct is a public declaration of the principles of good conduct and standards of behavior that the Clare & Gilbert Valleys Council have decided its stakeholders could reasonably expect of Council employees to demonstrate in the performance of their duties and functions.

This Code has been developed, as required by the Local Government Act 1999, in consultation with employees and the relevant registered industrial association representing the interests of Council employees.

The standards in this Code of Conduct are in addition to any statutory requirements of the Local Government Act 1999 or any other relevant Act or Regulation.

2.0 Statement of the general duty of Council employees

The general duty of Council employees is to act honestly and with reasonable care and diligence in the performance and discharge of their functions and duties. Council employees must not make improper use of information acquired or make improper use of their position as an employee of Council.

3.0 Statement of Commitment

Employees of the Clare & Gilbert Valleys Council are committed to discharging their duties conscientiously and to the best of their ability.

In the performance of their duties they will act with honesty and integrity and generally conduct themselves in a manner that generates community trust and confidence in them as individuals and enhances the role and image of the Council and Local Government generally.

In addition to all legislative requirements, employees of the Clare & Gilbert Valleys Council recognise the requirements of this Code of Conduct as the standards that will be adopted in the performance of their functions and duties.

4.0 Principles of this Code of Conduct

4.1 Employees of Council must act in a fair, honest and proper manner according to the law.

Council Employees in fulfilling this principle should focus on:

- understanding and giving proper consideration to legal requirements

- reasonable, just and non discriminatory behaviour in all aspects of carrying out their roles and responsibilities
- actions to be undertaken in good faith and not for improper or ulterior motives
- behaviour that maintains and enhances the image of the Council and does not reflect adversely on the Council
- guidelines as to the appropriateness of the acceptance of gifts and gratuities
- impartiality in implementing Council decisions or when exercising delegated authority

4.2 Council employees must act with reasonable care and be diligent in the performance of their duties and functions.

Council employees in fulfilling this principle should focus on:

- carrying out lawful policies, decisions and practices of Council in a professional manner
- respect for decisions of the Council
- being aware of the effectiveness and efficiency of activities and service delivery for which they are responsible or contribute
- the proper and responsible use of Council resources

4.3 Council employees must be fair and honest in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council, other employees and the community.

Council employees in fulfilling this principle should focus on:

- honest and fair dealing with all members of the community
- courteous and sensitive behavior that does not discriminate against people
- awareness and disclosure of any situation that may create a tension between their public and private roles
- respect for electors' opinions and property.
- prevention of misuse of an employee's position to gain an advantage for themselves or others

When representing the Council in the community to:

- provide an accurate and fair representation of Council decisions
- conduct themselves in a manner that will not reflect unfavourably on the Council

4.4 Council employees and Members will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving the Council's objectives.

To achieve the teamwork approach, Elected Members and Employees need to:

- develop mature and constructive working relationships based on mutual trust and respect
- conduct their relationship with courtesy and respect
- accept and respect their different but complementary roles in achieving the Council's objectives
- respect the Council Members' roles in policy and planning and the employees' role in providing professional opinion, guidance and expertise
- agree, between the CEO and Council, communication processes regarding access by Council Members to employees
- not use their position to influence individual Elected Members to gain an advantage for themselves or others

4.5 Council employees will establish a working relationship with fellow employees that recognises and respects the diversity of opinion and achieves the best possible outcomes for the community.

To achieve a good working relationship with fellow employees, employees need to:

- conduct their relationship with courtesy and respect.
- ensure behaviour that seeks to establish mature and constructive working relationships
- accept the right of all points of view to be heard and considered

4.6 Information obtained by employees in the course of their duties and functions is respected and used in a careful and prudent manner.

Employees shall

- ensure that information obtained by an employee as a result of his or her role is not to be used for any purpose other than Council business
- not make comments to the media unless instructed by the CEO to do so
- ensure that information given in relation to the Council or Council decisions should be accurate and not be a misuse of information
- ensure respect for and maintenance of confidentiality

5.0 Compliance with this Code of Conduct.

Alleged breaches or failure to comply with the code of conduct will be dealt with in accordance with the following guidelines:

- questions of compliance raised by Council Members, other staff or the community regarding the Code will be considered by the Chief Executive Officer or his/her nominee
- employees are entitled to representation in the consideration of a question of non-compliance against them and investigation and management of the matter will have regard to the principles of fairness, equity and natural justice
- investigations undertaken regarding compliance with the Code will be kept confidential
- Chief Executive Officer has responsibility for ensuring compliance with the Code occurs
- If a question of compliance with the code by the Chief Executive Officer is raised the Presiding Member will determine, with Council, the manner in which to address the matter. Where Council or the Presiding Officer or a Committee of Council addresses the matter, principles of fairness, equity and natural justice will apply and the matter will be handled confidentially.

6.0 Further information

Members of the public may inspect this Code of Conduct for Council Employees at the principal office of the Clare & Gilbert Valleys Council at 4 Gleeson Street, Clare, and, on payment of a fee of \$4, obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to the Chief Executive Officer at 4 Gleeson Street, Clare, Telephone (08) 88426400, Fax (08) 88423624.

CLARE & GILBERT VALLEYS COUNCIL

PUBLIC CONSULTATION POLICY

Adopted 19 June 2000

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Appendix 1 – Local Government Act – Schedule of Consultation

1. Consultation Policy Framework

The Clare & Gilbert Valleys Council is committed to open, accountable and responsive decision making, facilitated by effective communication and consultation between Council and the community. The Public Consultation Policy sets out the steps Council will take to establish partnerships and encourage community involvement in planning and decision making about the services Council provides and the management of community resources.

Council aims to ensure that appropriate and cost effective methods are used to inform and involve the local community, key stakeholders and interested parties, relevant to the specific circumstances of each consultation topic.

This Policy addresses the key elements of both communication and consultation. Communication involves providing meaningful information in a timely and accessible manner. For example, a letter advising of certain events, or an advertisement in The Northern Argus, The Herald, The Flinders News and The Plains Producer about a consultation forum. Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options and views.

2. The Local Government Act 1999 (“the Act”)

The Clare & Gilbert Valleys Council Public Consultation Policy has been developed and adopted in accordance with Section 50 of the Local Government Act. Section 50 requires the policy to identify steps Council intends to take where the Act requires consultation, and provides for the steps to vary according to the class of decisions to be made by Council. Other sections of the Act refer to consultation requirements, and in some instances set out what a Council must do rather than referring to consultation or the Public Consultation Policy. A summary of these requirements is attached as Appendix 1.

This Policy will apply to those circumstances required in the Act.

3. The Clare and Gilbert Valleys Council's Charter – The Principles

Council's Policy is underpinned by the following Principles, which are central to effective communication and consultation. Council will:

- ❖ identify potential stakeholders in each specific circumstance.
- ❖ ensure information is easily understood and accessible to identified stakeholders, and include contact details for obtaining further information in all communications.
- ❖ a range of appropriate opportunities will be provided for people to access information and to be involved, taking account of local significant barriers to access due to language, geographical distance, disability or cultural issues.

- ❖ define the parameters of the consultation process for each specific topic, and identify what aspects of the decision can be influenced by community involvement.
- ❖ aim to listen and respond to community views in a balanced way, taking account of all submissions made by various stakeholders.
- ❖ keep records and provide feedback about the reasons for decisions where relevant.
- ❖ review and evaluate the Policy to ensure ongoing improvement in the way Council involves the community in its decision-making processes.

4. *The Decision Making Process*

Community consultation is only one aspect of Council’s decision making process. Council seeks to take account of the views and aspirations expressed by the community and stakeholders, and balance those with other influences such as budgetary constraints, to make decisions within the context of Council endorsed strategic directions.

The following diagram identifies the various stakeholders that Council will consult with, where relevant and appropriate to the matter before it.

Various Stakeholders - Influencing the Outcome

EXTERNAL

Federal & State
Government/Agencies
Local Govt Authorities
Regional Organisations

INTERNAL

Councillors
Groups
Council Staff
Representatives
Council Committees/
Advisory Groups

LOCAL

Community

Residents
Ratepayers

5. Roles and Responsibilities

This Policy will apply to Councillors, staff, contractors, and agents or consultants acting on behalf of Council.

The Chief Executive Officer is responsible for:

- ❖ implementing communication and consultation initiatives in accordance with this Policy;
- ❖ reporting on outcomes of these initiatives to Council, to inform the decision making process; and
- ❖ reporting on the review and evaluation of the policy.

6. Steps to be Taken – Deciding the Communication and Consultation Strategy

The following steps will be taken by Council to fulfil the requirements of this Policy.

A Public Consultation Advisory Group will be convened to determine the communication and consultation strategy for each specific consultation topic. Membership of the Group will vary, depending on the topic under consideration, but representation will generally include the following:

- ❖ Chief Executive Officer or nominated representative;
- ❖ Elected Member nominated by Council;
- ❖ Council staff responsible for public relation matters; and
- ❖ Relevant Departmental Head or nominated representative.

The Public Consultation Advisory Group will:

- ❖ identify stakeholders relevant to the consultation topic;
- ❖ decide the key messages to deliver to stakeholders;
- ❖ identify the parameters of the consultation initiative, that is, what aspects of the decision can be influenced;
- ❖ identify a range of appropriate options for communicating information to stakeholders and inviting involvement – “the communication strategy”;
- ❖ identify a range of appropriate consultation initiatives – “the consultation strategy”;
- ❖ identify contact person(s) for interested parties to obtain further information;
- ❖ identify timeframes relevant to the consultation initiative. Council will aim to provide 2 weeks notice of any consultation forums or opportunities, and ensure a period of 21 days is allocated from the date of inviting involvement to the final closing date for submissions;
- ❖ determine responsibility for :
- ❖ implementing the communication and consultation strategy;
- ❖ reporting to Council on the outcomes;
- ❖ providing feedback about the decision to participants; and

- ❖ ensuring appropriate records are kept.

7. **COMMUNICATION AND CONSULTATION STRATEGIES**

Examples of the options to be considered in deciding the appropriate communication and consultation strategies are as follows:

<i>Communication Options may include:</i>	<i>Consultation Options may include:</i>
<ul style="list-style-type: none"> ❖ <i>Feature articles in Council Newsletter</i> ❖ <i>Advertisements in local paper.</i> ❖ <i>Advertisements in The Advertiser if matter has relevance to broader community</i> ❖ <i>Media releases/editorial</i> ❖ <i>Fact Sheets or brochures</i> ❖ <i>Letters addressed to stakeholders</i> ❖ <i>Letter box drops in the relevant area</i> ❖ <i>Web site</i> ❖ <i>Telephone access line</i> ❖ <i>Displays in public places</i> ❖ <i>Notice in public places</i> 	<ul style="list-style-type: none"> ❖ <i>Meetings with Elected Members and staff</i> ❖ <i>Council Advises Committee's and town organisations</i> ❖ <i>Focus Groups</i> ❖ <i>Workshops for stakeholders</i> ❖ <i>Surveys through interviews/self completion</i> ❖ <i>Door Knock Surveys</i> ❖ <i>Community Forums and Meetings</i> ❖ <i>Calling for public written comment and/or representation to Council.</i>

In specific situations, the minimum approaches as outlined below will be adopted :

Topic affects several residents

Letter addressed to individual residents with information and providing contact person(s) to obtain further information or to make a submission

Topic affects several streets

Letter box drop, inviting expressions of interest. Follow up with details of a consultation forum if sufficient interest, or individual contact with interested parties.

Topic affects broader community or likely to attract considerable community interest.

For example, lands management, major works, regional issues, topic with potential for District wide impact– Notice in local paper, media release, signage in targeted locations, inviting expressions of interest. Convene consultation forum, which will include information session and opportunities to express views through questions and answers, workshop session, and formal submissions.

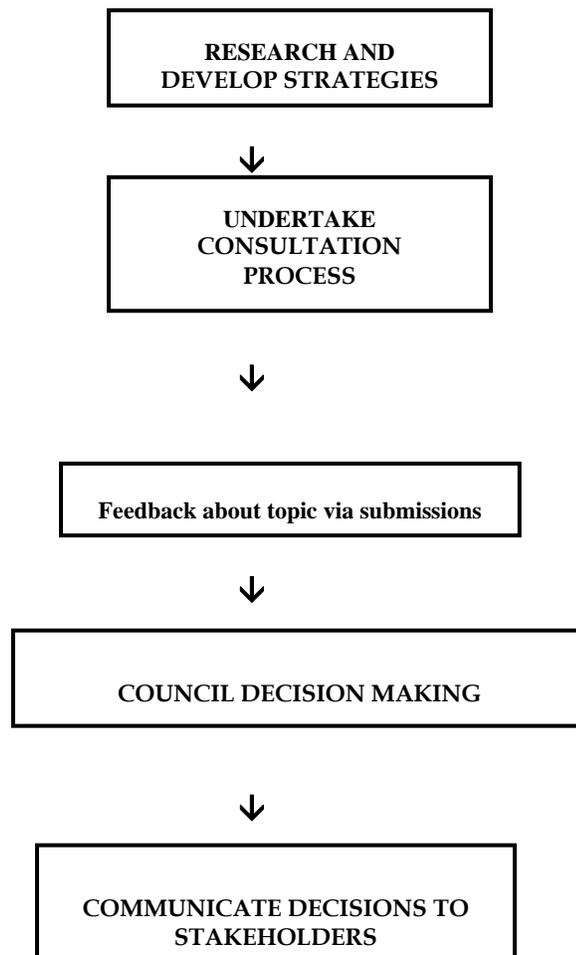
Inviting submissions following initial consultation phase

Display at Council offices or public places. Individual consultation and comment sheets to enable stakeholder feedback to be recorded.

Where requirements are set out in the Local Government Act for specific topics, those requirements will be included in the steps taken by Council in those circumstances. (Refer Appendix 1).

8. CONSULTATION AS PART OF THE DECISION MAKING PROCESS

The following diagram outlines how Council views its consultation activities in relation to the decision making process



9. COUNCIL ENDORSEMENT OF THE POLICY

This Policy was endorsed by Council on the 19 June 2000. Council endorsed the Policy following public consultation on its Draft Policy. Written submissions commenting on the Draft Policy were invited within 28 days of a notice appearing in the local newspapers which included the Advertiser, Northern Argus, The

Flinders News, The Plains Producer and the Barossa & Light Herald on the 17 May 2000. No submissions were received.

Any future amendment or alteration to the Policy, or substitution of a new Policy, will be subject to the public consultation provisions under Section 259 (2) of the Act unless the alteration has only minor significance and is likely to attract little or no community interest.

10. REVIEW AND EVALUATION

The effectiveness of the Policy will be reviewed and evaluated annually within Council's strategic planning framework. The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendments, alteration or substitution of a new Policy if relevant.

11. AVAILABILITY OF THE POLICY

The Policy will be available for inspection at Council's offices during ordinary business hours.

Copies will be provided to interested parties upon request at a fee of \$5.50.

Appendix 1

LOCAL GOVERNMENT ACT 1999 (SA)
PUBLIC CONSULTATION POLICY – SCHEDULE OF REQUIREMENTS

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Definition of Public Consultation	Interpretation	Reference to Chapter 4, Part 5 only
Representation Reviews. <ul style="list-style-type: none"> • Review and reporting to the Electoral Commissioner 	12	<ul style="list-style-type: none"> • Public notice of a review inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area • Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions • Council to prepare report on the public consultation • By public notice inform of the completion and availability of the report for inspection and invite written submissions within 3 weeks, including notice in a newspaper circulating within its area • Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions • Council must then finalise its report and refer to the Electoral Commissioner.
Status of a Council/ Change of Name <ul style="list-style-type: none"> • Change from a municipal council to a district council, or change from a district council to a municipal council • Alter the name of the council, the area of the council, or the name of a ward. 	13	<ul style="list-style-type: none"> • Public notice of the proposal inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area • Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions

Principal Office – Opening hours	45	accordance with Council’s public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.
Commercial Activities – Prudential Requirements	48 (2) (d) 48 (5), (6)	Report addressing prudential issues to include <ul style="list-style-type: none"> • the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them • the means by which the community can influence or contribute to the project or its outcomes.
Public Consultation Policies	50	Requirements for preparation, adoption and alteration to Council’s public consultation policy. <ul style="list-style-type: none"> • Policy must set out steps that Council will follow in cases where the Act prescribes public consultation • Policy may also set out steps to follow in other cases involving council decision making • Steps may vary, but must provide for a reasonable opportunity to make submissions in relevant circumstances • Section 50 (4) sets out minimum steps which require Councils to publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) consider submissions made in response. • Section 50 (4) applies before Council adopts, substitutes and/or alters a public consultation policy, unless the alteration is only of minor significance. • Council’s public consultation policy is to be made available for inspection without charge at the principal office during ordinary office hours, and for purchase on payment of a fixed fee by Council.
Code of Practice – Access to meetings and documents	92 (5)(b)	Before a council adopts, alters or substitutes a code of practice under S 92 it must follow relevant steps set out in its public consultation policy.

<p>its classification as community land.</p> <p>Alienation of community land by lease or licence</p> <p>Permits</p> <ul style="list-style-type: none"> • Right of exclusive occupation Restricting access to a road • Use or activity for which public consultation required under regulations 	<p>S202</p> <p>S223</p>	<p>revocation.</p> <ul style="list-style-type: none"> • Council may only adopt a proposal for amendment to, or revocation of, a management plan after the Council has carried out the public consultation that would be required if the proposal were for a new management plan. • However, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community. • A Council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan. <p>Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land. Exceptions apply in circumstances where</p> <ul style="list-style-type: none"> • lease or licence is authorised in an approved management plan, and the term is five years or less • regulations provide for an exemption from compliance with a public consultation policy. <p>Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.</p>
<p>Roads – Trees</p>	<p>S232</p>	<p>Before planting or authorising planting of vegetation on a road.</p> <p>If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, councils must follow the relevant steps set out in its public consultation policy.</p>
<p>Passing by-laws</p> <p>NB: No specific reference to Council’s Public Consultation Policy, but minimum</p>	<p>S249</p>	<p>At least 21 days before resolving to make a by-law, Council must:</p> <ul style="list-style-type: none"> • make copies of the proposed by-law (and other code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection

<p>standards apply</p>		<ul style="list-style-type: none"> • inform the public of the proposed by-law and set out the terms or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area • give reasonable consideration to a written or other acceptable submission made on a proposed by-law • publish a notice of the making of a by-law in a newspaper circulating in the Council area.
<p>Power to Make Orders Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.</p>	<p>S259 (2)</p>	<p>Council must</p> <ul style="list-style-type: none"> • Prepare a draft of a policy • By notice in a newspaper circulating in the Council area, advise where the draft is available for inspection (without charge) or purchase (on payment of a fee fixed by Council), and invite written representations on the draft with a period specified by the Council (at least four weeks) • Consider any submission made in response to the invitation. <p>The requirements of S259 (2) apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</p>

Rating Policy 2006

INTRODUCTION

This document sets out the policy of the Clare & Gilbert Valleys Council for setting and collecting rates from its community. The policy covers:

- method used to value land
- adoption of valuations
- business impact statement
- Council's revenue raising powers
- differential general rates
- minimum rate
- service charges
- rate concessions
- state seniors card ratepayer (self funded retirees)
- pensioner concessions
- other concessions
- payment of rates
- late payment of rates
- sale of land for non-payment of rates
- remission and postponement of rates
- rebate of rates
- disclaimer

CONTACT DETAILS FOR FURTHER INFORMATION

Rates Officer on 8842 6400, fax 8842 3624
Clare & Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453
Open Monday to Friday
8.30 am to 5.00 pm

Branch Offices at:

21 Torrens Road
RIVERTON SA 5412
Open Thursday & Friday
9.00 am to 5.00 pm

19 Belvidere Road
SADDLEWORTH SA 5413
Open Tuesday to Friday
8.30 am to 5.00 pm
Saturday 9.30am to 12noon

STRATEGIC FOCUS

Council has determined that the application of an annual rating policy should be developed within a framework which integrates planning from a strategic directions level through a service delivery. In formulating Rating Policy for 2006/2007, Council has taken into account the fact that rates constitute a system of taxation for local government purposes (Section 150 Local Government Act, 1999)

The strategic directions for the Clare and Gilbert Valleys Council are outlined in the Strategic Plan.

The Strategic Plan establishes a picture of what Council wants to achieve.

As part of the financial planning and budget processes, the rate revenue required to meet expenditure needs is calculated taking into account other sources of revenue. The structure of the rating system is then determined, considering how the rates are levied between, and within, various categories of ratepayers.

Council's budget is available for inspection at the contact locations listed on Page 1.

The Council regularly conducts public consultation on a broad range of issues relating to the future directions of the area. These opportunities are always advertised in local papers. Ratepayers and other interested parties are welcome to attend. The Council also encourages feedback at anytime and such comments may be sent to:

Mr Mark Goldstone
Chief Executive Officer
Clare & Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453

ANNUAL ADOPTION OF THE RATING POLICY

Section 171 of the Local Government Act 1999 requires a Council to prepare and adopt each year, in conjunction with setting the rates, a rates policy. The policy must be available at the principal office of the Council and a summary version must be distributed with the rates notice. This policy is available for inspection at contact locations listed on Page 1.

METHOD USED TO VALUE LAND

The Council may adopt one of three valuation methodologies to value the properties in its area. They are:

- *Capital Value* – the value of the land and all of the improvements on the land.
- *Site Value* – the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements.
- *Annual Value* – a valuation of the rental potential of the property.

The Council has decided to continue to use capital value as the basis for valuing land within the council area. The Council considers that this method of valuing land provides the fairest method of distributing the rate burden across all ratepayers on the following basis:

- the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;
- property value is a relatively good indicator of wealth and capital value, which closely approximates the market value of a property and provides the best indicator of overall property value;
- the distribution of property values throughout the Council area is such that few residential ratepayers will pay significantly more than the average rate per property.

ADOPTION OF VALUATIONS

The Council has adopted the valuations made by the Valuer-General as provided to the Council on July 19, 2006. If a ratepayer is dissatisfied with the valuation made by the Valuer-General then the ratepayer may object to the Valuer-General in writing, within 60 days of receiving the notice of the valuation, explaining the basis for the objection, provided they have not: (a) previously received a notice of this valuation under the Local Government Act 1999, in which case the objection period is 60 days from the receipt of the first notice; or (b) previously had an objection to the valuation considered by the Valuer-General. The address of the Office of the Valuer-General is:

State Valuation Office
GPO Box 1354
ADELAIDE SA 5001
email: lsg.objections@saugov.sa.gov.au

and the telephone number is 1300 653 345. Please note that the Council has no role in this process. It is also important to note that the lodgement of an objection does not change the due date for the payment of rates.

NOTIONAL VALUES

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain

primary production land or where there is State heritage recognition. A notional value is generally less than the capital value and this will result in reduced rates, unless the minimum rate already applies. Application for a notional value must be made to the Office of the Valuer-General.

BUSINESS IMPACT STATEMENT

The Council has considered the impact of rates on all businesses in the Council area, including primary production. In considering the impact, Council assessed the following matters:

- During 2003/2004 Council consulted with interested community groups and members through the Rating Review Process and as a result of comments made at public meetings and in written submissions Council decided to impose differential rates in its area according to the land use codes.
- Those elements of Council's Strategic Plan relating to business development.
- The equity of the distribution of the rate burden between classes of ratepayers based on a perception of availability of services.
- Current local, state and national economic conditions and expected changes during the next financial year.
- Changes in the valuation of business and primary production properties from the previous financial year.
- Specific Council projects for the coming year that will solely or principally benefit local business.
- Specific infrastructure maintenance issues that will solely or principally benefit local business.

COUNCIL'S REVENUE RAISING POWERS

All land within a Council area, except for land specifically exempt (e.g. crown land, Council occupied land and other land prescribed in the Local Government Act 1999 – refer Section 147 of the Act), is rateable. The Local Government Act provides for a Council to raise revenue for the broad purposes of the Council through a general rate, which applies to all rateable properties, or through differential general rates, which apply to classes of properties. In addition, Council can raise separate rates, for specific areas of the Council or service rates or charges for specific services. The Council also raises revenue through fees and charges, which are set giving consideration to the cost of the service provided and any equity issues.

DIFFERENTIAL GENERAL RATES

The Council has decided to impose differential rates in its area according to the following land use categories:-

1. Residential – comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations.

2. Commercial Shop – comprising the use of land for a shop within the meaning of the Development Regulations.
3. Commercial Office- comprising the use of land for an office within the meaning of the Development Regulations.
4. Commercial Other – comprising any other commercial use of land not referred to in categories 2 or 3.
5. Industry Light – comprising the use of land for a light industry within the meaning of the Development Regulations.
6. Industry Other – comprising any other industrial use of land not referred to in category 5.
7. Primary Production – comprising
 - a. Farming within the meaning of the Development Regulations; and
 - b. Horticulture within the meaning of the Development Regulations; and
 - c. The use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - d. In respect of a dairy situated on the farm – the use of land for a dairy within the meaning of the Development Regulations; and
 - e. Commercial forestry
 - f. Vacant Land – Comprising the non-use of vacant land
 - g. Other – not included previously in the categories above.

Every resident benefits in some part from the general amenity of the council area, whether that is at the present time or in the future. The amenity includes the local economy, general council operations and the ability of every resident to use council facilities.

It is acknowledged that the system of council rates is in essence a system of taxation against property. However, Council has assessed that the level of differential rating imposed is governed in part by the ability to pay, the potential for income tax deductions and the perception of accessibility or useability of council services by the residents and consumers.

To this end council has decided that;

Commercial Properties

Commercial properties generally have available to them, their employees and customers the same services as other ratepayers. However, in most cases commercial users have a greater impact on the main services such as road maintenance and generally derive a greater benefit from the services provided.

Industrial Properties

Industrial properties generally have available to them, their employees and customers the same services as other ratepayers. However, in most cases industrial users have a greater impact on the main services such as road maintenance and generally derive a greater benefit from the services provided, particularly where for example large amounts of raw or unrefined product is delivered to site for processing utilising Council's infrastructure.

Primary Production Properties

Primary Productions properties tend to be more remote from some of the services provided by Council. In terms of infrastructure adjacent their properties they may not have sealed or formed roads, footpaths or street lighting. However, they do have the capacity to enjoy the same level of amenity as other residents of the Council area. In addition, primary production properties have the potential for taxation benefits.

At its meeting of 19 July, 2006 Council resolved to raise \$5,901,000 general rate revenue in a total revenue budget of \$13,084,109. As a result of this decision the Council has set the following differential rates in the dollar for the above land uses.

0.3646 cents in the dollar of the Capital Value of rateable land in categories 1 and 9 use,
0.4740 cents in the dollar of the Capital Value of rateable land in categories 2,3 and 4 use,
0.4740 cents in the dollar of the Capital Value of rateable land in categories 5 and 6 use,
0.2917 cents in the dollar of the Capital Value of rateable land in category 7 use.
0.3646 cents in the dollar of the Capital Value of rateable land in category 8 use.

Land Use is used as the factor to apply differential rates. If a ratepayer believes that a particular property has been wrongly classified by the Council as to its land use, then they may object (to the Council) to that land use within 60 days of being notified. A ratepayer may discuss with the Rates Officer on 08 88426400 in the first instance. The Council will provide, on request, a copy of Section 156 of the Local Government Act, 1999 which sets out the rights and obligations of ratepayers in respect of objections to a land use.

Objection to the Council's decision may be lodged with Mr Mark Goldstone, Chief Executive Officer, Clare & Gilbert Valleys Council, 4 Gleeson Street, Clare, 5453. The objection must be made within 60 days of receiving notice of the land use and set out the basis for the objection and details of the land use that (in the opinion of the ratepayer) should be attributed to that property. The Council may then decide the objection as it sees fit and notify the ratepayer. A ratepayer also has the right to appeal against the Council's decision to the Land and Valuation Court. It is important to note that the lodgement of an objection does not change the due date for payment of rates.

MINIMUM RATE

A Council may impose a minimum amount payable by way of rates, provided that it has not imposed a fixed charge. Where two or more adjoining properties have the same owner and are occupied by the same occupier, only one minimum rate is payable by the ratepayer. Where a Council imposes a minimum rate it must not apply to more than 35% of properties in the Council area.

The Council has decided to impose a minimum rate of \$460-00 which will **affect** % of rateable properties. The reasons for imposing a minimum rate is that Council considers it appropriate that all rateable properties make a base level contribution to:

- the cost of administering the Council's activities

- the cost of creating and maintaining the physical infrastructure that supports each property.

SERVICE CHARGES

Council provides a Community Waste Water Management Scheme to residential and commercial properties in Clare, Riverton and Saddleworth. The full cost of operating and maintaining this service for this financial year is budgeted to be \$453,000. This includes setting aside \$269,555 for the future replacement of the assets employed in providing the service. Council will recover the cost through the imposition of the following service charges.

- Clare \$209.50
- Riverton \$209.50
- Saddleworth \$209.50

for each property for which the service is available. Where the service is provided to non-rateable land, a service charge is levied against the land. Details on what constitutes a service charge for each property, and other information about the scheme, are available by contacting the Rates Officer on 08 88426400.

The Council also provides a refuse collection service within the townships of Clare, Saddleworth, Riverton, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhynie, Marrabel Stockport, Tarlee and Waterloo. The full cost of operating and maintaining this service for this financial year is budgeted to be \$331,125. Council will recover this cost through the impost of a service charge of \$145-60 for each property within the listed towns. Where the service is provided to non-rateable land, a service charge is levied against the land.

Information concerning the refuse collection service within the townships can be obtained by contacting the Principal Office on 08 88426400.

RATE CONCESSIONS

The State Government, in providing equity across SA in this area, funds a range of concessions on Council rates. The concessions are administered by various State Agencies who determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on the principal place of residence.

Ratepayers who believe they are entitled to a concession should not withhold payment of rates pending assessment of an application by the State Government as penalties apply to overdue rates. A refund will be paid to an eligible person if Council is advised that a concession applies and the rates have already been paid.

STATE SENIORS CARD RATEPAYER (SELF FUNDED RETIREE)

This concession is administered by RevenueSA. If you are a self funded retiree and currently hold a State Seniors Card you may be eligible for a concession towards Council Rates. In the

case of couples, both must qualify, or if only one holds a State Senior's Card, the other must not be in paid employment for more than 20 hours per week. If you have not received a concession on your rates notice or would like further information please contact the Concessions Hotline 1800 307 758.

PENSIONER CONCESSIONS

An eligible pensioner must hold a Pension Card, State Concession Card or a Repatriation Health Card marked TPI Gold, EDA Gold or War Widow and may be entitled to a concession on Council rates (and water and effluent charges where applicable). Application forms, which include information on the concessions, are available from the Council, SA Water Corporation and its District Offices or the Department of Human Services. This concession is administered by SA Water on behalf of the Department of Human Services and further information can be obtained by telephoning SA Water.

OTHER CONCESSIONS

The Family Assistance Office administers Council rate concessions available to a range of eligible persons receiving State and Commonwealth allowances. This includes, but is not limited to, ratepayers who are in receipt of: Austudy, Newstart, Parenting Payment, Partner Allowance, Sickness Allowance, Special Benefit, Widow Allowance, Youth Allowance, Abstudy, CDEP or a New Enterprise Initiative Scheme. It may also apply to ratepayers in receipt of a pension as a war widow under legislation of the United Kingdom or New Zealand and the holders of a State Concession Card issued by the Family Assistance Office.

PAYMENT OF RATES

The Council has decided that the payment of all rates will be by four instalments, due on the 1 September 2006, 1 December 2006, 2 March 2007 and 1 June 2007.

The Council is offering a discount of 2.25% for the payment of all rates in full by 1 September 2006.

Rates may be paid:

- By telephone, using a credit card, ring 8842 6400;
- By Bpay, using a debit card only (contact your bank, credit union or building society to make a payment directly from your cheque or savings account);
- In person, at the Council offices at locations and times listed on Page 1, EFTPOS facilities are available for payments at the Clare Office.
- By the internet : www.claregilbertvalleys.sa.gov.au

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment arrangements is invited to contact the Rates Officer, on 8842 6400 to discuss alternative payment arrangements. Such inquiries are treated confidentially by the Council.

The Council has adopted a policy that where the payment of rates will cause a ratepayer demonstrable hardship, the Council is prepared to make available extended payment arrangements.

LATE PAYMENT OF RATES

The Local Government Act provides that Councils impose a penalty of a 2% fine on any payment for rates, whether instalment or otherwise, that is received late. A payment that continues to be late is then charged an interest rate, set each year according to a formula in the Act, for each month it continues to be late. The purpose of this penalty is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time, to allow Councils to recover the administrative cost of following up unpaid rates and to cover any interest cost the Council may meet because it has not received the rates on time.

The Council is prepared to remit penalties for late payment of rates where ratepayers can demonstrate hardship.

The Council issues a final notice for payment of rates when rates are overdue i.e. unpaid by the due date. Should rates remain unpaid more than 21 days after the issue of the final notice then the Council refers the debt to a debt collection agency for collection. The debt collection agency charges collection fees that are recoverable from the ratepayer.

When the Council receives a payment in respect of overdue rates the Council applies the money received as follows:

- firstly – to satisfy any costs awarded in connection with court proceedings;
- secondly – to satisfy any interest costs;
- thirdly – in payment of any fines imposed;
- fourthly – in payment of rates, in chronological order (starting with the oldest account first).

REMISSION AND POSTPONEMENT OF RATES

Section 182 of the Local Government Act permits the Council, on the application of a ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship. Where a ratepayer is suffering hardship in paying rates he/she is invited to contact the Rates Officer on 8842 6400 to discuss the matter. Such inquiries are treated confidentially by the Council.

REBATE OF RATES

The Local Government Act requires Councils to rebate the rates payable on some land. Specific provisions are made for land used for health services, community services, religious

purposes, public cemeteries, the Royal Zoological Society and educational institutions. Discretionary rebates may be applied by the Council under Section 166 of the Act.

Council's Rate Rebate Policy is available for inspection at the Council Offices at Clare, Saddleworth and Riverton during ordinary business hours. Copies will be provided to interested parties upon request at a fee of \$4.

All applications for rebates are to be made by completing the APPLICATION FORM – RATE REBATE FOR THE 2006/2007 FINANCIAL YEAR.

SALE OF LAND FOR NON-PAYMENT OF RATES

The Local Government Act provides that a Council may sell any property where the rates have been in arrears for three years or more. The Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

Except in extraordinary circumstances, the Council enforces the sale of land for arrears of rates and a copy of the Council's policy is available from the Rates Officer on 8842 6400 or by writing to Clare & Gilbert Valleys Council, 4 Gleeson Street, CLARE SA 5453.

APPLICATION OF THE POLICY

Where a ratepayer believes that the Council has failed to properly apply this policy it should raise the matter with the Council. In the first instance contact the Rates Officer on 8842 6400 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to Mr Mark Goldstone, Chief Executive Officer, Clare & Gilbert Valleys Council, 4 Gleeson Street, CLARE SA 5453.

DISCLAIMER

A rate cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions.

CLARE & GILBERT VALLEYS COUNCIL



FINANCIAL REPORT FOR THE REPORTING PERIOD ENDED 30 JUNE 2006