



## District Council of Robe

### NOTICE OF MEETING

Pursuant to Section 81 of the Local Government Act 1999 notice is hereby given that the next Ordinary Meeting of the District Council of Robe will be held on **9 February 2010** commencing at **5.00pm** at the Council Chambers, Smillie Street, Robe.

A handwritten signature in cursive script, appearing to read "Bill Hender".

Bill Hender  
**Chief Executive Officer**  
4 February 2010

**ORDER OF BUSINESS**

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## **1. Acknowledgement**

### **1.1 Acknowledgement of traditional owners**

*The District Council of Robe acknowledges and respects the traditional owners of the ancestral lands of the Robe District. We acknowledge elders past and present and we respect the deep feelings of attachment and relationship of Aboriginal peoples to country.*

## **2. Welcome**

### **2.1 Protocol for members of the public**

*Members of the public are welcome to speak for up to three minutes on any topic during the public forum session. At other times we ask that members of the public allow Councillors to proceed with the meeting without interruption.*

## **3. Present**

## **4. Apologies**

## **5. Conflicts of Interest**

*Any Councillor with a potential conflict of interest is asked to declare it at the start of each meeting and explain what the conflict is and why they will not be participating in any item relating to that issue.*

## **6. Public Forum**

### **6.1 Mark Giles – Bowling Club hedge**

## **7. Address**

## **8. Confirmation of Minutes**

### **8.1 Ordinary Council Minutes 12 January 2010**

Recommendation: Moved Cr \_\_\_\_\_ that the minutes of the Ordinary Council Meeting held on 12 January 2010 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.

Seconded Cr \_\_\_\_\_

**8.2 Confidential Council Minutes 12 January 2010**

Recommendation: Moved Cr \_\_\_\_\_ that the minutes of the Confidential Council Meeting held on 12 January 2010 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.

Seconded Cr \_\_\_\_\_

**9. Business Arising**

**10. Mayor's Report**

**11. Reports of Elected Members**

**12. Reports of Committees**

**13. Working Party Committee**

**14. Reports of Associated Bodies**

**15. Officer's Reports – Chief Executive Officer**

15.1.1 Request to Lease Road Reserve – Andrew Goldsworthy

**REPORT TITLE:** Request to Lease Road Reserve – Andrew Goldsworthy  
**DATE OF MEETING:** 9<sup>th</sup> February 2010  
**AUTHOR:** Bill Hender  
**AUTHOR'S TITLE:** Chief Executive Officer  
**REPRESENTORS:** Nil  
**FILE NUMBER:**  
**ATTACHMENTS:**

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**PURPOSE**

To consider the terms and conditions of the lease of the road reserve at Lake Hawdon South by Andrew Goldsworthy.

**RECOMMENDATION**

**That Council agree to lease the unmade road reserve adjoining his property to Andrew Goldsworthy for a period of five years. A lease fee of \$1,000 per annum (indexed to CPI) will apply and all expenses associated with preparation of the lease documents are to be paid by the lessee.**

**BACKGROUND**

Council agreed at the January 2010 Council Meeting to lease this portion of the road reserve to Mr. Goldsworthy and authorised me to negotiate the terms and conditions of the lease for ratification by Council. Mr. Goldsworthy has agreed to the terms and conditions contained in the recommendation.

**DISCUSSION**

Mr. Goldsworthy currently has effective use of this land as the road reserve is not fenced. The Department of Environment and Heritage is intending to erect a fence on their boundary and do not require access via the road reserve.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Council will receive \$1,000 per annum lease fee.

**STRATEGIC PLAN**

Nil

**COMMUNITY CONSULTATION**

Community consultation will be required.

15.1.2 Robe Tourism Public Meeting

**REPORT TITLE:** Robe Tourism Public Meeting  
**DATE OF MEETING:** 9<sup>th</sup> February 2010  
**AUTHOR:** Bill Hender  
**AUTHOR'S TITLE:** Chief Executive Officer  
**REPRESENTORS:** Nil  
**FILE NUMBER:**  
**ATTACHMENTS:**

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**PURPOSE**

To consider assisting with the formation of a new tourism body in Robe.

**RECOMMENDATION**

**That the Chief Executive Officer be authorised to call a public meeting for the purpose of forming a Steering Committee to facilitate the formation of a new tourism body in Robe.**

**BACKGROUND**

The demise of the Robe and District Development Association has left Robe without a local tourism promotion organisation. This is a serious shortcoming for the premier tourism destination in the Limestone Coast.

**DISCUSSION**

One of the *Priority Goals* of Council's Strategic Plan states:

**Tourism & Economic Development**

***To ensure the economy of the District is managed to encourage & support sustainable economic growth, including tourism, which is consistent with our unique character.*** The support of tourism, as an expanding economic driver in the community, plays an integral role in enabling the town to offer greater employment choices and also to retain the current resident population and existing services within Robe. The District Council of Robe is committed to Promoting its area and to providing an attractive economic climate and locations for the development of business, commerce, industry and tourism. Council will work with all key stakeholders at local, district, regional and greater regional levels to maximize all opportunities to grow the region's economic base and to promote our region as a genuine visitor destination.

To assist with the formation of a new tourism body in Robe is consistent with this goal.

**POLICY IMPLICATIONS** Nil

**BUDGET IMPLICATIONS** Nil

**STRATEGIC PLAN** This is consistent with Council's Strategic Plan.

**COMMUNITY CONSULTATION** None required.

15.1.3

<b>REPORT TITLE:</b>	Ron Sargent – Various Issues
<b>DATE OF MEETING:</b>	9 <sup>th</sup> February 2010
<b>AUTHOR:</b>	Bill Hender
<b>AUTHOR'S TITLE:</b>	Chief Executive Officer
<b>REPRESENTORS:</b>	Nil
<b>FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Letter from Mr. Ron Sargent

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### **PURPOSE**

To consider issues raised by Mr. Ron Sargent at a meeting held on 5<sup>th</sup> January 2010 and in subsequent correspondence.

### **RECOMMENDATION**

**That the correspondence from Mr. Sargent be noted and that the Chief Executive Officer be authorised to negotiate with Mr. Sargent and take appropriate action.**

### **BACKGROUND**

Mr. Sargent is a significant property developer in Robe who regularly meets with me to keep me informed of the progress of his developments.

### **DISCUSSION**

#### **Playground.**

I have discussed the issue of Mr. Sargent's generous pledge of \$20,000 to the playground project with Cr. Mathews. It seems likely that this money will be required to complete the playground, however, we will continue to liaise with Mr. Sargent.

#### **Corner Thompson Rd and Robe St**

As the rates on this land remain unpaid, Council is able to sell this land and recover any outstanding rates. If this portion of land is to be sold, it should be sold at a time of Council's choosing so a maximum price can be achieved.

#### **Davenport St**

It is likely that at some time in the future, Davenport Street will be extended through to Evans Cave Road and will therefore connect to Mr. Sargent's adjacent development. There may be some mutual benefit in allowing Mr. Sargent to retain some sand.

#### **Sargent Close Street Sign**

The existing street sign is a routed timber post. This is consistent with Council's street signs in the vicinity. Mr. Sargent uses different signs in his recent developments, however, I think that keeping the existing sign would maintain uniformity in the immediate area.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC PLAN**

Nil

**COMMUNITY CONSULTATION**

None required.

Letter No:	File No:
Received:	
For Action By:	
DC of Robe	

P. O. Box 2200,  
GOOLWA. 5214

9<sup>th</sup> January, 2010.

Attention Bill Hender

Chief Executive Officer,  
District Council of Robe,  
P.O. Box 1,  
ROBE. 5276

DC of Robe	
For Action By:	Noted 13/1/10 Report for Feb 10 Council Meeting.
Received:	13/1/10
Letter No:	
c02010 43	3-67-2

Dear Bill,

**RE MEETING 5<sup>TH</sup> JANUARY, 2010.**

We met last Tuesday, and I believe this was a fruitful and worthwhile meeting. Thank you for your assistance with the matters that were raised.

I will try and briefly summarise the points discussed.

**1. The playground and the balance of Reserve Land.** Discussion was held re my offer of \$20,000 as a donation from my Company towards the installation of the playground, and the surrounding area. To this date I believe this has not been required, but I stress this is still available if needed. I am now meeting with your Councilors and staff on the 21<sup>st</sup> of this month, and I am sure this will be discussed again. I can say that if not required for this section of the reserve, we are prepared to increase this to \$30,000 for the beatification of the balance of the reserve land, part of which has already been donated to your Council, and the remainder to be donated at a later stage.

**2. Corner Thompson Rd, and Robe St.** Previous discussions have been held in the past regarding this portion of land where rates have not been paid for many years. My suggestion is that this be offered for Auction later this financial year, say May or June.

**3. Davenport St.** Discussions were held re this unmade road, and reforming it in keeping with stages 3 and 4 of our Robe St development. This matter will again be discussed at the meeting of the 21<sup>st</sup> of this month. During the coming winter months, I will, with council approval, employ my contractors to do this work in a way suitable to both Council and my company. I am happy that either you, or a member of your staff, make inspections of the work when it is happening. If this arrangement meets your approval, we will meet the cost of this, and retain any surplus sand.

**4. Sargent Close Street Sign.** In keeping with nearby developments, I request that your Council allow us to remove the existing sign at the entrance to Sargent Close, and install one using the same design as used by us in nearby streets.

I ask that the matters raised in this letter be discussed at next month's Council meeting, and you advise me accordingly.

Yours truly,

Ron Sargent - Director, Hills Sites Pty. Ltd.



15.2.1 Amended Code of Conduct – Elected Members

<b>REPORT TITLE:</b>	Amended Code of Conduct for Elected Members
<b>DATE OF MEETING:</b>	9 <sup>th</sup> February, 2010
<b>AUTHOR:</b>	Ronni Barnden
<b>AUTHOR'S TITLE:</b>	Deputy Chief Executive Officer
<b>REPRESENTORS:</b>	Nil
<b>FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Nil

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### **PURPOSE**

To adopt the amended Code of Conduct for Elected Members.

### **RECOMMENDATION**

**That Council adopt the amended Code of Conduct for Elected Members.**

### **BACKGROUND**

The current Code of Conduct for Elected Members was adapted from a model and guidelines produced by the LGA in early 2008 and adopted by Council in May 2008.

### **DISCUSSION**

As a result of amendments being made to the Code of Conduct for Staff a review of the existing Code of Conduct for Elected Members has been conducted at the same time which allows for the inclusion of the list of *key principles*' at the start of the code to explain the purpose of the code of conduct as well as including the more explanatory section on *Conflict of Interest*.

### **POLICY IMPLICATIONS**

This is an amendment to the existing code.

### **BUDGET IMPLICATIONS**

Nil.

### **STRATEGIC PLAN**

#### Governance

To ensure the delivery of sustainable, high quality, corporate governance for the District Council of Robe.

### **COMMUNITY CONSULTATION**

Not Required.



### **3.15 Code of Conduct for Elected Members**

#### **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 District Council of Robe 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.

#### **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.

#### **Statement of Commitment**

We the Members of the District Council of Robe 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 District Council of Robe have adopted the requirements of this code of conduct as the standards that we will adopt in the performance of our role.

#### **Key Principles**

This Code of Conduct is based on the following key *principles*:

##### ***Integrity***

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

##### ***Leadership***

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

##### ***Selflessness***

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

**Objectivity**

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

**Accountability**

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

**Openness**

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

**Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

**Respect**

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

## **Principles of this Code of Conduct**

**1. A Member of Council must act in a fair, honest and proper manner according to the law; including:**

- understanding and giving proper consideration to legal requirements and act within the law
- reasonable, just and non discriminatory behaviour in all aspects carrying out their roles and responsibilities
- actions 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
- 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.
- to act in good faith, and so as to generate good faith and trust in Council.
- to act with reasonable care and diligence

- to understand that breaches within the Criminal Law Consolidation Act will not be tolerated

**2. A Council Member must act with reasonable care and be diligent in the performance of his or her duties and responsibilities, ie:**

- 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
- give proper consideration of the business of the Council and being informed on the matters for decision
- give fair and equitable treatment of all matters under consideration
- have respect for decisions of the Council
- give careful consideration to the allocation of resources and expenditure
- not to improperly seek, accept or agree to accept a benefit from another person (whether for himself or herself or for a third person) as a reward or inducement for –
  - a) an act done or to be done, or omission made or to be made, in his or her official capacity; or
  - b) the exercise of power or influence that Council Member has or had, or purports or purported to have, by virtue of his or her office;
- not demand or require from another person a benefit (whether for himself or herself or for a third person or body) where in making the demand or requirement
  - a) it is suggested or implied that it should be complied with because the person is a Council Member; and
  - b) the Member knows that there is no legal entitlement to the benefit
- not seek, accept or agree to accept a benefit (whether for himself or for a third person or body) on account of an act done or to be done with regard to the appointment or possible appointment of any person to a public office;
- not seek nor accept any gift or benefit in connection with his or her public duties that may place him or her under any obligation or expectation of benefit, or make him or her feel under any obligation or expectation of benefit to the giver

The term “gift” does not include:

- items given which are associated with the giving of gifts in accordance with social custom. These items may include token gifts of appreciation or gifts of symbolic nature such as ties, scarves, cuff links, pens and other small items.
- The provision of hospitality which is within bounds of normal customary hospitality.
- If any gift, reward or benefit is offered other than gifts of a token kind, or moderate acts of hospitality, disclosures must be made in a prompt and full manner to the Chief Executive Officer

**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 and:**

- be honest and fair dealing with all members of the community
- be courteous and sensitive behaviour that does not discriminate against people

- be aware and disclose any situation that may create a tension between public and private roles
  - be respectful for electors opinions and property
  - prevent the misuse of his or her position to gain an advantage for themselves or others
  - recognise that an individual Council Member has no authority to make decisions, direct staff or commit Council resources
  - not make improper use of his or her position as a Member
4. 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
  - adopt a courteous attitude when dealing with members of the public and shall not be aloof, abrupt or antagonistic
  - conduct himself or herself with dignity and decorum at all times while in public;
  - not be disrespectful of any past or present Council employee or other Council Member
5. **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 by:**
- **mature and constructive working relationships based on a mutual trust and respect**
  - **conducting the relationship with courtesy and respect**
  - **acceptance and respect for their different but complementary roles in achieving the Council's objectives**
  - **recognising and respecting and observing the set lines of responsibility in dealing with the Council's officers and employees**
  - **not to influence or attempt to influence an employee of council in the way that the employee performs his or her duties**
  - **demonstration of respect for employees' professional opinion and expertise**
  - **agreed communication processes**
  - **prevention of the misuse of their position to influence employees to gain an advantage for themselves or others.**
  - **recognising that the Chief Executive Officer is the employer, on behalf of Council, of all Council employees, and as such only the Chief Executive Officer may hire, dismiss or instruct or censure employees**
  - **treating all employees with courtesy and respect, including the avoidance of aggressive, offensive or abusive conduct towards employees**
  - **observing any guidelines that the Chief Executive Officer puts into place regarding communication with employees**
  - **avoiding publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee**
6. **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, with:**

- **the conduct of the relationship to be with courtesy and respect**
- **behaviour that seeks to establish mature and constructive working relationships recognising and respecting a diversity of opinion and the right of all points of view to be expressed in the decision making process**
- **the right of all points of view to be heard**
- **familiarising themselves with the policies, practices and procedures, rules and regulations and terms of reference for the conduct of Council meetings, Committee meetings and Development Assessment Panel meetings**
- **familiarising themselves with the provisions of the Local Government Act 1999 and Regulations, other legislation affecting the Council, and the By-laws and Policies of the Council**
- **recognising that as an individual Council member, he or she has no authority to make decisions purporting to bind the Council, or to direct officers or employees, or to commit Council's resources**
- **using information obtained as a Council member responsibly**
- **respecting the confidentiality of Council**
- **not to divulge any information about a matter before Council or a committee where the council or committee has declared that matter to be confidential, to any person other than those persons whom the Member knows were privy to information about that matter; provided however that confidential information may be divulged where required to do so by law**
- 

**7. Information obtained by a Member in the course of his or her duties is respected and used in a careful and prudent manner as follows:**

- **information obtained by a Member as a result of his or her role is not to be used for any purpose other than Council business**
- **clear and concise guidelines for the making of public statements on behalf of the Council**
- **recognition 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**
- **personal comments being clearly identified**
- **information given in relation to the Council or Council decisions should be accurate and not be a misuse of information**
- **respect for and maintenance of confidentiality.**

## **CONFLICT OF INTERESTS**

Sections 73, 74 and 75 of the Local Government Act 1999 pertain to conflicts of interest for Elected Members.

Pecuniary and non-pecuniary conflict of interests

8.1 A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

8.2 You must appropriately resolve any conflict of incompatibility between your private or personal interests and the impartial performance of your public or professional duties.

8.3 Any conflict between your interests and those of council must be resolved to the satisfaction of the council. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.

8.4 It is essential that you properly address conflict of interests issues that may arise. You must:

- try to understand the concept and practical implications of conflict of interests issues
- accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government
- take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

8.5 Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.

8.6 Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

8.7 If you are in doubt whether a conflict of interests exists, you should seek legal or other appropriate advice.

8.8 A conflict of interests can be of two types:

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – A private or personal interest the council official has that does not amount to a pecuniary interest. (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

8.9

- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties
- councillors or members of council committees disclose an interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter
- designated persons immediately declare, in writing, any pecuniary interest.

6.10 Where you are a member of staff of council, other than a designated person you must disclose to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

6.11 If you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict. If this is in a meeting, do so as soon as practicable.

6.12 If you have declared a non-pecuniary conflict of interests you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issues being dealt with. You must deal with a non-pecuniary conflict of interests in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Include an independent person in the process to provide assurance of **probity (for example, for tendering or recruitment selection panels).**

## **Compliance with this Code of Conduct**

- Where an alleged breach of the code occurs other than a breach where other legislation determines the hearing/consideration of a matter, it should be reported in writing to the Mayor who will determine what if any action should be taken.
- If an alleged breach of the code occurs other than a breach where other legislation determines the hearing/consideration is regarding the Mayor, the matter should be reported in writing to the Deputy Mayor and the process will be conducted by the full Council.
- The Mayor or Deputy Mayor must at all times ensure that the principles of natural justice be observed during the investigation of an alleged breach. The member who is subject of an investigation must be given all information in regard to the allegations and an opportunity to respond if they desire. Likewise any individual who alleges a breach of the code of conduct must not be disadvantaged because of such an action.
- All deliberations in regard to an alleged breach shall be conducted in confidence.
- Allegations of behaviour that are subject to any statutory provisions of the Local Government Act 1999 and the Local Government (Elections) Act 1999 or any other Act must be dealt with in the manner set out in the relevant legislation.
- Decision of the Mayor or Deputy Mayor to be communicated in writing.
- Right of Appeal against any decision to be to the full Council.

### **The Criminal Law Consolidation Act 1935**

Members of Council are considered “public officers” pursuant to the Criminal Law Consolidation Act. Section 238 of the Act states:

*“A public officer act improperly if the officer knowingly or recklessly act contrary to the standards of propriety generally and reasonable expected of ordinary decent members of the community to be observed by public officers of the relevant kind”*

The Act includes, amongst other things, requirements in relation to the concept of a public officer acting “improperly” and the offences of:

- bribery and corruption
- threats and reprisals
- abuse of public office

The Act has provision for the imposition of severe penalties for offences.

### **Further Information**

Members of the public may inspect this Code of Conduct for Council Members at the office of the District Council of Robe, Royal Circus, Robe and, on payment of a fee obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to the Chief Executive Officer.

### **Statement of Adoption and Review**

This code of conduct was adopted by the District Council of Robe on 9<sup>th</sup> February 2010.

Council will review this Code on an annual basis to ensure that its commitment to the principles of good conduct and standards of behaviour is being achieved. Council will also review this Code annually.

### **Commitment of the Council Members**

We the Members of the District Council of Robe commit to observing this code of conduct

<b>Elected Member</b>	<b>Signature</b>	<b>Date</b>
Mayor W Peden	_____	_____
Cr Loxton	_____	_____
Cr Mathews	_____	_____
Cr Petrovic	_____	_____
Cr Wright	_____	_____
Cr Dell Antonio	_____	_____
Cr Riseley	_____	_____

Adopted May 13, 2008 (Minute Number 452/2008 & 472/2008)

Adopted	<i>May 2008, Resolution 452/2008 &amp; 472/2008</i>
Amendment Adopted	<i>February 9, 2010 Resolution Number xxx/2010</i>
Next Review Date:	<i>Annually – May 2009</i>
Responsible Officer:	<i>Chief Executive Officer</i>
Applicable Legislation:	<i>Local Government Act 1999 –</i>

15.2.2 Amended Code of Conduct - Employees

<b>REPORT TITLE:</b>	Amended Code of Conduct for Staff
<b>DATE OF MEETING:</b>	9 <sup>th</sup> February, 2010
<b>AUTHOR:</b>	Ronni Barnden
<b>AUTHOR'S TITLE:</b>	Deputy Chief Executive Officer
<b>REPRESENTORS:</b>	Nil
<b>FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Nil

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### **PURPOSE**

To adopt the amended Code of Conduct for Staff.

### **RECOMMENDATION**

**That Council adopt the amended Code of Conduct for Staff.**

### **BACKGROUND**

The current Code of Conduct for Staff was adapted from a model and guidelines produced by the LGA in early 2008 and adopted by Council in May 2008.

### **DISCUSSION**

As a result of general networking and discussions, many Councils are now amending their existing Code of Conduct for Staff as it does not cover some points that need to be addressed such as the consumption of drugs and alcohol and being 'fit' for work. A list of *key principles*' has also been included at the start of the code to explain the purpose of the code of conduct, a more explanatory section on *Conflict of Interest* has also been included

### **POLICY IMPLICATIONS**

This is an amendment to the existing code.

### **BUDGET IMPLICATIONS**

Nil.

### **STRATEGIC PLAN**

#### Governance

To ensure the delivery of sustainable, high quality, corporate governance for the District Council of Robe.

### **COMMUNITY CONSULTATION**

Not Required.



## **Policy 3.1 Code of Conduct for Employees**

### **Introduction**

This Code of Conduct is a public declaration of the principles of good conduct and standard of behaviour that the District Council of Robe has 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 associations 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.

### **KEY PRINCIPLES**

This Code of Conduct is based on the following key *principles*:

#### ***Integrity***

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

#### ***Leadership***

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

#### ***Selflessness***

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

#### ***Objectivity***

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

#### ***Accountability***

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

#### ***Openness***

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording,*

*giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

### **Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

### **Respect**

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

## **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 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.

## **Statement of Commitment**

Employees of the District Council of Robe 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 District Council of Robe recognise the requirements of this Code of Conduct as the standards that will be adopted in the performance of their functions and duties.

## **Principles of this Code of Conduct**

### **1. Employees of Council must act in a fair, honest and proper manner according to the law including:**

- 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 Council
- guidelines as to the appropriateness of the acceptance of gifts and gratuities
- impartiality in implementing Council decisions or when exercising delegated authority

### **2. Council employees must act with reasonable care and be diligent in the performance of their duties and functions as follows:**

- carrying out lawful policies, decisions and practices of Council in a professional manner
- show professional respect for decisions of 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**
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, ie:**
- **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 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**
4. **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 unfavorably on the Council**
5. **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, including:**
- mature and constructive working relationships based on mutual trust and respect
  - conduct of the relationship with courtesy and respect
  - acceptance and respect for their different but complementary roles in achieving the Council's objectives
  - respect for Council Members' roles in policy and planning and the employees' roles in providing professional opinion, guidance and expertise
  - agreed, between the CEO and Council, communication processes regarding access by Council Members to employees
  - prevention of the misuse of their position to influence individual Elected Members to gain an advantage for themselves or others
6. 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, ie:
- conduct of the relationship with courtesy and respect
  - behaviour that seeks to establish mature and constructive working relationships
  - the right of all points of view to be heard and considered
7. Information obtained by employees in the course of their duties and functions is respected and used in a careful and prudent manner and:
- 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

- information given in relation to the Council or Council decisions should be accurate and not be a misuse of information respect for and maintenance of confidentiality

## 8. CONFLICT OF INTERESTS

Pecuniary and non-pecuniary conflict of interests

8.1 A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

8.2 You must appropriately resolve any conflict of incompatibility between your private or personal interests and the impartial performance of your public or professional duties.

8.3 Any conflict between your interests and those of council must be resolved to the satisfaction of the council. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.

8.4 It is essential that you properly address conflict of interests issues that may arise. You must:

- try to understand the concept and practical implications of conflict of interests issues
- accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government
- take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

8.5 Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.

8.6 Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

8.7 If you are in doubt whether a conflict of interests exists, you should seek legal or other appropriate advice.

8.8 A conflict of interests can be of two types:

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – A private or personal interest the council official has that does not amount to a pecuniary interest. (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

8.9

- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties
- councillors or members of council committees disclose an interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter
- designated persons immediately declare, in writing, any pecuniary interest.

6.10 Where you are a member of staff of council, other than a designated person you must disclose to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

6.11 If you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict. If this is in a meeting, do so as soon as practicable.

6.12 If you have declared a non-pecuniary conflict of interests you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issues being dealt with. You must deal with a non-pecuniary conflict of interests in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Include an independent person in the process to provide assurance of probity (for example, for tendering or recruitment selection panels).

**Section 120 of the Local Government Act Pertains Specifically to the Chief Executive Officer and states:**

(1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—

(a) must disclose the interest to the council; and

(b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.

Maximum penalty: \$5 000.

(2) An employee of a council (other than the chief executive officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—

(a) must disclose the interest to the chief executive officer; and

(b) must not, unless the chief executive officer otherwise determines, act in relation to the matter.

Maximum penalty: \$5 000.

(3) It is a defence to a charge for an offence against subsection (1) or (2) to prove that the defendant was, at the time of the alleged offence, unaware of the interest.

(4) If an employee is entitled to act in relation to a matter by virtue of subsection (2)(b) and the employee is providing advice or making recommendations to the council or a council committee on the matter, the employee must also disclose the relevant interest to the council or council committee.

Maximum penalty: \$5 000.

(5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.

(6) A person is closely associated with an employee of a council—

(a) if that person is a body corporate of which the employee is a director or a member of the governing body; or

(b) if that person is a proprietary company in which the employee is a shareholder; or

(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or

(d) if that person is a partner of the employee; or

(e) if that person is the employer or an employee of the employee; or

(f) if that person is a person from whom the employee has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or

(g) if that person is a relative of the employee.

(7) However, an employee, or a person closely associated with an employee, will not be regarded as having an interest in a matter—

(a) by virtue only of the fact that the employee or person—

(i) is a ratepayer, elector or resident in the area of the council; or

(ii) is a member of a non-profit association, other than where the employee or person is a member of the governing body of the association or organisation; or

(b) in a prescribed circumstance.

(8) In this section—

**employee** of a council includes—

(a) a consultant engaged by the council; and

(b) a person working for the council on a temporary basis;

**non-profit association** means a body (whether corporate or unincorporate)—

(a) that does not have as its principal object or one of its principal objects the carrying on of a trade or the making of a profit; and

(b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members,

and includes the LGA.

(9) For the purposes of subsection (6)(e) and (f), employment with the council is to be disregarded.

## **Other business or employment**

8.13 A member of staff of council who is considering outside employment or contract work that relates to the business of the council or that might conflict with their council duties, must notify and seek the approval of the Chief Executive Officer in writing.

Before you engage in outside employment or business you must ensure that it will not:

- conflict with your official duties
- interfere with your council work
- involve using confidential information or council resources obtained through your work with the council
- require you to work while on council duty
- discredit or disadvantage the council

## **Gifts and Gratuities**

The community has expectations that Council and its employees will not be influenced in the performance of their duties by bribery. These expectations will not be met if the community is aware that Council employees accept gifts or gratuities for work undertaken in the normal course of their employment.

Accordingly, employees should, under no circumstances, accept money from any source in connection with the performance of their official duties. Great care should be exercised by employees when it comes to accepting other gifts of a non-pecuniary nature. Generally speaking, employees should indicate to prospective gift bearers that Council does not, nor its employees, accept gifts from those whom the Council has dealings.

Employees may accept gifts on behalf of Council provided that they are obviously mementos or gifts of a symbolic nature with such gifts becoming the automatic property of Council.

Where such gifts are likely to acquire historical or cultural significance or are likely to appreciate significantly in value, or where such gifts are valued in excess of \$50 the Chief Executive Officer must be notified of the gift. The Chief Executive Officer may decide that such gift be placed under Council control and ownership or that it be donated to a relevant cultural body. If the Chief Executive Officer

decides that the gift may be retained by the employee recipient, the employee recipient may be required to pay to Council the amount by which the valuation of the gift exceeds \$50.

## **Employee and Elected Member Communications**

Elected Members are required to raise issues or questions regarding employee and operational matters directly through the Chief Executive Officer.

Direct contact with employees regarding official Council business should not occur unless prior consent of the Chief Executive Officer.

## **Risk Management**

Council employees and Elected Members will identify, evaluate and resolve risks and embrace risk management.

The following is provided as explanatory statements detailing how to apply this principle:

- All employees recognise the importance and value of risk management and the ongoing benefit to the community;
- All employees are committed to Council's adopted policy on risk management;
- The policy is enacted to protect employee, Council's assets and liabilities and the community against potential losses;
- The policy requires all employees to identify and evaluate threats that present themselves from time to time, and in this regard it forms an integral part of Council's continuance improvement process embraced by Council and all employees;

## **Due Diligence**

Council employees acknowledge that as part of Council's ongoing risk management assessment Council has certain exposure risks with professional indemnity

Employees need to ensure that they do not: -

- Give inappropriate development approval;
- Give incorrect or incorrect advice;
- Contribute to contractual breaches;
- Commit dishonest/fraudulent acts;
- Infringe and copyright, trade secret or patent; and
- Act outside duty/authority

Careful documentation, adherence to legislation and best practices and seeking further expert advice if necessary will assist in managing professional indemnity risks.

Council will promptly advise the LGA Mutual Liability Scheme of any professional indemnity claim or potential claim. Employees are required to co-operate with any request for information or investigation undertaken by the LGA Mutual Liability Scheme.

## **Drugs and alcohol in the workplace**

The use of drugs or alcohol in the workplace – including Council premises, parks, reserves, vehicles, plant, or any Council building or physical asset – is prohibited. The General Manager may waive this requirement where circumstances warrant – for example, when Council sponsors a social event, such as an official farewell or a Christmas party. The focus of this policy is drug and alcohol dependence which

affects the work performance of the individual. This policy is directed towards maintaining a satisfactory level of employee health, safety and work performance.

### **Employee obligation to present for duty in a fit state**

It is the employee's responsibility to present for work in a fit state. The employee is responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

It is the responsibility of all employees of Council to ensure that they are fit for work and able to carry out their normal duties to the best of their abilities and in a safe manner.

It is the responsibility of all employees to assume responsibility for their actions and for their personal health and to ensure that their conduct outside of work does not affect their ability to carry out their normal work duties or endanger themselves or their fellow employees.

### **Prescribed drugs or medications**

It is the employee's responsibility to advise a supervisor if they are taking any prescribed drug or medication which may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

### **Council's right when drug or alcohol use is suspected**

If a manager or supervisor has justifiable cause to doubt an employee's fitness for duty, the General Manager (or appropriate officer) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders a risk to the health or safety of the employee, co-workers or the public, Council reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

### **Compliance with this Code of Conduct**

- questions of compliance raised by Council Members, other staff or the community regarding the Code will be considered by the Chief Executive Officer
- 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
- the Chief Executive Officer has responsibility for ensuring compliance with the Code occurs

The consideration of questions raised regarding compliance with the code by the Chief Executive Officer may need to be reflected in a different manner, for example:

- 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.

When a non compliance with this Code is reported to the Chief Executive Officer regarding employees actions then:

- The substance of the non compliance will be conveyed to the employee concerned within five (5) working days.
- The Employee concerned must respond to the non compliance allegation within five (5) working days.
- The Chief Executive Officer and the employee concerned shall then meet to discuss the alleged non compliance and attempt to agree on an outcome to resolve the matter.
- Copies of any allegation, response(s), notes of meetings held to resolve the matter will always be treated confidentially and will be placed on the employees personal file. Documents will be retained on the relevant employees personal file for up to twelve (12) months and provided their has been no continuing breach of this Code on the same matter, then the documents can be removed and destroyed.

### **Further Information**

Members of the public may inspect this Code of Conduct for Council Employees at the principal office of the District Council of Robe, Royal Circus, Robe and, on payment of a fee obtain a copy. Any enquiries in relation to this Code of Conduct should be directed to the Chief Executive Officer.

### **Review of the Code of Conduct**

This Code of Conduct will be reviewed by the District Council of Robe in consultation with employees and the relevant registered industrial associations representing employees, within 12 months after each general election of Council.

Council will take reasonable steps to consult with employees and the relevant registered industrial associations when revising this Code of Conduct.

Adopted	<i>May 2008, Resolution 452/2008 &amp; 472/2008</i>
Next Review Date:	<i>Annually – in May</i>
Responsible Officer:	<i>Chief Executive Officer</i>
Applicable Legislation:	<i>Local Government Act 1999 –</i>

15.2.3 Change of Internet Service Provider/ IT Support

**REPORT TITLE:** Change of Internet Service Provider and I.T Support  
**DATE OF MEETING:** 9<sup>th</sup> February 2010  
**AUTHOR:** Ronni Barnden  
**AUTHOR'S TITLE:** Deputy Chief Executive Officer  
**REPRESENTORS:** Nil  
**FILE NUMBER:**  
**ATTACHMENTS:**

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**PURPOSE**

To advise Council of a new agreement that is being negotiated with Telstra for the provision of Internet Service Provider Services and for Information Technology (I.T) backup and support.

**RECOMMENDATION**

**That Council note the report.**

**BACKGROUND**

At the ordinary meeting of Council held on 9<sup>th</sup> June, 2009, Councillor Mathews moved that Council investigate other internet and maintenance providers.

**DISCUSSION**

After an extensive investigation into internet service providers and information technology support suppliers it was found that Local Government Corporate Services (LGCS) had commenced negotiations with Telstra Business Solutions to provide a specific telephone, internet and I.T. solutions package tailored specifically to the needs of Local Government, taking into particular account, the needs of smaller Councils throughout the state. Upon further investigation into the Telstra package it was found that that the cost of a tailored package incorporating all three components was very affordable and cost effective. The Deputy CEO has held talks with Telstra Business Solutions representatives and Council's CEO with a view to tailoring a package for Robe. Basically, by shifting to the Telstra package Council will be able to upgrade all telephony equipment to the latest technology which will allow for greater efficiencies being achieved. For example, calls to and from Council mobiles to other Council mobiles or to the Council office will be supplied free of charge, calls from the office landlines will be able to be transferred directly to a mobile phone and a voice mail service will be available on selected office phones, staff productivity will be further increased, enhanced customer service, the confidence of a reliable platform, cost effective payment options, very fast and reliable internet speeds and reduced telecommunications costs. This will be particularly useful for the main phone line for after hours calls by allowing a "night message" to be placed on this phone.

A further advantage of availing of the Telstra package will be that all services i.e. telephones, internet and I.T backup and support will be with the one provider allowing further administrative efficiencies to be gained. Also, at present, Council does not have

a dedicated I.T. Officer but under the Telstra package, Council will effectively gain an I.T Department as Telstra provide a dedicated help desk for I.T. support which will cater for all I.T. issues, from the very simple to the most complicated of problems.

### **POLICY IMPLICATIONS**

All policies and procedures have been complied with during this process.

### **BUDGET IMPLICATIONS**

Telephone costs are already included in Council's budget but the cost of leasing the updated equipment is not. The indicative cost for the package is approx. \$330.00/month which will be added to the regular Telstra bill. In real terms however, this cost will be significantly less due to new efficiencies being achieved with the use of the latest technology and equipment, reduced call costs and free calls coming into the equation. The monthly cost includes all backup and support services excluding site visits, and unlimited access to the dedicated I.T. helpline and support staff.

### **STRATEGIC PLAN**

#### Governance

*To ensure the delivery of sustainable, high quality, corporate governance for the District Council of Robe.*

Council is committed to operating with 100% legislative and best practice compliance at all times to ensure that its processes are both accountable and transparent.

### **COMMUNITY CONSULTATION**

Not required.

15.2.4 Customer Action Form

**REPORT TITLE:** Customer Suggestion/Request Forms  
**DATE OF MEETING:** 9 February, 2010  
**AUTHOR:** Ronni Barnden  
**AUTHOR'S TITLE:** Deputy Chief Executive Officer  
**REPRESENTORS:** Nil  
**FILE NUMBER:** C0902  
**ATTACHMENTS:** Summary of Suggestion/Request/Complaint Forms

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**PURPOSE**

To ensure Council is monitoring suggestion/requests/Complaints received.

**RECOMMENDATION**

**That the report be noted.**

**BACKGROUND**

The District Council of Robe is a member of the Local Government Mutual Liability Scheme and Local Government Risk Services. A requirement of the schemes is that certain processes and policies are in place to alleviate exposure to the whole of Local Government. As self insured parties, the management of the risk must be documented and reported to Council.

**DISCUSSION**

The Customer Request/Complaint/Suggestion Forms are a fundamental process in the management of risks and also provide a reliable audit trail.

**Statistics:**

Department	Works	Administration	Development
Number of Suggestion/Requests	1	Nil	Nil
Number Completed	1	Nil	Nil
Number Outstanding	Nil	Nil	Nil

**POLICY IMPLICATIONS**

Risk Management – Achieving Council’s goals, programs, targets and hence its mission with a commercially and politically acceptable level of risk.

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC PLAN**

## Health, Community, Youth and Government Services

- Specific social issues of families, youth, the aged and community groups addressed

## Asset Management

- To maintain and improve the assets of Council

## COMMUNITY CONSULTATION

None required

	Date	Details of Complaint/Request	Form or Message	Report of action taken by delegated officer
		<u>Works</u>		
1)	27.1.10	Dust from carpark across from Celebrations is blowing into the Celebrations shop and making a mess	Message	Completed

15.2.5 Draft Model Enforcement Policy

<b>REPORT TITLE:</b>	Draft Model Enforcement Policy
<b>DATE OF MEETING:</b>	9 <sup>th</sup> February 2010
<b>AUTHOR:</b>	Ronni Barnden
<b>AUTHOR'S TITLE:</b>	Deputy Chief Executive Officer
<b>REPRESENTORS:</b>	Nil
<b>FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Nil

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**PURPOSE**

To adopt the draft model enforcement policy.

**RECOMMENDATION**

**That Council adopt the draft model enforcement policy.**

**BACKGROUND**

As part of its Regulatory Services Support Program, the LGA has developed Standard Operating Procedures (SOPs) for commonly exercised compliance activities undertaken by regulatory services officers as well as a Model Enforcement Policy for adoption or adaptation by Councils.

**DISCUSSION**

The Model Enforcement Policy was developed on the advice of the former Acting Ombudsman and provides a clearly articulated policy on the application of enforcement options. In order for DC Robe to be legislatively compliant and in the interests of best practice, it is recommended that Council adopt the attached policy.

**POLICY IMPLICATIONS**

Council does not currently have a Model Enforcement Policy so this will be a new policy.

**BUDGET IMPLICATIONS**

Nil.

**STRATEGIC PLAN**

Governance

To ensure the delivery of sustainable, high quality, corporate governance for the District Council of Robe.

**COMMUNITY CONSULTATION**

Not Required.



# ***Model Council Enforcement Policy***

## **August 2009**

**This Project has been assisted by the Local Government Research and Development Scheme**

### **1 Preamble**

Local Government is charged with legislative responsibilities which protect individuals and the community as a whole. Council's customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.

This policy is an "umbrella" policy which outlines Council's approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken.

In addition to enforcement, Council carries out a range of activities to ensure compliance such as community education programs to encourage conformance. Detailed policies and procedures about these specific activities may also apply.

Enforcement activities include:

- patrolling streets and public places;
  - inspecting premises either on a routine programmed basis or on a random basis;
- and
- responding to enquiries and complaints.

### **2 Purpose of the Policy**

- to provide consistency in enforcement action in matters of non-compliance;
- to ensure transparency, procedural fairness and natural justice principles are applied; and
- to ensure that enforcement action is proportionate to the alleged offence in each case.

### **3 Defining Enforcement**

Council adopts a broad definition of “enforcement” which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies.

Notwithstanding the above, Council will take immediate action when required (for example to ensure public health and safety or to protect the environment) and take firm action against those who act unlawfully when circumstances warrant.

### **4 Principles of Good Enforcement**

Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their enforcement related work with due regard to the following principles.

#### **4.1 Proportionality**

A proportionate response means that Council’s actions will be scaled to the seriousness of the breach.

Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.

Attention will be focussed on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the infringement, Council will minimise the costs to the person or body infringing the law by enforcing the minimum action necessary to secure future compliance.

Prosecution will generally be used as a last resort, or for continuous serious offences.

#### **4.2 Consistency**

Council will take a similar approach in similar cases to achieve similar outcomes.

While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:

- follow standard operating procedures wherever possible;
- ensure fair, equitable and non-discriminatory treatment; and
- record any deviation from standard operating procedures and the reasons.

#### **4.3 Transparency**

Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. It will consult on and provide ready access to published standards and levels of service and performance that can be expected and be clear and open about what is expected from those on whom the law places a duty (duty holders).

In educating the community at large and dealing with duty holders, Council will make a clear distinction between what is legally required and what is desirable but not compulsory.

Staff will be open to discussing potential and actual compliance failures, before, during and after formal action has been taken.

When remedial action is needed Council will explain clearly and in plain language why the action is necessary. Where practicable, it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.

Where it is not practical to give notice, the reasons why will be recorded in accordance with Council's Records Management protocols.

Complainants will be advised of what action has been taken and why that action has been taken.

### **5 Authorisation of Officers**

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons for action recorded in accordance with Council's Records Management protocols.

Officers are required to show their authorisations on demand.

### **6 Decision Making**

Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance include:

- explaining legal requirements and, where appropriate, the means to achieve compliance;
- providing an opportunity to discuss points of issue where appropriate;
- allowing reasonable timeframes to achieve compliance
- facilitating mediation between affected parties;
- issuing a verbal or written warning; or
- enforcement actions such as issuing an expiation, issuing an order/direction or prosecution.

Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded in accordance with Council's Records Management protocols and the complainant will be advised in writing.

In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:

- the seriousness of the offence;
- the degree of wilfulness involved;
- past history;
- the consequences of non-compliance;
- the likely effectiveness of the various enforcement options;
- deterrence;
- the effect on the community and other people; and
- consistency of approach to similar breaches/offences.

The following factors are to be ignored when choosing an enforcement strategy:

- any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- possible political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any political group or party.

Where a personal association or relationship with the alleged offender or any other person involved exists:

- an alternative person will make decisions where possible; and
- the facts about any conflict/relationship will be recorded in accordance with Council's Records Management protocols.

Written documentation will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

## **7 Enforcement Options**

### **7.1 No Action**

No action will be taken when, after investigation, no breaches of the legislation are discovered.

It may also be appropriate to take no action when:

- the complaint is frivolous, vexatious or trivial in nature;
- the alleged offence is outside Council's area of authority; or
- taking action may prejudice other major investigations.

### **7.2 Informal Action**

Informal action to achieve compliance with legislation may include:

- offering verbal or written advice;
- verbal warnings and requests for action; or
- written warnings.

Advice from officers will be put clearly and simply and will be confirmed in writing.

The circumstances in which informal action may be appropriate include:

- the act or omission is not serious enough to warrant formal action;
- the duty holder's past history reasonably suggests that informal action will secure compliance;
- confidence in the individual/other body is high;
- the consequences of non-compliance will not pose a significant risk; or
- where informal action may prove more effective than a formal approach.

Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.

### **7.3 Mediation**

Where practical, Council will make mediation available. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

## **7.4 Formal Action**

### **7.4.1 Service of Orders and Directions**

Various pieces of legislation specify the procedures which Councils must follow, in order to:

- advise of the intention to issue an Order;
- invite submissions with respect to the matter;
- order a person to do or refrain from doing a thing under specified circumstances; and/or
- issue directions specifying how the Order may be complied with.

Council Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/direction and the timeframe to comply.

Only in circumstances such as a threat to life or immediate threat to public health or safety will an Order be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.

In most cases the person receiving the Order has a right of appeal to the appropriate court if the Order is considered unreasonable. If an Order is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order.

Where there is evidence that an offence has been committed Council may issue an Expiation Notice or launch a prosecution in addition to serving an Order. This will only be done where it is determined that the conduct of the recipient justifies taking both steps.

### **7.4.2 Action in Regard to a Default**

Failure to comply with Orders will incur further enforcement action such as launch of a prosecution.

Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, Council may undertake the required work. Before doing the work Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken Council will seek to recover all costs over a fair period, using all statutory means available.

The decision to carry out action in default will be made by the Chief Executive Officer or delegate.

Where an offence has been committed Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

### **7.4.3 Service of an Expiation Notice**

A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence on the face of it to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

The following circumstances are likely to warrant an Expiation Notice:

- certain breaches of the legislation administered by Council;
- failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- failure to comply with the requirements of a Order;
- confidence in the individual/other body is low; or
- a written warning has been given for a similar offence.

### **7.4.4 Prosecution**

A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an Order;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.

Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.

A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- whether the offence was premeditated;
- the need to influence the offender's future behaviour;
- the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
- the availability and efficacy of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both personal and general; and
- the likely length, expense and outcome of a trial.

The final decision to prosecute will be made by the Chief Executive Officer [or delegate].

## 15. Officer's Reports – Finance Officer

### 15.3.1 Finance Report January 2010

<b>REPORT TITLE:</b>	Monthly Financial Report – January 2010
<b>DATE OF MEETING:</b>	9 February 2010
<b>AUTHOR:</b>	Vanessa McDonald
<b>AUTHOR'S TITLE:</b>	
<b>REPRESENTORS:</b>	Nil
<b>FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Financial Statements and Summary Financial Information

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#### **PURPOSE**

Monthly financial reporting to advise Council on its financial performance and position as at 31 January 2010.

#### **RECOMMENDATION**

**That Council notes the report.**

#### **BACKGROUND**

Attached reports provide information on the budget adopted by the Council for 2009-10, actual data for the seven months ending 31 January 2010 and revised estimates for the full year 2009-10. The revised estimates take account of a budget review undertaken during December.

#### **DISCUSSION**

The revised estimate of the operating result for 2009-10 is now \$707,000 worse than the original budget. This is explained by an increase in annual depreciation as a result of the asset revaluations. Council will be looking closely at its depreciation methodology throughout the financial year.

The revised estimate of the Council's net debt (i.e. outstanding borrowings less cash and investments) at 30 June 2010 is \$3,910,000. This compares with the original budget forecast of \$4,108,000. The movement is explained by revenue received for the sale of Burr Street, which was originally budgeted to occur in 2008-09. The item of note however, is that Childcare is Commonwealth funded and the Commonwealth is entitled to request any unspent funds back at any time. This would result in Council's net debt becoming larger.

The attached financial reports reflects the value of a provision to cater for the present value of the amount by which the estimated future unavoidable costs to the Council of meeting obligations to Marina Berth holders will exceed the future income from lease contracts and related Marina fees, charges and rates. The ongoing yearly audited

financial statements are going to require adjustments to reflect any changes to the provision for future losses associated with the Marina.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

The above report summarises overall improvements in the Council's financial performance and position which are expected to occur in 2009-10.

**STRATEGIC PLAN**

Performance Monitoring

**COMMUNITY CONSULTATION**

None required

**DISTRICT COUNCIL OF ROBE  
MONTHLY REPORT JANUARY 2010**

**INCOME STATEMENT**

2009-10 BUDGET \$'000	INCOME	JANUARY 2010 YTD ACTUAL \$'000	2009-10 REVISED ESTIMATE \$'000
3,701	Rates	3,687	3,687
55	Statutory Charges	35	55
443	User Charges	374	443
989	Grants Subsidies and Contributions	666	1,005
15	Investment Income	28	30
2	Reimbursements	22	22
107	Other	63	107
5,312	TOTAL REVENUES	4,875	5,349
	<b>EXPENSES</b>		
1,382	Wages and Salaries	741	1,300
1,937	Materials, contracts & other expenses	1,125	1,890
271	Finance Costs	38	150
1,642	Depreciation, amortisation & impairment	1,536	2,636
5,232	Total Expenses	3,440	5,976
<b>80</b>	<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>1,435</b>	<b>(627)</b>
-	Net gain (loss) on disposal or revaluation of assets	521	521
250	Amounts specifically for new or upgraded assets	-	250
-	Physical resources received free of charge	-	-
<b>330</b>	<b>NET SURPLUS/(DEFICIT)</b>	<b>1,956</b>	<b>144</b>

**DISTRICT COUNCIL OF ROBE  
MONTHLY REPORT JANUARY 2010**

**CASH FLOW STATEMENT**

2009-10 BUDGET \$'000 Inflows (Outflows)		JANUARY 2010 YTD ACTUAL \$'000 Inflows (Outflows)	2009-10 REVISED ESTIMATE \$'000 Inflows (Outflows)
<b>CASHFLOWS FROM OPERATING ACTIVITIES</b>			
<b>RECEIPTS</b>			
5,297	Operating Receipts	4,050	5,376
15	Investment Receipts	28	30
<b>PAYMENTS</b>			
(3,319)	Operating payments to suppliers & employees	(1,866)	(3,190)
(271)	Finance Payments	(38)	(150)
1,722	<b>Net Cash provided by (or used in) Operating Activities</b>	2,174	2,066
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>RECEIPTS</b>			
250	Grants specifically for new or upgraded assets	-	250
30	Sale of Assets	0	603
<b>PAYMENTS</b>			
(1,317)	Expenditure on renewal/replacement of assets	(1,818)	(2,043)
(2,546)	Expenditure on new/upgraded assets	-	(2,546)
(3,583)	<b>Net Cash provided by (or used in) Investing Activities</b>	(1,818)	(3,736)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>RECEIPTS</b>			
787	Premiums received in Advance (Marina)	242	787
1,200	Proceeds from Borrowings	-	1,200
<b>PAYMENTS</b>			
(193)	Repayment of Borrowings	(208)	(193)
1,794	<b>NET CASH USED IN FINANCING ACTIVITIES</b>	34	1,794
(67)	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	390	124
68	<b>CASH AT BEGINNING OF YEAR</b>	75	75
1	<b>CASH AT END OF YEAR</b>	465	199

**DISTRICT COUNCIL OF ROBE  
MONTHLY REPORT JANUARY 2010**

**BALANCE SHEET**

2009-10 BUDGET		JANUARY 2010 YTD ACTUAL	2009-10 REVISED ESTIMATE
\$'000		\$'000	\$'000
	<b>ASSETS</b>		
	<b>CURRENT ASSETS</b>		
1	Cash and cash equivalents	465	199
699	Trade & other receivables	1,764	699
530	Inventories	446	530
-	Other Financial Assets	-	-
1,230	<b>TOTAL CURRENT ASSETS</b>	2,675	1,428
	<b>NON-CURRENT ASSETS</b>		
29	Financial Assets	111	29
54,612	Infrastructure, Property, Plant & Equipment	93,981	54,807
54,641	<b>TOTAL NON-CURRENT ASSETS</b>	94,092	54,836
55,871	<b>TOTAL ASSETS</b>	96,767	56,264
	<b>LIABILITIES</b>		
	<b>CURRENT LIABILITIES</b>		
1,671	Trade & Other Payables	1,402	1,671
185	Borrowings	273	185
65	Short-term Provisions	128	65
1,921	<b>TOTAL CURRENT LIABILITIES</b>	1,803	1,921
	<b>NON-CURRENT LIABILITIES</b>		
2,965	Premiums Received in Advance (Marina)	2,346	2,965
-	Provision for Marina Completion	146	-
1,225	Provision for Future Losses	1,493	1,225
3,924	Long-term Borrowings	1,917	3,924
41	Long-term Provisions	107	41
8,155	<b>TOTAL NON-CURRENT LIABILITIES</b>	6,009	8,155
10,076	<b>TOTAL LIABILITIES</b>	7,812	10,076
45,795	<b>NET ASSETS</b>	88,955	46,188
	<b>EQUITY</b>		
6,939	Accumulated Surplus	7,890	6,754
38,146	Asset Revaluation Reserve	79,927	38,719
710	Other Reserves	1,138	710
45,795	<b>TOTAL EQUITY</b>	88,955	46,183

**DISTRICT COUNCIL OF ROBE  
MONTHLY REPORT JANUARY 2010**

**STATEMENT OF CHANGES IN EQUITY**

2009-10 BUDGET \$'000		JANUARY 2010 YTD ACTUAL \$'000	2009-10 REVISED ESTIMATE \$'000
	<b>ACCUMULATED SURPLUS</b>		
6,078	Balance at end of previous reporting period	5,927	6,078
329	Net Result for Year	1,956	144
1,450	Transfer From Reserves	7	1,450
-918	Transfer To Reserves	0	-918
<hr/>		<hr/>	<hr/>
6,939	<b>BALANCE AT END OF PERIOD</b>	7,890	6,754
	<b>ASSET REVALUATION RESERVE</b>		
38,116	Balance at end of previous reporting period	79,927	38,116
0	Gain on revaluation of infrastructure, property, plant & equipment	0	0
30	Transfer to Accumulated Surplus on sale of infrastructure, property, plant & equipment	0	603
<hr/>		<hr/>	<hr/>
38,146	<b>BALANCE AT END OF PERIOD</b>	79,927	38,719
	<b>Plant Replacement Reserve</b>		
15	Balance at end of previous reporting period	15	15
0	Transfer to reserve from accumulated surplus	0	0
0	Transfer from reserve to accumulated surplus	0	0
<hr/>		<hr/>	<hr/>
15	<b>BALANCE AT END OF PERIOD</b>	15	15
	<b>CWMS Maintenance Reserve</b>		
874	Balance at end of previous reporting period	870	874
626	Transfer to reserve from accumulated surplus	14	626
-951	Transfer from reserve to accumulated surplus	0	-951
<hr/>		<hr/>	<hr/>
549	<b>BALANCE AT END OF PERIOD</b>	884	549
	<b>Garbage Reserve</b>		
25	Balance at end of previous reporting period	141	25
287	Transfer to reserve from accumulated surplus	0	287
-297	Transfer from reserve to accumulated surplus	0	-297
<hr/>		<hr/>	<hr/>
15	<b>BALANCE AT END OF PERIOD</b>	141	15
	<b>Contribution Reserve</b>		
42	Balance at end of previous reporting period	25	42
0	Transfer to reserve from accumulated surplus	0	0
0	Transfer from reserve to accumulated surplus	0	0
<hr/>		<hr/>	<hr/>
42	<b>BALANCE AT END OF PERIOD</b>	25	42
	<b>Other Reserves</b>		
282	Balance at end of previous reporting period	76	282
5	Transfer to reserve from accumulated surplus	0	5
-202	Transfer from reserve to accumulated surplus	-7	-202
<hr/>		<hr/>	<hr/>
85	<b>BALANCE AT END OF PERIOD</b>	69	85
	<b>Lake Butler Reserve</b>		
4	Balance at end of previous reporting period	4	4
0	Transfer to reserve from accumulated surplus	0	0
0	Transfer from reserve to accumulated surplus	0	0
<hr/>		<hr/>	<hr/>
4	<b>BALANCE AT END OF PERIOD</b>	4	4
<hr/>		<hr/>	<hr/>
<b>45,795</b>	<b>TOTAL EQUITY AT END OF REPORTING PERIOD</b>	<b>88,955</b>	<b>46,183</b>

**DISTRICT COUNCIL OF ROBE  
MONTHLY REPORT JANUARY 2010**

**UNIFORM PRESENTATION OF FINANCES**

2009-10 BUDGET \$'000		JANUARY 2010 YTD ACTUAL \$'000	2009-10 REVISED ESTIMATE \$'000
5,312	Income	4,875	5,349
(5,232)	less Expenses	(3,440)	(5,976)
80	<b>Operating Surplus / (Deficit)</b>	1,435	(627)
	<b>Less Net Outlays on Existing Assets</b>		
	Capital Expenditure on renewal and replacement of		
1,317	Existing Assets	1,776	2,043
(1,642)	less Depreciation, Amortisation and Impairment	(1,536)	(2,636)
(30)	less Proceeds from Sale of Replaced Assets	-	(30)
(355)		240	(623)
	<b>Less Net Outlays on New and Upgraded Assets</b>		
2,546	Capital Expenditure on New and Upgraded Assets	-	2,546
(250)	less Amounts received specifically for New and Upgraded	-	(250)
-	Assets	-	-
2,296	less Proceeds from Sale of Surplus Assets	-	2,296
(1,861)	<b>Net Lending / (Borrowing) for Financial Year</b>	1,195	(2,300)

**NOTE TO UNIFORM PRESENTATION OF FINANCES STATEMENT**

The Local Government Association's General Meeting in March 2006 resolved that Council budgets include a high level summary of both operating and capital investment activities prepared on a uniform and consistent basis, thereby enabling more meaningful comparisons between councils.

It is also intended that annual financial statements and long-term financial plans be summarised on the same basis.

The Uniform Presentation of Finances table includes a measure known as "net lending / (borrowing)" as the bottom line (prepared on a standard and consistent basis by all SA Councils).

Net Lending / (borrowing) is a 'flow' measure that takes account of both operating and capital activities for the financial year. Achieving a zero result on the net lending / borrowing measure in any one year essentially means that Council has met all of its expenditure (both operating and capital) from the current year's income.

Programme Description	Sub Programme Description	YTD Budget	YTD Actual	Full Year Budget
Administration		<b>(\$3,130,985)</b>	<b>(\$3,185,516)</b>	<b>(\$2,810,543)</b>
	Elected Members	\$27,918	\$23,996	\$52,300
	General Operations	\$263,302	\$241,445	\$397,524
	Rates	(\$3,660,594)	(\$3,651,714)	(\$3,629,017)
	Grants	(\$10,070)	(\$13,557)	(\$20,141)
	Public Relations	\$60	\$1,269	\$2,766
	Administration Other	(\$39,616)	(\$57,138)	(\$57,200)
	Salary - Office	\$288,015	\$270,183	\$443,225
Health		<b>\$13,110</b>	<b>\$9,371</b>	<b>\$21,896</b>
	Health Inspection	\$5,773	\$6,544	\$12,120
	Other Health Services	\$3,102	\$2,553	\$5,016
	Health Prevention Services	\$0	(\$25)	\$0
	Health Centres	\$4,235	\$298	\$4,760
Public Order & Safety		<b>\$24,151</b>	<b>\$13,778</b>	<b>\$44,701</b>
	Dog Control	\$1,964	(\$4,204)	\$7,074
	Fire Protection	\$12,463	\$6,376	\$21,129
	Other General Public Services	\$9,724	\$11,606	\$16,498
Housing & Community Amenities		<b>\$279,676</b>	<b>\$253,108</b>	<b>\$467,306</b>
	Cemeteries	\$183	(\$1,633)	\$272
	Effluent Drainage	(\$24,987)	\$116,602	(\$43,170)
	Public Conveniences	\$35,734	\$37,348	\$60,704
	Sanitary & Garbage	\$252,660	\$86,621	\$421,899
	Street Lighting	\$16,086	\$14,170	\$27,600
Social Security & Welfare		<b>\$137,395</b>	<b>\$4,314</b>	<b>(\$3,517)</b>
	Other Social Sec/Wel Sves	\$700	\$2,940	\$700
	Aged Homes	\$1,203	\$4,539	(\$4,217)
	Mobilechildcare	\$135,492	(\$1,855)	\$0
	Aged Services	\$0	(\$1,310)	\$0
Sport & Recreation		<b>\$215,642</b>	<b>\$240,737</b>	<b>\$353,810</b>
	Halls	\$25,411	\$13,928	\$43,572
	National Estates	\$1,000	\$975	\$1,000
	Parks & Gardens	\$88,167	\$83,090	\$157,619
	Sport & Recreation	\$28,031	\$39,567	\$33,056
	Libraries	\$50,177	\$88,961	\$84,832
	Jetty	\$16,541	\$7,196	\$25,300
	Festivals	\$6,315	\$7,019	\$8,432
Transport & Communication		<b>\$848,651</b>	<b>\$1,032,789</b>	<b>\$1,034,371</b>
	Aerodromes	\$953	\$1,603	\$1,655
	Road Construction	(\$49,170)	(\$298,782)	(\$500,497)
	Road Maintenance	\$884,433	\$1,307,704	\$1,512,109
	Stormwater Drainage	\$13,522	\$20,792	\$23,062
	Community Bus	\$518	\$932	\$900
	Boat Ramp	(\$1,605)	\$540	(\$2,857)
Protection Of The Environ Nec		<b>\$9,232</b>	<b>\$4,447</b>	<b>\$15,622</b>
	Foreshore Protection	\$6,528	\$3,099	\$11,041
	Beach Patrol Officer	\$2,704	\$1,348	\$4,580

District Council of Robe  
Council Agenda 9 February 2010

Mining, Manufacturing & Const		<b>\$76,682</b>	<b>\$43,004</b>	<b>\$130,594</b>
	Development Act	\$76,682	\$43,004	\$130,594
Economic Affairs N.E.C.		<b>\$71,628</b>	<b>\$22,645</b>	<b>\$257,453</b>
	Caravan Parks	(\$39,537)	(\$30,468)	(\$37,000)
	Land Development	\$0	\$1,204	\$0
	Parking Off Street	\$112	\$86	\$200
	Other Economic Services	\$2,618	\$5,258	\$4,500
	Tourism	\$44,403	\$58,028	\$65,424
	Lake Butler	\$64,032	(\$11,463)	\$224,329
Other Purposes N.E.C.		<b>(\$394,918)</b>	<b>(\$334,545)</b>	<b>(\$325,706)</b>
	Depot & Overhead Expenses	\$9,254	(\$43,869)	(\$0)
	Other Property & Services	\$6,993	\$55	\$12,000
	Plant Operations	(\$488,642)	(\$323,575)	(\$484,786)
	Public Debt Transaction	\$76,236	\$30,076	\$145,000
	Vandalism	\$1,248	\$2,789	\$2,127
	Other General Purpose N.E.C.	(\$7)	(\$21)	(\$46)
<b>Net (Surplus)/Deficit Resulting From Operations</b>		<b>(\$1,849,736)</b>	<b>(\$1,895,867)</b>	<b>(\$814,012)</b>

**Robe Marina**  
*PO Box 301*  
*ROBE, SA 5276*

## **Profit & Loss Statement**

**1/07/2009 through 28/01/2010**

Income	
Interest Income	\$825.41
Marina Berth Income	
Lease Income	\$6,625.00
Short Term Lease Income	\$22,900.15
Total Marina Berth Income	\$29,525.15
Administration Fees	\$127,387.21
Fees for prep Underlease	\$1,750.00
Total Income	\$159,487.77
Cost Of Sales	
Gross Profit	\$159,487.77
Expenses	
Advertising	\$400.00
Bank Service Charges	\$514.64
Electricity	\$1,062.50
Council Rates - One Year Lease	\$7,831.80
Depreciation Expense	\$15,750.59
Repairs & Maintenance	\$12,268.98
Insurance	\$576.95
Interest Expense	\$29,797.20
Communication & Postage	
Postage	\$200.00
Professional Fees	
Accounting Fees	\$8,311.60
Legal Fees	\$3,844.13
Lands titles Fees	\$36.00
Executive Officer	
Professional Services	\$17,878.48
Total Expenses	\$98,472.87
Net Profit/(Loss)	\$61,014.90

Payment Listing January 2010
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Date	Name	Amount
15/01/2010	ADELAIDE BRIGHTON CEMENT LTD	-502.57
15/01/2010	ADVANCED NATIONAL SERVICES PTY LTD	-1430.00
15/01/2010	AUSTRALIA POST	-618.22
15/01/2010	E.D.A.C. ELECTRONICS AUSTRALIA PTY LTD	-489.50
15/01/2010	IAN BRUCE	-105.75
15/01/2010	MARINA INDUSTRIES ASSOCIATION OF AUSTRALIA	-420.00
15/01/2010	MARION FENNEL	-220.00
15/01/2010	OFFICE OF CONSUMER AND BUSINESS AFFAIRS	-640.00
15/01/2010	ROBE CONSTRUCTIONS PTY LTD	-4160.00
15/01/2010	ROBE PHARMACY	-46.62
15/01/2010	ST JOHN AMBULANCE AUSTRALIA SA INC	-50.00
15/01/2010	TELSTRA	-57.80
28/01/2010	AGL	-707.74
28/01/2010	CUTTING FLOWERS & FOLIAGE	-68.00
28/01/2010	ETSA UTILITIES	-1576.15
28/01/2010	MELLOR OLSSON LAWYERS	-269.50
28/01/2010	ROBE BAKERY	-90.00
28/01/2010	ROBIN WILSON AGENCIES PTY LTD	-125.00
28/01/2010	SA INSTITUTE OF RATE ADMINISTRATORS INC.	-650.00
28/01/2010	SA WATER	-92.95
28/01/2010	SEEBOHM SPORTSPOWER	-15.00
28/01/2010	SPENDLESS MOWING SERVICES	-160.00
28/01/2010	TELSTRA	-1692.09
28/01/2010	TERRAIN SERVICES	-563.20
28/01/2010	TOLL IPEC PTY LTD	-92.40
28/01/2010	WALLMANS LAWYERS	-211.75
15/01/2010	A & P GOLDSWORTHY	-68.75
15/01/2010	ALEX STAR BUILDING DESINGS	-641.41
15/01/2010	BARRETT DISTRIBUTORS	-8553.00
15/01/2010	BROOMIES FREIGHT	-47.30
15/01/2010	CITY OF MOUNT GAMBIER	-938.16
15/01/2010	COASTAL LEADER	-467.49
15/01/2010	COSSET INDUSTRIES PTY LTD	-745.69
15/01/2010	GREEN TRIANGLE ELECTRONICS	-1963.30
15/01/2010	HF DICKER AND SON	-291.10
15/01/2010	HOLCIM (AUSTRALIA) PTY LTD (HUMES)	-9823.44
15/01/2010	IRON MOUNTAIN AUST PTY LTD	-456.50
15/01/2010	JAGGA JAGGA	-7.15
15/01/2010	JAYPAK DISTRIBUTORS	-700.43
15/01/2010	K & S FUELS	-1057.03
15/01/2010	K-TEX HOSPITALITY	-395.80
15/01/2010	KINARA FREIGHT	-105.00
15/01/2010	LOCAL GOVERNMENT FINANCE AUTHORITY	-9530.18
15/01/2010	MAC FORD	-28037.00
15/01/2010	MASTEC AUSTRALIA PTY LTD	-568.70
15/01/2010	MAT'S PLUMBING	-121.00
15/01/2010	NEAT N TRIM UNIFORMS PTY LTD	-83.69
15/01/2010	ODOUR "OUT" PRODUCTS	-296.60
15/01/2010	ROBE FOODLAND	-306.93

Date	Name	Amount
15/01/2010	ROBE MITRE 10 HANDY	-7574.60
15/01/2010	ROBE RSL	-8200.00
15/01/2010	ROBE WATER, HALL	-132.00
15/01/2010	SE TIMES	-69.30
15/01/2010	SM PETTIT	-203.50
15/01/2010	SOUTH EAST EXCAVATIONS	-1325.50
15/01/2010	SOUTH EAST NATURAL RESOURCES MANAGEMENT BOARD	-1058.40
15/01/2010	THE DOG TIDY COMPANY	-189.50
15/01/2010	TOTALCOUNT	-286.00
15/01/2010	TYCO FLOW CONTROL PACIFIC PTY LTD (WATER DYNAMICS)	-12210.00
15/01/2010	VRM ACCOUNTING PTY LTD	-5165.18
15/01/2010	W HENDER	-2161.88
15/01/2010	WANNON FARM MACHINERY	-701.57
15/01/2010	WILLIAM PEDEN	-413.50
25/01/2010	AUSTRALIAN SERVICES UNION	-295.40
25/01/2010	LOCAL SUPER	-14964.75
28/01/2010	ALL PUMPS SUPPLIES	-1226.50
28/01/2010	ARTCRAFT PTY LTD	-524.70
28/01/2010	AUSTRALIA DAY COUNCIL OF SA	-81.50
28/01/2010	BAKER & GIBBONS PTY LTD	-97709.59
28/01/2010	BJ ROACH T/A ROACHY'S COMPLETE GARDENS	-910.00
28/01/2010	BJ'S NEWSAGENCY	-89.90
28/01/2010	C & PA	-484.00
28/01/2010	CARROLL & RICHARDSON FLAGWORLD P/L	-265.00
28/01/2010	DAVIE DIGITAL PRINTING & ENGRAVING	-11.30
28/01/2010	DINGO'S LAWNS & GARDENS	-45.00
28/01/2010	FLYCO SA PTY LTD	-135.00
28/01/2010	GAMBIER EARTH MOVERS PTY LTD	-14540.90
28/01/2010	GREEN TRIANGLE ELECTRONICS	-520.97
28/01/2010	HOLCIM (AUSTRALIA) PTY LTD (HUMES)	-283.58
28/01/2010	J & M SHANKS PTY LTD	-3381.24
28/01/2010	JAYPAK DISTRIBUTORS	-77.00
28/01/2010	JONES TONKIN CONSULTING ENGINEERS	-4829.00
28/01/2010	KARLINDS	-975.00
28/01/2010	LOCAL GOVERNMENT CORPORATE SERVICES	-110.00
28/01/2010	MEDVET SCIENCE PTY LTD	-1276.00
28/01/2010	NEAT N TRIM UNIFORMS PTY LTD	-285.00
28/01/2010	PHOENIX SOCIETY	-640.01
28/01/2010	QUICKMIX INDUSTRIES	-39.00
28/01/2010	R & R AUTOMOTIVE ELECTRICAL PTY LTD	-294.50
28/01/2010	REPCO AUTO PARTS	-160.06
28/01/2010	ROBE PLUMBING SERVICE	-400.40
28/01/2010	ROBE WATER, HALL	-8.00
28/01/2010	ROBYN PATERSON	-104.34
28/01/2010	SOUTH COAST PRINT & GRAPHICS	-49.10
28/01/2010	SPOTLIGHT CLEANING SERVICE PTY LTD	-129.56
28/01/2010	TONKIN CONSULTING	-45834.80
28/01/2010	UNION CAFE	-150.00
28/01/2010	WASTE CARRIERS AUSTRALIA PTY LTD	-816.75
28/01/2010	WATTLE RANGE COUNCIL	-5042.94

BANK FEES – JANUARY 2010	\$1382.50
PAY PERIOD ENDED 8/01/2010	\$49387.45
PAY PERIOD ENDED 22/01/2010	\$65569.67

## 15. Officer's Reports – Director of Childcare

### 15.4.1 CCOWS Report

*The first few months of the year are always busy. Reflecting on where we are coming from in the previous year and planning what we want to achieve in the coming year. Taking into consideration the current and predicted Government expectations and the forecast needs for care in Robe and the surrounding districts.*

*The planning takes place with site leaders and is then discussed at the first staff meeting and the CCOWS Annual Staff training day. The plans take into account:*

- *The Service Workplan 2009/2010, submitted to DEEWR in July.*
- *CCOWS Strategic, Market and Business plans.*
- *Information gained from Staff Appraisals*
- *Information from parent communication and Waiting lists*
- *Observations of children, safety and accident records*
- *Changes in Pedagogy and focus in Children's Services*
- *Changing expectations, regulations and requirements of DECS, DEEWR*

*Research about children's early brain development is now widely accepted and acknowledged in Government policy and planning around the world. The Australian Government has introduced a NEW NATIONAL EDUCATION AND CARE FRAMEWORK for early childhood.*

*The impact for CCOWS (and other children's services) is;*

- *The need to examine the changes of how many children per staff member are now recommended to achieve high quality care. Or how many staff we need to cover requirements for under-2 year olds, 2-to-3 year olds and 3-to-4 year olds.*
- *The requirement that the minimum staff qualification for Professional carers will be Certificate 3 in Children's Services and by 2014 half the staff employed need to have a Diploma in Children's Services.*
- *The Program planned for children needs to meet the new Early Years Learning Framework, called "Belonging, Being, Becoming" (affectionately dubbed the 3B's).*

*These changes sit alongside the ongoing regulations for physical, administration, education and governance which DECS (SA Department of Education and Children's Services) presently audits and enforces to ensure compliance. There are 70 points which need to be met before a license for Child Care is granted. These are continually monitored by Department officers. These include such things as fence heights, water and room temperature, storage space, cleaning materials, children's sleeping areas, activities evacuation drills, medication procedure etc.*

*Communication and reflection become very important tools with which to be able to monitor our operation as a service. But of course the most important thing to CCOWS Staff and Management is that children are safe, protected and inspired to achieve. Having fun and developing a healthy self-esteem while learning "how to be" with others is our daily mantra...one that is appropriate for us all, we think.*

## STAFF

- The study group facilitated by Mt Gambier TAFE will resume shortly. There are several staff members studying the Diploma of Children's Services.
- CCOWS Staff training day on Jan 14, included a practical workshop with creating activities and environments to stimulate and interest children, review of safety policies (including snake sighting and catastrophic fire warnings), and a presentation of the 3B's by DECS Limestone Coast Children's Services Regional Consultant.  
Other professionals from the Limestone Coast joined us.
- There will be 2 staff training sessions in Mt Gambier on Saturday mornings to discuss the topic "When Children push your buttons". The management of challenging behaviours is always a much requested training option.
- We congratulate Cheryl Lawrence on her impending motherhood,( and we have made arrangements for her replacement at Beachport when needed).
- The second round of advertising for a Team Leader will begin shortly. Though present staff are managing extra responsibilities, it would be more efficient and enriching to have a Team Leader in position.

## CHILDREN

- Commonwealth Funding is dependent on "Access Guidelines " being observed. So there is a placement protocol to be adhered to, while also taking into account the chronological arrival of waiting list applications. There are waiting lists at each site, with Robe now reaching 101 spaces being requested,( There are 43 families waiting for multiple places at this site).
- There will be no "school starters" until second or third term. There is a small percentage of "transient" families, but generally we cannot keep up with the demand for care.
- Our present enrolments at each site are happy and healthy, with very few "Alerts" for allergy and developmental challenges.

## SITES

- Building is planned at all sites. Robe Kindy will enclose the verandah with plastic blinds, Beachport School has changes to library and teacher's resource room ( which impacts on facility use by our staff) and Kangaroo inn has a library extension etc We look forward to the completion of these structures and resumption of "normal staff support and facilities".
- Vandalism to the Beachport School during the holidays, resulted in damage to the small CCOWS shed on site. Repairs will be completed as soon as possible.
- New cooling facility for children's lunches is being investigated at Robe.

## OH&S

"Catastrophic Fire Warnings" are providing a learning process for all concerned. DECS initially put out guidelines which each school has used to make their own fire-plan.

CCOWS takes guidance from those plans,( if on site when a catastrophic warning is given). The policy however is to forecast a day ahead, with warning systems in place so that parents may be informed about "closure of service". This involves particularly the Beachport and Kangaroo Inn sites, So the Director and Site Leader will receive information in advance from DECS and the School

Principals. Each CCOWS administrator has parent phone numbers which will then be messaged with the information re closure.

After consultation with Michael Kemp, the CFS Fire Chief for the SouthEast, information regarding the impact on CCOWS staff was clarified. Several staff live away from Robe on rural holdings, they will need to make up their mind ( according to their personal fire-plans) as to whether they come to work or stay at home on days of catastrophic warnings. This will impact on the staffing of the Robe site, even though this Robe site is not likely to be closed by DECS ruling. The Child Care may not be able to operate because staff who live in another fire zone area, may choose not to leave their property and so not be able to work. This is something we will have to work through when the occasion arises, ( as are many other small Australian communities).

## **OPERATIONS**

- At the beginning of each year there is a routine check;
  - Are Contacts for families current?
  - Are there changes to children's health information?
  - Staff availability and weekly commitments are reviewed
  - Is parent's employment status is the same?
- Planning and focus for the year began with Leader's Planning Day, Large CCOWS Shed organization day, CCOWS Staff training, dates for Management and Staff meetings decided.
- The ability to attract a full-time team leader will mean more flexibility within service operations to ensure quality outcomes with children's programming and parent communication ( Family visits would resume).
- The 3 B's framework will begin to be implemented this year. This means staff continually updating the information and available resources for guidance and assistance.
- 

## **DIRECTOR'S DIARY**

Jan 6 Leader's Planning Day

Jan7 Shed Day

Jan 14 CCOWS Training Day

Jan 15 DEEWR utilization report due

DEEWR First Service Workplan Review due

DEEWR Second Quarterly Financial Report

Jan 18 Sydney , meeting with President of German mobiles, Gerhard Knecht re future Collaboration.

Feb 1, Adelaide DEEWR, Consultation (re ability to meet increased care needs)

Feb4 4WD Service , Mt Gambier

Meetings at DECS and TAFE

Kangaroo Inn , meeting with possible student trainee

Feb 6 Mt Gambier, Staff training with Lady Gowrie Presenter  
Feb 9 CCOWS Staff meeting  
Feb 12 RDCouncil Planning meeting  
Feb 15 CCOWS Management Committee meeting  
Feb 16 Chit Chat newsletter due out to parents

*Robyn Paterson*

## 15. Officer's Reports – Works Supervisor

### 15.5.1 Works Report

<b>REPORT TITLE:</b>	Monthly Works Supervisors Report
<b>DATE OF MEETING:</b>	9 February 2010
<b>AUTHOR:</b>	Trevor Hondow
<b>AUTHOR'S TITLE:</b>	Works Supervisor
<b>REPRESENTORS:</b>	NA
<b>FILE NUMBER:</b>	Nil
<b>ATTACHMENTS:</b>	Nil

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As reported last month the outside staff started tree trimming in the Town area. With the holiday season over this work will continue over the next few months. Walkways at McIntyre Street, Long Beach and behind Lake Charra have also had some tree trimming done for easier access.

Pot holing also continues and work on Robe Street and the town end of Nora Creina Road with contractors coming in March to reseal these two roads. Both these roads will be line marked after resealing.

Council has taken delivery of a Volvo L60 loader purchased from Warrin Mining late last year. This has replaced the Cat 928 loader.

Roads graded in January were:-

- Steve Woolston Road
- Shamrock Road
- Sargent Hill Road
- Nunga-Mia Road
- Nora Creina Road
- Fayrefield Lane
- Evans Cave Road
- Bog Lane
- Powells Road

## 16. Correspondence

### 16.1 Quilters by the Sea – letter of appreciation

# The Quilters by the Sea

Po Box 166  
ROBE SA 5276  
Ph 08 87682 213

DC of Robe	
For Action By: <i>Roxie R</i> put into Council correspondence for next meeting	
Received: 28.1.10 28/1/10	
Letter No: 6801060	File No: 2.67.2

Wednesday, 25 November 2009

Robe District Council,

We would sincerely like to thank you for supporting our Pink Breakfast. We appreciate your donation of the use of the hall. We had a very successful day both financially and socially, with many people attending and most wearing pink. We didn't keep a count of how many people attended but we went through over 220 plastic plates.

The format was slightly different this year, with the introduction of the lucky wheel and the bra competition, organised by Jo Jo Spook. This was a huge success with 25 entries from far and wide. The bras are on display at the Wild Mulberry for a short time if you would like to view them.

We have been receiving lots of positive feedback and we are looking to a bigger and better breakfast next year.

It was wonderful to see so many of the school children join us and wearing so much pink.

We exceeded all expectations.

Once again thank you for your support and help in reaching a total of \$2500.00 for the Pink Breakfast and we still have a crayfish raffle which will be drawn on the 29th November.

We have already set the date for next years breakfast. It will be held on the Wednesday the 27th October 2010

Looking forward to your support again next year!

Regards  
The Quilters by the Sea

Sonia McMartin  
&  
Mary Peters  
Fundraising Committee

16.2 Hon Gail Gago – letter of congratulations

Hon Gail Gago MLC

09LG0220

Mr Bill Hender  
Chief Executive Officer  
District Council of Robe  
PO Box 1  
ROBE SA 5276

*Bill*  
Dear Mr Hender

Thank you for Council's letter providing the District Council of Robe's Further Progress Reports (the Reports) to 31 October 2009 on the implementation of Governance Review Recommendations and the Financial and Asset Management Action Plan. I apologise for the delay in this response.

The Legislation and Governance Division (L&GD) of the Department of Planning and Local Government (DPLG) has undertaken a detailed analysis of these Reports and I congratulate you on the progress made.

In particular, I acknowledge the improvement in the financial performance and position of the Council as shown in the recently completed annual financial statements of the Council for 2008-2009.

I note that the Council has been requested to report back to the L&GD of the DPLG by 30 April 2010 on further progress made in implementing the outstanding actions contained in the Governance and Financial and Asset Management Action Plans. I look forward to reviewing this Report in due course.

Yours sincerely



HON GAIL GAGO MLC

3 / 1 / 2010

DC of Robe	
For Action By: <i>Correspondence</i> <i>Bill Feb 2010</i> <i>Council Meeting</i>	
Received: <i>14/1/10</i>	
Letter No: <i>C0201050</i>	File No: <i>10-46-1</i>



Government  
of South Australia

Minister for State/Local  
Government Relations  
Minister for  
the Status of Women  
Minister for Consumer Affairs  
Minister for  
Government Enterprises  
Minister Assisting the  
Minister for Transport,  
Infrastructure and Energy

Level 12  
Terrace Towers  
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Tel (08) 8303 2926  
Fax (08) 8303 2533

minister.gago@saugov.sa.gov.au

16.3 Hieu Van Le – Multicultural Grants Scheme 2009/2010



Government of South Australia  
Multicultural SA

Friday, 29 January 2010

Mr William Peden  
Mayor  
Robe District Council  
P.O. Box 1  
ROBE S.A. 5276

DC of Robe

For Action By: <i>Ron Ripstein</i>	
Received: 1/2/10	
Letter No: C02010154	File No: 7.41.2

Office of the Chairman  
South Australian  
Multicultural and Ethnic  
Affairs Commission  
24 Flinders Street  
Adelaide SA 5000  
Tel 08 8226 1944  
Fax 08 8226 1955  
multiculturalsa@saugov.sa.gov.au  
www.multicultural.sa.gov.au

Dear Mr Peden

On behalf of the Hon. Michael Atkinson MP, Minister for Multicultural Affairs, the South Australian Multicultural and Ethnic Affairs Commission and Multicultural SA, I invite community groups to apply for assistance under the second round of the Multicultural Grants Scheme for 2009/10.

Please find enclosed a Grant Guideline and Application Form Booklet.

Copies of the Multicultural Grants Scheme Guidelines and Application Forms are also available on the Multicultural SA website [www.multicultural.sa.gov.au](http://www.multicultural.sa.gov.au).

Information on other grant programs, administered by the South Australian Government, is available on [www.sa.gov.au](http://www.sa.gov.au). This Grants Directory will provide easy access to information on a broad range of funding options available to the community through South Australian Government grant programs.

For further information, please do not hesitate to contact a grants officer on 8226 1944 or toll free 1800 063 535 (country callers).

Multicultural SA can provide an interpreter should applicants require assistance to complete the application form.

Please note that the closing date for applications is Friday 26 March 2010.

Yours sincerely

Hieu Van Le  
Chairman  
South Australian Multicultural and Ethnic Affairs Commission

**17. Notices of Motion**

**18. Questions on Notice**

**19. Other Business**

**20. Confidential items**

**21. Closure**