



SECOND BOARD MEETING

Draft Minutes of Meeting held in Sydney on Monday 14 December 2009

Present

- Hon Margaret Reynolds, Chairperson
- Prof Attila Brungs, Deputy Vice Chancellor (Research) UTS (from 4pm)
- Jeff Francis (alternate for Prof Brungs)
- Penny Holloway, Local Government Managers Australia
- Prof John H Howard, Pro-Vice Chancellor (Development) UC
- Peter Allen, Deputy Dean, ANZSOG
- John Truman, President, Institute of Public Works Engineering Australia (IPWEA)
- Michael Pahlow (alternate for Stephanie Foster, Deputy Secretary, DITRDLG)
- Adrian Beresford-Wylie (alternate for Cr Geoff Lake, President, ALGA)

In Attendance

- Prof Graham Sansom, Director ACELG
- A/Prof Michael Paddon, Research Director, UTS Institute for Sustainable Futures
- Prof Mark Evans, Director, ANZSOG Institute, University of Canberra
- Prof Chris Aulich, University of Canberra and ANZSOG
- Prof Ian Thynne, Charles Darwin University
- Michelle Noble, Edith Cowan University
- John Ravlic, national CEO, Local Government Managers Australia
- Chris Champion, national CEO, IPWEA
- Brendan McRandle, General Manager – Local Government, DITRDLG
- Robert Mellor, Program Manager, UTS Centre for Local Government
- Sarah Artist, Program Manager, UTS Centre for Local Government

Item 1: Welcome and Apologies

The Chairperson welcomed all those present.

Apologies were received from Prof Attila Brungs (for the first part of the meeting); Cr Geoff Lake, President of ALGA (who was a member of the Australian delegation to the Copenhagen climate change conference); Stephanie Foster, Deputy Secretary, DITRDLG; and Dr Linda Botterill, ANU.

The Director advised members that there would be a discussion with the federal Minister for Local Government, Hon Anthony Albanese, following the meeting at 4.30.

Item 2: Minutes of Meeting held on 1 October 2009

Resolved:

That the minutes of the meeting held on 1 October 2009 be adopted without amendment.

Item 3 Matters Arising

Peter Allen sought an explanation for the delay in circulating the revised Project Plan for approval by Board members. The Director advised that this was due to the need for further consultations with stakeholders, including local government associations as agreed at the October Board meeting, and that the federal department had indicated no objection to the delay.

John Truman sought further information on the role of the Programs Committee. The Director and Prof Howard (chair of the Programs Committee) advised that the committee would comprise representatives of each of the consortium and program partners, and as agreed at the October meeting its role would be to coordinate and oversight program implementation. The committee would meet at least quarterly, shortly before each Board meeting, and would provide a progress report to Board members every 2-3 months.

Item 4 Progress Reports

The Director tabled progress reports on each of the six ACELG program areas, plus establishment of the secretariat and website, and consultations to date with key stakeholders. These were based on discussions at the Programs Committee meeting held on 8 December. He also commented on ACELG's role in relation to the federal government's Local Government Reform Fund (LGRF).

Prof Aulich tabled a supplementary report on the Research and Policy Foresight program. He emphasised that:

- ACELG research would need to address relevant 'external' agendas (such as those of COAG) as well as core areas of concern to local government and ACELG's own programs
- Research would have to be applied and collaborative
- All ACELG programs would have some 'embedded' research to provide the required evidence base for policy and action, and these efforts should be coordinated through the research program
- Key research program outputs would include brief 'digests' on key issues to bring together available information as a basis for policies and programs; larger pieces of research aimed at filling critical gaps in knowledge or understanding; targeted research to support program activities etc
- An important outcome would be to rebuild a culture of research in and for local government.

Board members offered a range of comments on the progress reports:

- The need to explore opportunities to engage postgraduate students in areas of interest to them that relate to ACELG's programs, including the possibility of professional doctorates for local government personnel as a means of linking research to practice
- The need for effective coordination and collaboration with a wide range of other organisations involved in various ways with local government research
- The important role seen by DITRDLG for ACELG in relation to the LGRF in terms of building a national picture and generating synergies between LGRF projects, and providing a longer term follow-up eg in maintaining, monitoring and analysing data.
- The vital importance of greater efforts to collect consistent, accurate national data on various aspects of local government, but equally the importance of making very clear to all concerned the purpose of data gathering exercises, of keeping data collection as simple as possible (eg by modifying existing collections rather than adding new ones), and of providing feedback to those surveyed
- The need to clarify data ownership

Members also expressed their appreciation of the substantial in-kind contributions being made by CDU and EDU in undertaking scoping studies for the Rural-Remote and Indigenous Local Governments program.

Resolved:

That the progress reports be accepted and noted.

Item 5 Revised Draft Project Plan

The Director tabled a revised draft Project Plan. He advised that it took into account comments received in consultations to date, plus discussions at the Programs Committee meeting held on 8 December. He also explained that the aim was to finalise the Plan at this Board meeting so that it could be launched by the Minister later that afternoon.

The Director indicated that the revised Plan included only three significant changes from the earlier draft:

- The change to a calendar year budget framework (to align with reporting and audit requirements in the funding agreement) with the introduction of 'Year Zero' to cover July-December 2009 plus an extension to 5.5 years of operation, and hence a reduction in retained funds at the end of that period to \$2m
- Dropping of any attempt to detail program activities for Years 4-5 in Table 4, and the proposal that whilst some indicative activities will be included in future iteration of the Project Plan, the shape of ACELG's programs for Years 4-5 should depend largely on the evaluation to be conducted in Year 3 (which may conclude that some quite fundamental changes are needed as a basis for long term sustainability).
- An introduction to explain the basis for the Project Plan and to highlight key deliverables for 2010.

Board members identified the need for a number of minor changes to wording: these were all agreed. It was also noted that a mechanism would be needed to keep track of in-kind

contributions to ACELG by consortium and program partners.

Resolved:

That the revised Project Plan be adopted, subject to the further minor amendments agreed by the Board.

Item 6 Proposed Collaboration Agreement

The Director advised that, since the Funding Agreement for the Centre's establishment is between the Commonwealth and UTS, it is considered desirable for the consortium partners to enter into a 'collaboration agreement' that reflects key provisions of the Funding Agreement, safeguards partners' interests, and provides a sound basis for ongoing operation of the Centre.

He further advised that a draft agreement is being prepared for circulation to consortium partners, and will include provisions to:

- Establish the Centre for the period until 31 December 2014
- Set out the obligations of the parties
- Give effect to the Project Plan and require the preparation of supplementary Action Plans
- Formalise arrangements for payment of annual contributions by partners to UTS, and for disbursement of program funds to partners, in accordance with the approved Project Plan (as amended from time to time)
- Establish the Board and Programs Committee, confirm their membership, set out their roles and responsibilities, and define basic meeting procedures
- Ensure that arrangements are in place to manage by agreement between the parties funds remaining at the end of 2014
- Enable the establishment of other committees as agreed from time to time
- Share and protect intellectual property (under the Funding Agreement IP rests with UTS, but UTS will grant partners an irrevocable, perpetual, non-exclusive, fully paid-up right to project materials and IP)
- Ensure entitlements to publish
- Allow sub-contracting by partners
- Provide necessary warranties and indemnities
- Regulate termination or withdrawal of parties.

Board members indicated general agreement with this proposed course of action, subject to partner organisations being given sufficient time to obtain necessary endorsement by their respective boards before the next meeting.

Resolved:

That the Board endorses preparation and circulation of a draft Collaboration Agreement, with a view to its adoption at the next meeting.

Item 7 Role and Procedures of the Board

At its first meeting the Board requested a further paper on its role, terms of reference and operating procedures. The Director tabled a set of detailed proposals, as follows (amendments made at the Board meeting are shown in italics):

Membership

- Board members shall hold office for such period as determined by the party that appoints them.
- The Chairperson shall hold office for such period as the Board determines.

Role

The primary role of the Board should be to ensure the good governance of the Centre in accordance with the Funding Agreement, Collaboration Agreement and Project Plan.

Terms of Reference

It is proposed that the Board shall:

- Determine and approve the Project Plan and budget, and review them annually, in accordance with the Funding Agreement
- Monitor implementation of the Centre's programs and ensure preparation of reports required by the Funding Agreement
- Determine other matters of policy relating to the Centre's structure and operations
- Provide ongoing direction to the Director
- Establish the Programs Committee and other committees as required, determine their roles and responsibilities, and appoint the members and chairs of those committees
- Determine the terms and conditions of any early departure or termination of a Party's involvement with the Centre
- Determine the terms and conditions of any new entrant into the Centre of Excellence for Local Government
- Monitor the performance of the Director and be authorised to remove and replace the Director should the need arise, subject to all relevant employment policies and conditions
- Consider and approve requests to publish material produced as part of the Centre's activities, and using Centre funds
- Consider and approve proposals for use of sub-contractors
- Undertake other obligations as set out in the Collaboration Agreement.

Meeting Procedures

- The Board shall meet at least 4 times each year, *in person or by teleconference or by other means approved by all members*
- A quorum shall be 6 members, *participating by whatever means has been approved by all members*
- The Board should operate primarily by consensus, but where a vote is taken, a decision shall require a simple majority of Board members (or alternates) present
- The Chairperson shall have only one vote and no casting vote

- In the absence of the chairperson, members present shall elect a replacement for that meeting only
- Board members shall declare any actual or potential conflict of interest *in relation to an agenda item at the beginning of the meeting, or if the matter arises at the meeting, before any discussion takes place and a decision is taken*
- ~~Meetings may occur in person or by teleconference or by other means approved by all members~~
- Matters may be determined out-of-session by unanimous agreement
- Meetings shall be held at such times as determined by the Board or, if matters need to be addressed urgently, the Chairperson
- Members shall receive at least four week's notice of a meeting, or one week in the case of a teleconference
- Agenda papers shall be circulated at least 3 working days prior to meetings
- All correspondence in relation to meetings shall be forwarded to both members and alternates
- The Chairperson, a Board member or the Director may invite observers to attend and contribute to meetings, subject to the agreement of other members
- The Director shall ensure that minutes of meetings and decisions are maintained to the Board's satisfaction
- No fees or expenses shall be payable to Board members, except that the Chairperson may be reimbursed for reasonable travel and accommodation expenses.

Resolved:

That the proposals contained in this report, as amended by the Board, be incorporated into a formal statement of Terms of Reference and Meeting Procedures.

Item 8 Other Business

John Ravlic advised that the Year of Women in Local Government would be launched at Sydney Town Hall on Wednesday 20 January by LGMA, ALGWA, the Lord Mayor and Ministers Albanese and Plibersek.

Prof Thynne raised the possibility that the Northern Territory government would fund a research fellow based at CDU, but that it would be helpful for ACELG to 'sponsor' the position. Board members indicated no disagreement in principle, but that the details should be discussed further with the Director and a report prepared.

Item 9 Next Meeting

It was agreed that the next meeting should be held in Melbourne in late April, and that the Director would circulate a suggested date.