

CHANGE OF REPRESENTATIVES TO EASTERN REGIONAL LIBRARY CORPORATION

Report Author: Manager Financial Services

Responsible Officer: Director Corporate Services

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Councillors are appointed annually to a number of committees and external bodies that require Council representation. Included in this is Council's nominated delegates to the Eastern Regional Library Corporation (ERLC). At its meeting on 23 November 2021, Council endorsed Cr Len Cox and Cr Fiona McAllister as its representatives to the ERLC for the following 12 months.

Following the introduction of the *Local Government Act 2020*, the ERLC is currently being wound up in accordance with s330(4) and a beneficial enterprise, known as Your Library Ltd, will be established in accordance with s110 to deliver library services on behalf of Yarra Ranges, City of Knox, and City of Maroondah Councils.

At its meeting on 28 June 2022, Council endorsed the appointment of Cr Jim Child and Cr Andrew Fullagar as the inaugural directors of Your Library Ltd to represent Yarra Ranges Council. At this time, however, Crs Child and Fullagar are unable to formally contribute to the discussions and decision making relating to the transition from the ERLC to Your Library Ltd, as these matters are being addressed by the ERLC.

In order to ensure a smooth transition and that decisions which require formal approval include those Councillors who will be involved in the future of Your Library Ltd, it is recommended that Council appoint Crs Child and Fullagar as its representatives to the ERLC (replacing Crs Cox and McAllister) until it has been wound up and the new entity takes over library operations.

RECOMMENDATION

That Council approve the appointment of Cr Jim Child and Cr Andrew Fullagar to the Eastern Regional Library Corporation, replacing Cr Len Cox and Cr Fiona McAllister.

RELATED COUNCIL DECISIONS

Appointment of Council's delegates to the Eastern Regional Library Corporation was made at the Council Meeting held on 23 November 2021 –

<https://www.yarraranges.vic.gov.au/files/assets/public/webdocuments/council/minutes-agendas-2021/2021-11-23-council-meeting-minutes.pdf>

Appointment of inaugural directors to Your Library Ltd was made at the Council Meeting held on 28 June 2022 –

<https://yarraranges.moderngov.com.au/documents/g191/Printed%20minutes%2028th-Jun-2022%2019.00%20Council%20Meeting.pdf?T=1>

DISCUSSION

Purpose and Background

Council's original participation started in 1996 with the establishment of ERLC by the Member Councils (being Yarra Ranges, City of Knox, and City of Maroondah Councils) in accordance with section 196 of the Local Government Act 1989. The Board of ERLC governs the Corporation in accordance with the relevant provisions of the Local Government Act 1989, the Regional Library Agreement and other adopted policies and procedures. The agreement was reviewed and renewed in 1999 and 2009.

The introduction of the Local Government Act 2020 requires Regional Library Corporations (RLCs) to transition to a Beneficial Enterprise structure within ten (10) years from 1 July 2020.

At Council Forum in August 2021, Councillors requested officers to confirm in principle support to progress to the establishment of New Library Corporation (NLC) under section 110 of the 2020 Act, which will be named Your Library Ltd.

In line with the draft constitution of Your Library Ltd, section 18.1, each member council is required to appoint two Board members (Directors) to the Your Library Ltd Board. In keeping with Council's past practice, appointed Board representatives will be Councillors. Two councillor representatives have subsequently been appointed.

As a result, Council now has two Councillor representatives to the ERLC, being Cr Cox and Cr McAllister, and also has approved the appointment of Cr Child and Cr Fullagar as Directors to Your Library Ltd.

It is officers' opinion that for better continuity, the Councillors who will be Yarra Ranges representatives to the new entity should be active in the discussions and decision making of the current entity ERLC so that decisions that require formal approval include those Councillors who will be involved in the future of Your Library Ltd.

Options considered

As an alternative approach, Cr Cox and Cr McAllister could continue as Yarra Ranges representatives on ERLC who would then work intentionally and informally with Cr Child and Cr Fullagar to ensure appropriate collaboration and consensus was obtained across four Councillors.

This would potentially require all four Councillors to be available for meetings and duplicate effort and could also create confusion for representatives from the other member councils.

Recommended option and justification

It is recommended that Council endorse Cr Jim Child and Cr Andrew Fullagar to be its representatives on the ERLC, replacing Cr Len Cox and Cr Fiona McAllister, until the entity is wound up as part of the transition to a beneficial enterprise. This would ensure that decisions that require formal approval during the current transition stage include those Councillors who will be involved in the future of Your Library Ltd.

FINANCIAL ANALYSIS

Any costs that may be associated with a Councillor's role as a delegate can be met from within approved operating budgets.

APPLICABLE PLANS AND POLICIES

The appointment of representatives to the committees and external bodies ensures that the interests of Council continue to be properly represented, together with those of the wider community, and therefore contributes to meeting Council's strategic objectives.

RELEVANT LAW

The Local Government Act 2020 requires Regional Library Corporations to be wound up in accordance with section 330(4) and a beneficial enterprise established in accordance with section 110.

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are no known economic impacts arising from the recommendation in this report.

Social Implications

There are no known social impacts arising from the recommendation in this report.

Environmental Implications

There are no known environmental impacts arising from the recommendation in this report.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

RISK ASSESSMENT

Councillors should consider the implications and responsibilities of being involved with committees and external bodies, as they must:

- continue to comply with the Councillor Code of Conduct when acting as a representative of the Council; and
- comply with any code of conduct of the committee or external body they are appointed to if one exists.

With Council approving the appointment of Crs Child and Fullagar to the ERLC, this would ensure that decisions that require formal approval during the current transition stage would include those Councillors who will be involved in the future of Your Library Ltd.

Failing to appoint Crs Child and Fullagar to the ERLC at this time would result in Council not being formally represented or being able to actively participate in the decisions required until transition to Your Library Ltd occurs.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

No attachments.