

**CITY OF MARION
GENERAL COUNCIL MEETING
25 JANUARY 2005**

CONFIDENTIAL

**REPORT RELATING TO:
Delivery of the Community Vision**

Originating Officer: Leeanne McEwan, Manager Community and Cultural Services

Director: Peter Tsokas, Director Operations

Subject: Living Kaurua Cultural Centre

Ref No: GC250105R02

File No: 7.41.1.19

If the Council so determines, this matter may be considered in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999 on the grounds that it relates to the personal affairs of a person (living or dead).

Mark Searle
Chief Executive Officer

1. That Pursuant to Section 90(2) and (3)(a) of the Local Government Act, 1999 the Council orders that all persons present, with the exception of the following Council officers [Mark Searle, Chief Executive; Peter Tsokas, Director Operations; Jeff Rittberger, Director Finance; Pauline Koritsa, Manager Governance; Jaimie Thwaites, Governance Business Officer, Leeanne McEwan, Manager Community & Cultural Services] be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider information pertaining to the personal affairs of a person (living or dead).

CORPORATE OBJECTIVES:

1.3 A community that embraces and celebrates its heritage and culture

BACKGROUND:

The Living Kaurna Cultural Centre was built in 2001 as a result of the City of Marion attracting Commonwealth Federation Funding for this purpose. Following completion of the building, the City of Marion made a five year commitment to provide operational funding to the Centre.

In 2001 the City of Marion entered into a Memorandum of Understanding with the Kaurna Aboriginal Community Heritage Association (KACHA). The MOU describes how the City of Marion and KACHA will work together in developing the LKCC and outlines a commitment to work toward self management of the Centre by the Kaurna people.

Since that time, City of Marion staff have worked with an Interim Committee to develop relationships and build foundations to enable a properly constituted committee to be created which could take over responsibility for the Centre operations. Whilst initially the Interim Committee comprised the Chair of KACHA and KACHA members, it is now unclear whether the current membership of the Interim Committee, now only three people, is representative of KACHA.

Throughout the past twelve months, and particularly in more recent months, issues of concern have been raised in relation to the operation of the Living Kaurna Cultural Centre.

Issues have included:

- low tour numbers
- low income figures
- Interim Committee meeting agendas not followed and little progress made toward incorporation
- complaints by members of the Kaurna community and general community about their treatment while visiting or attempting to visit the LKCC.

In late 2004 some serious issues of concern were identified in relation to;

1. The inappropriate behaviour of the Chair of the Interim Management Committee toward City of Marion staff, in particular the Co-ordinator of the Living Kaurna Cultural Centre;
2. Irregularities in administrative procedures and use of the Centre

With an apparent escalation of the above issues in late 2004, and consistent with the organisation's directions regarding auditing of departmental functions, Deloitte were commissioned in November 2004 to conduct an audit of LKCC administration procedures. The LKCC Co-ordinator and Council staff assisted in providing data and information.

1. On the 14th December 2004, the LKCC Coordinator advised that she was resigning, effective 7th January.

A number of measures had been put in place throughout the past twelve months to support the Co-ordinator in relation to alleged harassment by the Chair of the Interim Committee, however

specific intervention was not made due to the Co-ordinator's request not to intervene on cultural grounds.

Following advice of the Co-ordinator's resignation, a Violence in the Workplace Risk Assessment tool was used in a debrief with the Coordinator. The resulting assessment of risk of Occupational Violence identified that both the probability and severity of violence were "high" and relate specifically to the behaviours of the current Chair of the Interim LKCC Committee. The definition of violence used in the assessment tool includes physical violence, abuse, threat and aggressive behaviour.

On this basis, it was determined that the organisation had a clear responsibility under the requirements of Occupational Health and Safety legislation, not to proceed with recruiting a person to fill the Co-ordinator position until the source of the risk could be resolved satisfactorily. For these reasons it was also considered not appropriate to put any current member of staff at risk by locating them at the Centre.

The only other staff member at the LKCC, the Cultural Development Officer, was employed on a twelve month contract, externally funded by an ATSI grant to the City of Marion. The expiry date of the contract was 11 January 2005. Although some funds remain in the grant budget, it was considered that without a Co-ordinator and without clarity regarding the future directions for the LKCC, it would not be a responsible action to extend the twelve month contract.

2. The Deloitte audit, which was received on the 11th January has identified that there are some administrative irregularities which will need to be addressed. Some of the irregularities include; payment to members of the Interim Committee for cultural services with no evidence of corresponding income to the Centre; and the Chair and other Interim Committee Members have used the Centre for their own private functions without reimbursement for the cost of hire.

REPORT OBJECTIVE:

To advise Council regarding recent actions in relation to the Living Kaurna Cultural Centre

IMPLEMENTATION:

As the Interim LKCC Committee has not reached a point where it is able to achieve self-management of the LKCC, the City of Marion ultimately retains responsibility for the staffing, building, assets, and administration of significant grant funding for the Centre. Given the circumstances, a management decision was made to close the Living Kaurna Cultural Centre throughout January to enable a full review to be completed.

January is traditionally a quiet time for all Council centres and there was only one booking for the LKCC in January which was honoured.

On the 4th January 2005, The Director – Operations and the Manager of Community & Cultural Services attended a meeting of the LKCC Interim Committee. Those present were the three remaining members of the Interim Committee, Georgina Williams (Chair), Joan Lamont and Paul Dixon. Lynette Crocker's resignation was received at the meeting. The Co-ordinator of the LKCC was also present.

The Interim Committee was advised that a decision had been made to close the LKCC throughout January, due to staff shortage and also because of a need to review the operations of the LKCC. It was made clear that the City of Marion retained its desire to work with Kurna people to enable them to take over the full operation of the Centre, but at this time things were not working properly and needed to be addressed before proceeding.

While there was an expression of anger about the decision there was also some acknowledgement from two of the committee members that things weren't working properly. The Chair of the Interim Committee expressed (and continues to express) her displeasure that the Interim Committee was not consulted in making the decision to close the Centre. Notwithstanding that consultation may have been a desirable step, the City of Marion clearly holds management responsibility for the LKCC and as the decision to close was made only a few days before Christmas, the earliest opportunity to meet with the Interim Committee was 4th January.

The matters relating to Occupational Violence and administrative irregularities were not raised with the Committee on the 4th of January.

A comprehensive report is being prepared to inform Council in terms of the findings of reviews and to provide recommendations about future actions in relation to the Living Kurna Cultural Centre.

Council may also wish to write a letter to the Chair of KACHA seeking joint agreement to suspend the Memorandum of Understanding until future directions for the LKCC can be determined. The MOU is not a legal document, however it has formed the basis for which the City of Marion has, in good faith, worked with the current Interim Committee. The Chair of KACHA has verbally indicated support for a joint agreement to suspend the MOU while issues with the LKCC can be addressed.

CONSULTATION:

Whilst the Interim Chair of the LKCC Committee has expressed concern at the closure of the Centre, the Kurna Chair of the Kurna Heritage Board and the Chair of KACHA have indicated their support of the closure of the LKCC while issues of concern can be addressed and plans for the future success of the centre can be made.

The government agencies which provide grant funding for programs at the LKCC have been advised of the suspension of activity at the LKCC and have indicated that they are willing to hold their funds until we can advise them regarding future directions for the Centre.

BUDGET IMPLICATIONS:

Nil at this stage. All programs and Grant funding have been suspended.

ENVIRONMENT:

Nil

CONCLUSION:

The City of Marion has worked in good faith with the community, Kurna people and with agencies who provide funding for cultural programs and economic development for the LKCC. There is sufficient evidence to indicate that the LKCC is not operating effectively nor is it moving closer to Kurna self-management and ultimately becoming a pivotal Aboriginal cultural facility for the City of Marion. There is strong evidence that significant change to the current model needs to take place to ensure the success of the Centre for Kurna people, Council and the general community.

RECOMMENDATION:

That:

- 1. The review of the Living Kurna Cultural Centre be completed and the outcomes of the review be reported to the February 2005 meeting of Council.**
- 2. The centre remain closed until Council has considered the review findings and an operational plan is implemented.**
- 3. The Mayor writes to the Chair of KACHA seeking joint agreement to suspend the Memorandum of Understanding until the future directions of the LKCC can be determined.**
- 4. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, the minutes arising from this report be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting on the basis that it deals with information the disclosure of which will involve the unreasonable disclosure of information relating to the personal affairs of any person (living or dead). This confidentiality order will be reviewed at the General Council Meeting in December 2005.**