

Centennial Park Cemetery Authority

	<i>Governance Statement</i>	Version No:	5
		Issued:	June 2009
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Centennial Park

GOVERNANCE STATEMENT

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Chief Executive Officer Centennial Park Cemetery Authority	Date June 2009
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GOVERNANCE STATEMENT

1 Definition of the Centennial Park Cemetery Authority

The Authority is a regional subsidiary established by the City of Mitcham and the Corporation of the City of Unley (called 'the constituent Councils') pursuant to Section 43 of the Local Government Act, 1999.

It is charged with the responsibility for the care, protection, management, operation and improvement of the Centennial Park Cemetery and associated services, in an efficient and effective manner.

The primary objective of the Authority is to ensure that the assets and facilities of Centennial Park are maintained and operated in an efficient manner delivering effective and sustainable service provision for the constituent Councils and customers. In achieving this primary objective the Authority will:

- Manage Centennial Park facilities and services utilising sound business concepts;
- Establish and demonstrate ethical policies and standards, in accordance with the rights of the deceased and industry standards;
- Provide security of tenure for all interment licences through sound financial and business management; and
- Pro-actively manage the business of Centennial Park in a competitive and changing environment.

The functions of the Authority shall be to undertake any action, as appropriate, in pursuance of the objectives outlined in its Charter. Such actions will include, but not be limited to, the following:

- To provide, equip, operate and maintain one or more public cemetery facilities, crematoria, mausoleums and mortuaries;
- To provide, sell, lease or hire monuments, tombstones, trees, flowers and other things incidental to interment and memorialisation of cremated remains and burials;
- To promote the services and facilities and carry out any business or operation the Authority considers can enhance the value and render profitable any of the property, facilities or services; and
- To establish other works or understandings incidental to the establishment of cemeteries, crematoria, mortuaries and mausoleums.

2 What is a Governance Statement?

It is a statement, which clearly articulates how the Authority will undertake its legal and non-legal responsibilities to ensure the proper governance of Centennial Park.

Board members, management and staff have responsibilities which, with due diligence, will ensure they exercise effective control over the management and operation of the Park.

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This statement provides a broad description of how the Board will meet its governance responsibilities under the Local Government Act, other Acts, policies and codes.

Appendix 1 provides, at a glance, a summary of the governance framework that will ensure that the Board exercises effective control and adds value to the activities undertaken.

Various documents will describe in detail the Board’s responsibilities for the effective governance of its activities.

3 The Authority’s Governance Statement

The Authority’s governance statement is:

“The discharging of duties and responsibilities with due diligence having regard for the law, Authority policies and codes in recognition of customers, owners and staff needs whilst at all times acting honestly, equitably and accepting the principles of openness and accountability.”

4 The Legal Responsibilities of the Board of Management of the Authority

The legal responsibilities of the Board of Management are contained in the Local Government Act 1999 in particular as follows:

Part 2 Schedule 2 – Regional Subsidiaries Established by Two or More Councils provides that:

The Board of Management of a regional subsidiary must ensure as far as practicable:

- That the subsidiary observes all plans, targets, structures, systems and practices required or applied to the subsidiary by the constituent councils; and
- That all information furnished to a constituent council is accurate; and
- That the constituent councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the subsidiary or gives rise to the expectation that the subsidiary may not be able to meet its debts as and when they fall due.

Anything done by the Board of Management in the administration of the affairs of the subsidiary is binding on the subsidiary.

The Role and Functions of the Board are contained in the Charter of the Authority adopted by the constituent councils as follows:

“The Authority will be governed by a Board, charged with the responsibility to manage the business and affairs of the Authority, ensuring insofar as it is practicable, that the Authority observes the objectives set out in this Charter.”

4.1 Functions of the Board

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- To strive to position the Authority as the premier provider of cemetery services;
- Provide responsible leadership through the formulation of strategic direction;
- Provide professional advice and expertise to the Authority to assist in high level decision-making;
- Ensure strong accountability and stewardship of the Authority;
- Monitor, oversee and measure the performance of the Chief Executive Officer of the Authority;
- Ensure that a code of ethical behaviour and integrity is established and implemented in all business dealings of the Authority;
- Ensure that the business of the Authority is undertaken in an open and transparent manner;
- To allocate a financial contribution to the constituent councils in accordance with the provisions of the charter and responsible business management practices;
- To pay a guarantee fee to the constituent councils;
- To assist in the development of strategic and business plans;
- To develop and adopt a governance policy;
- Exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- Avoid investments that are speculative or hazardous by nature.

In fulfilling these responsibilities the Board develops, implements and reviews Strategic Plans and Business Plans. Other various administrative and policy documents are also developed, implemented and reviewed including, amongst others Code of Conduct, Registers of Delegations/Sub-Delegations and Operating Policy Statement.

Other legislation applicable to the operation of the Authority includes – Births, Deaths and Marriages Act and Regulations, Coroner’s Act, Cremation Act and Regulations, Local Government (Cemetery) Regulations, Local Government Acts of 1934 & 1999, and Local Government (Exhumation of Human Remains) Regulations.

5 The Non-legal Responsibilities of the Board of Management of the Authority

The Strategic Plan is the primary document in determining the Board’s direction, core roles and responsibilities and to guide the Board’s decision-making. It is an evolving document that provides an overall framework of goals, objectives, strategies and action required for the Authority.

The Strategic Plan forms the basis of the Business Plan, which translates the strategic vision, goals and strategies into achievable actions. This planning process provides the Board with a mechanism to determine what the Authority’s future business and values should be, building on the strengths of past achievements while encouraging organisational change and improvement for the future.

Actions from the Business Plan filter throughout the whole organisation. This creates the necessity for activity plans (e.g., asset management) to provide a strong knowledge base for the organisation. The Plan also provides linkages to performance measures.

The Business Plan:

- Implements the Strategic Plan;

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- Incorporates the Annual Operating Budget;
- Ensures a focus on issues pertaining to organisational culture and development;
- Ensures projects and services are linked to completion dates, co-ordinating managers, performance measures and targets; and
- Has a one- to three-year time horizon.

6 The Authority Decision-Making Process

The decision making process of the Authority is:

The Board of Management of the Centennial Park Cemetery Authority Roles and Functions.

The roles and functions of the Board are clearly defined in the Local Government Act and Charter of the organisation.

The procedures to be followed at Board meetings are set out in the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations, 2000.

6.1 Level of Delegation

To speed up the decision-making process and provide good customer service, the Board has delegated a wide range of powers, duties and functions to the Chief Executive Officer.

These powers and functions are contained in the Delegations Register.

The nature and extent of delegation is reviewed annually by the Board.

In the absence of the Chief Executive Officer his/her powers are delegated to the Acting Chief Executive Officer.

7 Management of the Legal Liabilities

Various legal liabilities do exist. These will be managed as follows:

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7.1 Liability of Board Members

The Local Government Act 1999 provides a statutory indemnity for Board Members to ensure that personal liability does not lie against a Board Member where he or she is acting in good faith and in the exercise, performance or discharge of powers, functions or duties under the Local Government Act or any other Act.

If defamation laws are broken Board Members can be sued. However, in a Board meeting where a Board Member is fulfilling a public duty the law grants to the member certain limited protection from legal actions in defamation. This limited protection is known as qualified privilege and may be a defence where statements are made in good faith (i.e., believing them to be true) and are related to the subject matter of the debate. Statements which are made with malice, recklessly, or by a Board Member not caring if they are true or false, will not enjoy this protection. Statements made by Board Members outside of Board meetings do not attract the protection of qualified privilege.

7.2 Authority Charter

Role of the Chief Executive Officer:

The Board is required (under 3.1 of the charter) to appoint a Chief Executive Officer.

In the absence of the Chief Executive Officer for any period exceeding one week, the Chief Executive Officer shall appoint a suitable person as Acting Chief Executive Officer.

The Board delegates responsibility for day-to-day management of the Authority to the Chief Executive Officer, who will ensure that sound business management and human resource management practices are applied in the efficient and effective management of the operations of the Authority.

The functions of the Chief Executive Officer include:

- To ensure that the decisions of the Board are implemented in a timely and efficient manner;
- To provide information to assist the Board assess the Authority's performance against its Strategic and Business Plans;
- Appointment, management and dismissal of other employees of the Authority;
- To co-ordinate proposals for consideration of the Board;
- To ensure that the assets and resources of the Authority are properly managed and maintained;
- To ensure that records required under the Local Government Act or any other legislation are properly kept and maintained;
- To exercise, perform or discharge other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and to perform other functions lawfully directed by the Board; and
- To achieve financial outcomes associated with the annual operating budget.

The Chief Executive Officer may delegate or sub-delegate to an employee of the Authority, a committee comprising employees of the Authority, or to an authorised

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person. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the Chief Executive Officer.

8 The Boards assessment process for measuring and reporting its performance in carrying out duties and responsibilities.

The Board will measure and report its performance in carrying out duties and responsibilities in the following manner:

8.1 Performance monitoring

Centennial Park’s approach to performance measurement is to use strategic planning to identify the key outcomes required for the organisation. Once these key outcomes are defined an integrated set of performance measures are constructed that will operate at both organisation-wide and service levels.

This process will ensure that all of the actions of the Board are aligned towards the achievement of the strategic goals for the Park.

Performance measures will be both financial and non-financial, which will be reported to the Board on at least an annual basis.

Performance measures will also be developed for services with a view to identifying opportunities and scope for performance improvements.

8.2 Reporting

The Board reports and provides information through the following avenues:

- Monthly: Board meeting agendas and minutes.
- Half-yearly: Half Yearly briefing report to owner Councils.
- Annually: Annual report to owner Councils; and Annual Financial Statements.

Media releases are sent as required.

9 Commitment to Training and Development

To enable Board members and staff to carry out their duties and responsibilities to the best of their ability the Board will ensure that they have access to and receive appropriate training in all areas applicable to their duties and responsibilities.

10 References:

- 10.1** Births, Deaths and Marriages Act and Regulations;
- 10.2** Coroner’s Act;
- 10.3** Cremation Act and Regulations;
- 10.4** Local Government (Cemetery) Regulations;
- 10.5** Local Government Acts of 1934 & 1999;

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- 10.6 Local Government (Exhumation of Human Remains) Regulations;
- 10.7 Delegations of Authority;
- 10.8 Roles and Responsibilities of Board Members;
- 10.9 Meeting Procedures;
- 10.10 Code of Conduct.

SIGNED:

Chief Executive Officer

Date: ____/____/____

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11 Appendix 1: Governance Framework

