

## **Report from meeting held Tuesday 7 February 2012 to review options for delivery of a regional library service for the Richmond Tweed Regional Library (RTRL)**

Venue: Byron Shire Council Chambers

Present:

Tweed Shire Council – Cr Barry Longland (Mayor) Crs Dot Holdom and Katie Milne, Mike Rayner (GM)

Byron Shire Council – Cr Jan Barham (Mayor), Crs Richard Staples and Tom Tabart, Graeme Faulkner (GM)

Lismore City Council – Cr Jenny Dowell (Mayor), Gary Murphy (GM), Rino Santin (Finance Manager) Apology: Cr Isaac Smith

Ballina Shire Council – Cr Phil Silver (Mayor), Crs Robyn Horden & Sue Meehan, Paul Hickey (GM)

Facilitator: Diana Roberts

The meeting was opened at 10.10am by Diana who outlined the purpose of the meeting and agenda for the morning while welcoming all attendees, including community members in the gallery attending as observers.

### **Address by Martin Field, former Director of the RTRL**

Martin advocated an operational structure resembling the former management arrangement, either in the form of a cooperative, a corporation or a trust. These are similar to the County Council model but possibly less onerous to establish and less costly to operate as senior management positions could be combined (e.g. General Manager serving as finance officer and Public Officer). Martin suggested there are successful examples in operation, such models are more equitable than the administrative council model and the community feels they have greater opportunity to input.

### **How did we get here?**

Cr Sue Meehan presented a timeline prepared by RTRL Committee Chair Cr. Isaac Smith spanning from the inception of the RTRL in 1971 to the present. Amended slightly by meeting. Attached for information as Appendix 1.

## **Brainstorm of desirable characteristics of a regional library model**

- Provides a quality service, a service of excellence
- Delivers economies of scale
- Maintains and enhances current service levels
- Protects library assets
- Built on trust, transparency and cooperation
- Equitable for all Councils
- Oversighted by a committee comprised of local Councils with terms of reference
- Cost effective
- Effective governance, checks and balances
- Complies with the Local Government Act and other relevant legislation
- Consists of all existing Councils with the potential to expand to include other Councils
- A library service run by a librarian
- Responsive to local needs
- Hears voice of staff, supports staff, gives certainty to staff
- Accepted by the community
- Has mechanisms for dispute resolution

## **Possible Management Options**

- Corporation
- Cooperative
- Charitable Trust
- County Council
- An entity affiliated to an existing county council
- An incorporated organisation
- An administrative model
- Shared Services model
- The administrative model with a S355 committee

## Points arising from discussion

- Lismore would be happy to pass on its current responsibility as administering Council to another Council if this will resolve the current impasse
- Byron Council considers the Administrative model to be fundamentally flawed and a County Council model a superior way forward. A Co-Operative might also prove to be a good option but needs further investigation.
- If Byron has received legal advice or in-house reports it would be useful for these to be shared with other Councils.
- Amending the draft RTRL agreement to address Byron's specific concerns such as distribution of assets, costs of withdrawal, consultation etc. will not change Byron Council's opinion of the Administrative model
- What would a local government Co-operative look like? What are the practicalities? Is there an example in NSW? While Martin Field presented some preliminary advice he had received from Garry Payne this option needs further exploration. Martin's advice suggested:
  - A clear legal agreement is drawn up
  - Can be established through local Council delegation
  - The Co-Op owns the assets
  - It can be not-for-profit
  - Councils determine how many reps for each Council
  - While delegates can be instructed by their Council they act in the interests of the Co-Op
- The library committee needs to be reconvened until the matter is resolved as it provides an opportunity for input into and feedback on the running of the library. It also facilitates transparency
- Lismore Council advised it will make financial information available to constituent Councils
- Lismore will place annual reports onto the RTRL website within the next week
- Byron Council has received advice from its legal representatives on the administrative Council model. No other individual Council has taken legal advice on the Administrative model – relying on that provided to the RTRL committee
- Updates concerning library developments should be provided to constituent Councils in the interests of transparency
- Constituent Councils need to individually determine if they will sign the draft agreement circulated asap as any alternative model will take time to implement
- RTRL not currently being externally audited but this is an option if required
- Ballina, Tweed & Lismore all indicated their Councils would be likely to sign the draft agreement

- Resolution to address the uncertainty and impact on staff is of considerable importance

## **Outcomes**

1. Lismore Council to put suggested and requested information onto the RTRL website.
2. Lismore Council to improve the reporting flow to constituent Councils.
3. The RTRL library committee to be reconvened by Lismore Council.
4. Byron Council will provide a report to Byron Shire Councillors on a number of options including the County Council model hopefully in late March and to the extent that they can make that public and available to other Councils they will do so, in the same fashion as reports from other participating Councils have been made available.
5. Constituent Councils to determine whether or not to sign the draft administrative agreement as is or amended. The timeframe could be significantly reduced (say to 2 years) while Byron works on an alternative option but this would necessitate some redrafting of agreements as they currently relate to a 5-year timeframe
6. Lismore Council to write to relevant Ministers to inform them where discussions regarding the future of the library are up to.

Meeting closed 1.30pm

## Appendix 1

### Richmond Tweed Regional Library - Timeline

- 1971 - **Library Agreement** between LCC and Ballina Shire Council
- 1973 - **Library Agreement** between LCC and Tweed Shire Council
- 1978 - **Library Agreement** between LCC and Byron Shire Council
- 1993 - **New Local Government Act** means that the autonomy of the RTRL does not meet with the new legislation. The status quo (current agreements) does not comply.
- 1997 - **Alternative models report.** A comprehensive assessment reduced the options to an administrative council (similar to an Executive Council), joint management (all Council's), trust or corporation. After discussion with NSW State Library, the RTRL's preferred options of either a trust or corporation were not pursued as neither would apparently satisfy the requirements of the Library Act 1939 meaning member councils might not be eligible for the annual library subsidy. Ongoing attempts to have NSW State Library amend the Library Act 1939 to allow for RTRL's preferred options did not meet with any success.
- 2008 - **October RTRL meeting** - At the first meeting of the new RTRL committee the Director Martin Field presented new legal advice that the status quo should not be maintained. Martin asked that the committee contract consultants to look at the models moving forward and develop a business case.
- 2009 - **March RTRL meeting** - An EOI brief was presented by the Director and the committee agreed to proceed with the EOI process.
- 2009 - **May RTRL meeting** - The committee agrees to call a meeting including mayors and GM's to discuss the 6 EOI's.
- 2009 - **July RTRL meeting** - The meeting decides to seek clarification on two EOI's (AEC and Libraries Alive) with AEC then being selected.
- 2009 - **July 24th, Steering committee** - Meeting with the consultants in late July to begin the process.
- 2009 - **November 13th Draft report presentation** - A presentation of the draft report is made by AEC to delegates, Mayors and GM's. It is noted by the library director and others that the report has some figures which were disputable. It also clearly states that the administration model was the preferred option.
- 2009 - **December RTRL meeting** - The committee resolved to move towards the administrative model and act in the interim to comply with the Local Govt. Act.

Moved : Cr Jenny Dowell (Mayor, Lismore City Council)

1. "That the Richmond-Tweed Regional Library Director work with Lismore City Council staff to ensure the Regional Library moves towards compliance with the requirements of the Local Government Act."

Seconded: Cr Richard Staples (Byron Shire)  
Carried Unanimously

Moved: Cr Robyn Hordern (Ballina Shire)

2. "That the RTRL Committee supports the adoption of the Administrative Council option as the preferred model at this time"

3. "That the RTRL Committee request that General Managers develop a service level agreement of library services and the management of staff under one organization"

4. The RTRL Committee acknowledge the merits of a County Council Model and commits to pursuing it as a long term model"

Seconded: Cr Richard Staples (Byron Shire)  
Carried 7:1

2010 - **March 16-24 staff meetings** - Senior LCC staff meeting with RTRL staff in each LGA to discuss the changes during the transition to the admin model.

2010 - **July 1st changeover** - pegged as a "handover" date, LCC officially commences administration of the RTRL and the former RTRL committee no longer meets to perform guidance functions. An acting library director is appointed due to Martin Field's employment ceasing at the 30th of June.

2010 - **August meeting** - Delegates, mayors and GM's met to discuss the first draft of a new regional library agreement.

2010 - **November meeting** - Delegates, mayors and GM's met to discuss the revised draft of the new regional library agreement and draft service level agreements. Significant issues around assets were addressed.

2011 - **May** - The Library Act 1939 is amended to include clause 12A that allows for 2 or more councils to enter into an agreement to deliver regional library services. This is significant broader than the options previously allowed by the Act.

- 2011 - **July meeting** - Delegates, mayors and GM's met to discuss the revised draft of the new regional library agreement and draft service level agreements.
- 2011 - **Tweed Council August Meeting** - Tweed Council resolves (5/2) to sign on with the administration model.
- 2011 - **Byron Council September meeting** - Byron Council resolves to not sign on to the administration model as requested and looks at other options for library services.
- 2011 - **Lismore Council September meeting** - Lismore Council resolves (9/2) to seek more information from Ballina, Byron and State Libraries on their positions regarding the administration model.
- 2011 - **December** – Ballina Council and Lismore Council (unanimous) request advice and a representative from State libraries. The request is declined stating that no new information can be added.
- 2012 - **Ballina Council January Meeting** - Ballina Council resolves (5/4) to support the administrative model. A rescission motion is pending for consideration on 24 February.