



Extraordinary Meeting of Council

AGENDA

20 September 2017

Commencing at 5.30pm

**Council Chambers
253 Crawford Street, Queanbeyan**

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Nil

LIST OF ATTACHMENTS –

(Copies available from General Manager’s Office on request)

Open Attachments

Item 4.6	Council Delegations - Chief Executive Officer <i>Attachment 1 ID for CEO (General Manager) (Under Separate Cover)</i>
Item 4.8	Appointment of Committee Delegates and Representatives 2017-2018 <i>Attachment 1 Terms of Reference - All Committees (Under Separate Cover)</i>
Item 4.10	Code of Conduct and Code of Meeting Practice <i>Attachment 1 Code of Meeting Practice - Amended (Under Separate Cover)</i> <i>Attachment 2 QPRC Code of Conduct (Under Separate Cover)</i>

Closed Attachments

Nil

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That Councillors disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

4.1 Oath or Affirmation of office for Councillors (Ref: C17119814; Author:
Tegart/Ferguson)

Summary

Section 233A of the *Local Government Act 1993* requires mayors and councillors to take an oath of office or make an affirmation of office at or before the first meeting of council after the councillor is elected.

Recommendation

That:

1. in accordance with Section 233A of the *Local Government Act 1993*, each Councillor be invited to take either the oath of office or affirmation of office, before the General Manager, as outlined below:

Oath of Office:

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

or

Affirmation of Office:

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

2. the taking of the oath or affirmation of office by each Councillor be recorded in the minutes of this meeting.
-

Background

Section 233A of the *Local Government Act 1993* commenced on 30 August 2016. It is one of the amendments contained in Phase One of the NSW Government's broader reform of the Local Government Act 1993, and includes the requirement for all councillors to take an oath or affirmation of office at or before their first meeting to reinforce the serious nature of their role.

Councillors taking the oath may do so on a holy book if they wish.

Implications

Legal

Section 233A of the *Local Government Act 1993*, states:

4.1 Oath or Affirmation of office for Councillors (Ref: C17119814; Author: Tegart/Ferguson) (Continued)

- (1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:

...[as above]
- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or make the affirmation.
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
- (6) The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise.)

Implications***Policy***

The Office of Local Government will be releasing a new Model Code of Meeting Practice in the near future. It is proposed the QPRC Code of Meeting Practice will be reviewed and updated to accord with the Model Code, including the requirements of the *Local Government Act 1993* in relation to the oath or affirmation.

Conclusion

The *NSW Local Government Act 1993* as amended, requires mayors and councillors to take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected. The oath or affirmation can be taken or made before the General Manager.

Attachments

Nil

4.2 Method of Ballot and the Election of Mayor for the 2017-2019 Term (Ref: C17120225; Author: Tegart/Ferguson)

Summary

In accordance with Clause 15, Part 2 of the Proclamation which established the Queanbeyan-Palerang Regional Council (QPRC) on 12 May 2016, the Mayor is to be elected by the Councillors. Council can choose the method of ballot for the election of the Mayor - the options being open voting, ordinary ballot or preferential ballot.

Recommendation

That:

- 1. Council elect the Mayor for the 2017-2019 term.**
 - 2. The method of ballot for the position of Mayor be by ordinary ballot pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2005*.**
-

Background

Section 230 of the *Local Government Act 1993* provides that a Mayor elected by the councillors holds that office for a period of two years. Schedule 7 of the *Local Government (General) Regulation 2005* refers to the election of the Mayor by councillors. The mayoral election is held at an extraordinary meeting of Council in September every two years.

The Mayor of QPRC will be elected by the Councillors in September 2017 to serve until September 2019. At that time, a Mayor will be elected by the Councillors to hold office for a year until the local government general election in September 2020.

Council can choose the method of ballot for the election of Mayor and Deputy Mayor. These are:

- Open voting – by show of hands;
- Ordinary ballot – a secret ballot (placing an “X” against the candidate of their choice);
- Preferential ballot – placing 1, 2, 3 etc against each candidate’s name

Returning Officer

Clause 1 of Schedule 7 of the Regulation provides that the General Manager or their delegate is the returning officer for the election of Mayor.

Nominations

Clause 2 of Schedule 7 provides that a councillor may be nominated without notice for the election of mayor and that such nomination is to be made in writing by two or more councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing. A nomination template has been prepared for councillors.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

4.2 Method of Ballot and the Election of Mayor for the 2017-2019 Term (Ref: C17120225; Author: Tegart/Ferguson) (Continued)

Election Procedure

A detailed explanation of the Mayoral Election Procedures is available from the Office of Local Government at <https://dpcsc-ss.s3.amazonaws.com/Uploads/1498606946/OLG-Mayoral-Election-Procedures.pdf>.

Briefly, Clause 3(1) of Schedule 7 of the Regulation provides that if only one councillor is nominated, that councillor is declared elected.

Clause 3(2) of Schedule 7 provides that if more than one Councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot or preferential ballot.

Clause 6 of Schedule 7 provides that if there are only two candidates, the candidate with the higher number of votes is elected.

However, if there are only two candidates and they are tied, the election is chosen by lot.

Clause 7 of Schedule 7 provides that if there are three or more candidates, the one with the lowest number of votes is to be excluded and a further vote is taken of those candidates and the one with the lowest number of votes from that further vote is excluded. The above procedure is to be repeated until two candidates remain. If two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

The Returning Officer is to conduct the election.

Implications***Legal***

The election of the Mayor of QPRC is being conducted in accordance with the *NSW Local Government Act 1993* and the *NSW Local Government (General) Regulation 2005*.

Conclusion

Council is requested to choose the method of ballot for the election of the Mayor for the 2017-2019 term. The options are open voting, ordinary ballot or preferential ballot.

Attachments

Nil

4.3 Election of Queanbeyan-Palerang Regional Council Deputy Mayor (Ref: C17120249; Author: Tegart/Ferguson)

Summary

The position of Deputy Mayor is optional. Section 231 of the *Local Government Act 1993* provides that a deputy mayor may be elected by the councillors and holds the office for the mayoral term or a shorter term.

Recommendation

That:

- 1. Council elect a Deputy Mayor.**
 - 2. The method of ballot for the position of Deputy Mayor be by ordinary ballot, pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2005*.**
-

Background

The Deputy Mayor of a council is the person who may be elected to the office by councillors from among their number. A Deputy Mayor elected by councillors may hold that office for the mayoral term (two years) or for a shorter term, and commences the day the person elected to office is declared to be so elected.

Should Council decide to elect a Councillor to the position of Deputy Mayor, it is recommended that the same electoral process for the Mayoral position be followed for the Deputy Mayor.

Returning Officer

Clause 1 of Schedule 7 of the Regulation provides that the General Manager or their delegate is the returning officer for the election.

Nominations

Clause 2 of Schedule 7 provides that a Councillor may be nominated without notice and that such nomination is to be made in writing by two or more councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

Election Procedure

Clause 3(1) of Schedule 7 of the Regulation provides that if only one councillor is nominated, that councillor is declared elected.

Clause 3(2) of Schedule 7 provides that if more than one councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot or preferential ballot.

Clause 6 of Schedule 7 provides that if there are only two candidates, the candidate with the higher number of votes is elected. However, if there are only two candidates and they are tied, the election is chosen by lot.

4.3 Election of Queanbeyan-Palerang Regional Council Deputy Mayor (Ref: C17120249; Author: Tegart/Ferguson) (Continued)

Clause 7 of Schedule 7 provides that if there are three or more candidates, the one with the lowest number of votes is to be excluded and a further vote is taken of those candidates and the one with the lowest number of votes from that further vote is excluded. The above procedure is to be repeated until two candidates remain. If two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

The Returning Officer is to conduct the election.

Implications***Legal***

The election of the Deputy Mayor of QPRC is being conducted in accordance with the *NSW Local Government Act 1993* and the *NSW Local Government (General) Regulation 2005*.

Conclusion

Council is requested to consider filling the position of Deputy Mayor for the 2017-2019 Mayoral Term, and to choose the method of ballot for the election of the Deputy Mayor. The options are open voting, ordinary ballot or preferential ballot.

Attachments

Nil

4.4 Ballot papers for Mayor and Deputy Mayoral Elections (Ref: C17120341; Author: Tegart/Ferguson)

Summary

Clause 391(4) of the *Local Government (General) Regulation 2005* refers to the security of election materials and the destruction of ballot papers used in the election of the mayor and/or deputy mayor.

NOTE: This recommendation will only be applicable if Council chooses to conduct the method of election of the mayor and deputy mayor by ordinary or preferential ballot.

Recommendation

That the ballot papers in respect of the mayoral and deputy mayoral election be destroyed at the expiration of six months from the date of the election pursuant to Clause 391(4) of the *Local Government (General) Regulation 2005*.

Background

The security and destruction of ballot papers are managed in accordance with Clause 391(4) of the *Local Government (General) Regulation 2005*.

If Council resolves to conduct the elections of the Mayor and Deputy Mayor by ordinary or preferential ballot, then ballot papers will be required.

Conclusion

Council is asked to authorise the destruction of ballot papers, if used during the elections of the Mayor and Deputy Mayor, six months from the date of the election in accordance with Clause 391(4)(a) of the *Local Government (General) Regulation 2005*.

Attachments

Nil

4.5 Delegations to the Queanbeyan-Palerang Regional Council Mayor and Deputy Mayor (Ref: C17120284; Author: Tegart/Ferguson)

Summary

It is necessary to provide delegations to the Mayor and the Deputy Mayor to enable Council to operate outside of the ordinary Council meetings.

Recommendation

That pursuant to Section 377(1) of the *Local Government Act 1993*, the delegations to the Mayor <Name> and Deputy Mayor <Name> be granted and remain in force until revoked by resolution of Council.

Background

Pro forma delegations for the Mayor and Deputy Mayor are listed below:

Mayor

That pursuant to the powers conferred on it by Section 377(1) of the *Local Government Act 1993* and by any other Act or Regulation the administration of which the Council is charged, the Council with these powers delegates to:-

Councillor (name) Mayor

1. To carry out any function conferred on, and duty imposed on, the Mayor under any Act or regulation.
2. Generally supervise the CEO/General Manager.
3. Authorise any works/services pursuant to Section 252 and Council's "Policy on the payment of expenses and provision of facilities for the mayor and councillors" and shall ensure that the account for such works/services so authorised is submitted for payment by the Council in accordance with the Code.
4. In conjunction with the CEO/General Manager, authorise Councillors to attend and represent Council at meetings, seminars, conferences and the like, where time does not permit authorisation by Council.

Deputy Mayor

That pursuant to the powers conferred on it by Section 377(1) of the *Local Government Act 1993* and by any other Act or Regulation the administration of which the Council is charged, the Council with these powers, delegates to:

Councillor (name) Deputy Mayor

1. During the absence of Mayor from the Council area or where the Mayor is unable to carry out his duties, the powers delegated to the Mayor, Councillor (name) under Section 377(1) of the *Local Government Act 1993* be transferred to the Deputy Mayor.

4.5 Delegations to the Queanbeyan-Palerang Regional Council Mayor and Deputy Mayor (Ref: C17120284; Author: Tegart/Ferguson) (Continued)

Implications***Legal***

S 226 of the *Act* outlines the role of mayor as follows:

- a) to be the leader of the council and a leader in the local community,
- b) to advance community cohesion and promote civic awareness,
- c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) to preside at meetings of the council,
- f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) to promote partnerships between the council and key stakeholders,
- j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l) to carry out the civic and ceremonial functions of the mayoral office,
- m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n) in consultation with the councillors, to lead performance appraisals of the general manager,
- o) to exercise any other functions of the council that the council determines

The delegations to the Mayor and Deputy Mayor are in accordance with the *NSW Local Government Act 1993*.

Conclusion

Delegations to the Mayor and the Deputy Mayor are necessary to enable Council to operate outside of the Ordinary Council meetings.

Attachments

Nil

4.6 Council Delegations - Chief Executive Officer (Ref: C17115314; Author: Tegart/Warne)

Summary

The *Local Government Act 1993* provides for the delegation of many functions under that Act and numerous other Acts to the CEO/General Manager and in turn the CEO/General Manager can sub delegate functions to nominated staff. This report has been prepared having regard to the restructure of Council adopted in March 2017 and the consequent renaming of the General Manager's title to that of Chief Executive Officer (CEO) together with the establishment of the Portfolio General Manager & Service Manager positions. The CEO undertakes the functions of the General Manager as nominated in the Act. The revisions to the legislation is expected to activate the change of title to CEO.

Recommendation

That:

1. The Council delegate to the person holding the position, acting in, or performing the duties of General Manager, the powers, duties and functions set out in the attached (*Attachment 1*) Instrument of Delegation to the General Manager subject to the conditions and limitations specified in that Instrument.
 2. The Instrument of Delegation to the General Manager comes into force immediately the Common Seal of Council is affixed.
 3. On the coming into force of the instrument all previous delegations to the General Manager are revoked.
 4. The duties and functions set out in the above-mentioned instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
 5. Council note that the instrument under the Local Government Act includes a power of delegation to other persons or bodies in accordance with section 378(2) of the Act.
 6. For the purposes of this resolution references in paragraphs 1 and 2 above to the position of General Manager are taken to be references to the position of Chief Executive Officer.
-

Background

The *Local Government Act*, in Section 335, details the statutory roles and functions of the General Manager as follows:

- “(1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
- (2) The General Manager has the following particular functions:
- the day to day management of the Council
 - to exercise such of the functions of the Council as are delegated by the
 - Council to the General Manager

4.6 Council Delegations - Chief Executive Officer (Ref: C17115314; Author: Tegart/Warne) (Continued)

- to appoint staff in accordance with an organisation structure and resources approved by the Council
 - to direct and dismiss staff
 - to implement the Council's equal employment opportunity management plan.
- (3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act."

The *Local Government Act 1993* provides the Council with powers, authorities and duties. It is the primary source of Council's functions although a wide range other legislation, such as the *Companion Animals Act 1998*, *Environmental Planning and Assessment Act 1979* and the *Roads Act 1993* to name a few, impose further functions for the Council to administer.

Due to the nature, scope and complexity of the functions a Council has to perform, *the Local Government Act 1993* makes provision for a Council to delegate many of its functions to the General Manager. Section 377(1) of the Act provides that a Council may, by resolution, delegate to the General Manager or any other person or body (*not including another employee of the Council*) any of the functions of the Council, other than the following:

- a. the appointment of a General Manager,
- b. the making of a rate,
- c. a determination under section 549 as to the levying of a rate,
- d. the making of a charge,
- e. the fixing of a fee,
- f. the borrowing of money,
- g. the voting of money for expenditure on its works, services or operations,
- h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- i. the acceptance of tenders which are required under this Act to be invited by the Council,
- j. the adoption of a operational plan under section 405,
- k. the adoption of a financial statement included in an annual financial report,
- l. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m. the fixing of an amount or rate for the carrying out by the Council of work on private land,
- n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
- o. the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- p. the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r. a decision under section 234 to grant leave of absence to the holder of a civic office,
- s. the making of an application, or the giving of a notice, to the Governor or Minister,
- t. the power of delegation,
- u. any function under this or any other Act that is expressly required to be exercised by resolution of the Council.

4.6 Council Delegations - Chief Executive Officer (Ref: C17115314; Author: Tegart/Warne) (Continued)

Council operates specialist software with the aim of ensuring that the delegations and sub-delegations are captured in a *Delegations Register*.

The *Local Government Legal Database* provides for ongoing legislative updates and support. The aim is to ensure all legislative changes are captured and that the delegations are updated on a timely basis.

Provision exists within the system to appoint an Acting CEO/General Manager.

The exercise by the CEO/General Manager of the delegation is also governed by Council's policies and these limitations have been included in the delegation document.

The Delegations software is based on the delegation of functions to the position of General Manager. Because of the adoption of the recent structure the recommendation has been designed to recognise the position of the Chief Executive Officer.

Implications**Compliance or Policy Implications**

The exercise of the delegations is governed by the *Local Government Act 1993*, other Acts and Council's policies.

Attachments

Attachment 1 ID for CEO (General Manager) (*Under Separate Cover*)

4.7 Council Meeting Schedule (Ref: C17122736; Author: Tegart/Ferguson)

Summary

Council has an opportunity to set the schedule for its Ordinary and Committee meetings and workshops. In doing so, Council should ensure that the safety and wellbeing of Councillors and staff are addressed in terms of the duration of meetings and adjournments for meal breaks.

Recommendation

That Council determine the following meeting schedule:

- 1. Planning and Strategy Committee meetings be held on the second Wednesday of each month except January, in the Council Chambers, Queanbeyan, commencing at 5.30pm and concluding by 9.30pm.**
 - 2. Ordinary Council meetings be held on the fourth Wednesday of each month except December, in the Council Chambers, Bungendore, commencing at 5.30pm and concluding by 9.30pm.**
 - 3. Council workshops of no more than two hours' duration be held on the first and third Wednesdays of each month except January at Queanbeyan, or other locations to be determined prior to each workshop.**
 - 4. At all meetings, an adjournment of 30 minutes be scheduled after two hours for a meal break.**
-

Background

Council is required to meet formally at least ten times per annum, each time in a different month (s.365 of the *Local Government Act 1993*). Extraordinary meetings may be held at any time, subject to the appropriate statutory notice being given.

The meeting schedule listed in the recommendation reflects the dates, times and locations that were implemented during the period of administration of the new Council.

Council may choose to retain the existing schedule or set a different schedule.

Workshops play an important role in Council's decision-making. They provide an opportunity for Councillors to be informed about plans, projects and issues facing Council. Workshops are chaired by the CEO/General Manager who arranges for written or verbal presentations from relevant staff, government departmental officers or other persons about matters that are currently before Council or likely to be the subject of upcoming reports to Council. Site inspections may be arranged during workshops.

No decisions are made at workshops: they are information/briefing sessions only. All Councillors are strongly encouraged to attend the workshops to assist in their decision-making at formal meetings.

In the interests of safety and welfare for Councillors and staff who may need to travel more than an hour from a meeting to their place of residence, it is recommended that:

- all Council and Committee meetings conclude four hours after commencement;
- all workshops conclude two hours after commencement.

**4.7 Council Meeting Schedule (Ref: C17122736; Author: Tegart/Ferguson)
(Continued)**

Further, in the interests of the welfare of Councillors and staff, it is recommended that an adjournment of 30 minutes be scheduled for a meal or supper break every two hours at all meetings. Similarly, by request to the CEO/General Manger, an option to provide overnight accommodation for members attending meetings or forums that conclude after the 9pm threshold and have an hour or more to travel to their place of residence, may be available.

Implications***Legal***

The NSW *Local Government Act 1993* and the QPRC Code of Meeting Practice inform the setting of the schedule of meetings and workshops.

Policy

Council's Code of Meeting Practice will be reviewed following the release of the Office of Local Government's Model Code of Meeting Practice, expected in 2018. Subject to Council's approval, the four-hour time limit on meetings, the two-hour time limit on workshops and the 30-minute meal break adjournments during all meetings will be included in the new QPRC Code.

Social / Cultural

The issues of safety and wellbeing of Councillors and staff are important factors to take into consideration when setting the schedule for meetings and workshops. Adjournments for meal breaks and limits on the duration of meetings and workshops will contribute to ensuring sound decision-making and an appropriate work/life balance.

Conclusion

Council is asked to set its schedule for Ordinary and Committee meetings and workshops, ensuring that the issues of safety and wellbeing of Councillors and staff are addressed when determining the duration of meetings and adjournments.

Attachments

Nil

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson)

Summary

Council has a number of committees and panels (statutory, advisory, management, regional and external) that supports its representation, engagement and decision-making. Council is required to appoint its representatives and delegates to the organisation, regional and s.355 committees and external organisations for the coming year.

Recommendation

That:

- 1. Council appoint its delegates, alternates and representatives for 2017-2018 on the organisation, regional and s.355 committees and external committees, as outlined in Table 1 in the report.**
 - 2. If more than one nomination is received for a position, determine the method of ballot for the election of representatives and delegates be by open voting, pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2005*.**
 - 3. Terms of reference for the committees be noted, and confirmed/revise at the first meeting of the committees.**
 - 4. Delegates reports and minutes of the s355 and advisory committees, be reported to Council.**
-

Background

To assist representation and local decision-making, a network of committees, panels and boards are established to advise Council or manage functions or facilities on Council's behalf, or provide input on behalf of Council to other regional or external bodies.

The most appropriate delegates need to be appointed to represent the interests of Council and the community. In some instances, the representatives may include either a staff member or a member of the community.

If there are two or more nominations for each position as delegate or representative, an election may take place. It is recommended that any such election be conducted by open voting.

In line with the term of the Mayor and Deputy, Council may wish to consider nomination of committee delegates for 2 years.

The Local Representation Committee considered an interim review of all committees at its meeting held on 16 June 2016. Below is an extract from the minutes of that meeting:

Review of Section 355 Committees

There was general discussion about the s.355 committees and their structure, with the LRC noting that there was scope to consider various options at a later time, including the possibility of combining some committees, disbanding those which were no longer required or are inactive, and retaining those which managed local community assets and facilities. No firm recommendations to change existing arrangements were made at this stage, beyond noting committees that were clearly no longer active could be wound up.

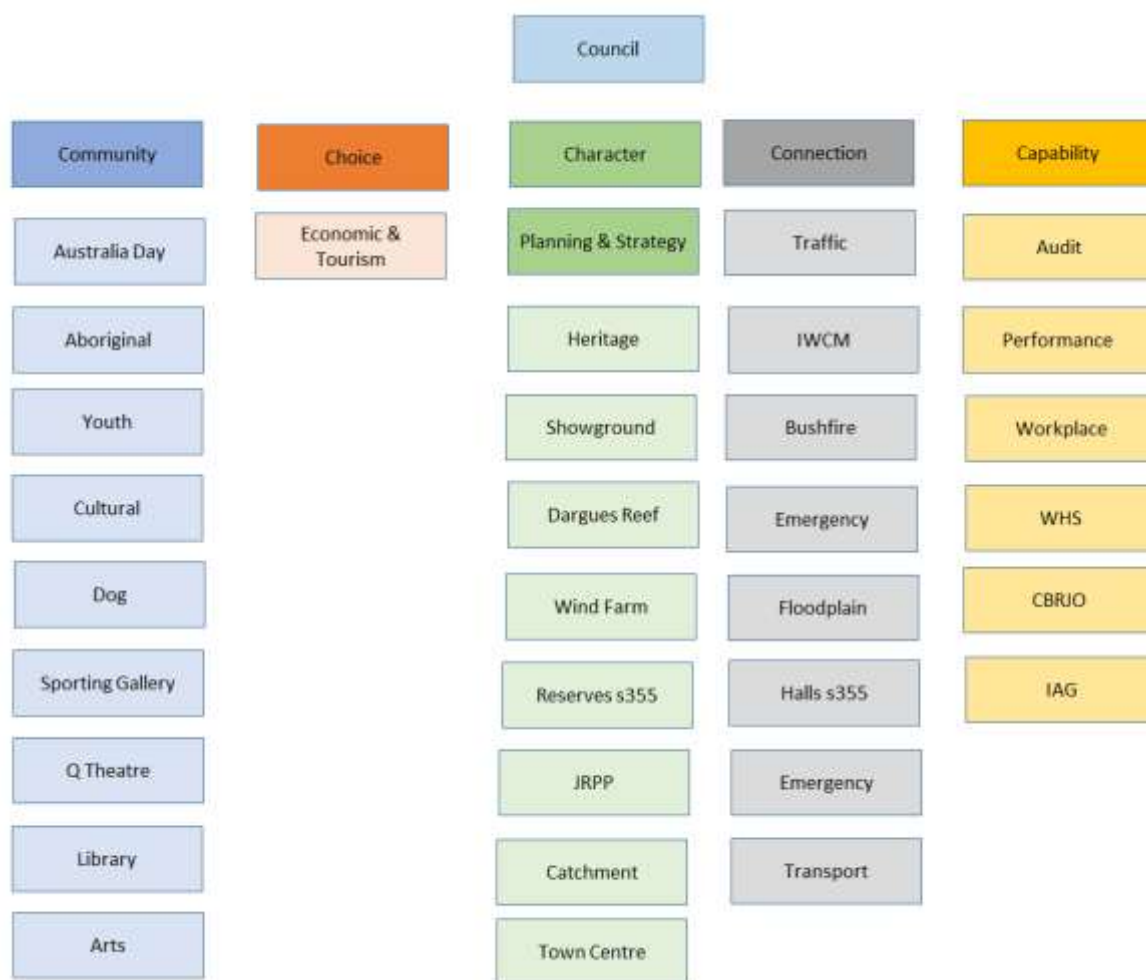
4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

It was noted that the s.355 Committee Guidelines will be revised in due course to clarify several governance matters affecting the committees.

A full review of Council’s s.355 committees and guidelines, following consultation with the community and Council’s representatives, will be the subject of a future report to Council.

Some new advisory committees are proposed, including the Youth Advisory Committee with the purpose to build capacity, both of young people and of Council, to improve opportunities for young people to participate in local decision making.

A schematic illustrating the relationship of the committees is below.



4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

Table1 below is a compilation of the committees of the former councils, with recommendations to retain and membership. Title references to Queanbeyan or Palerang have generally been removed. A copy of the committee terms of reference are attached.

	COMMITTEE	RECOMMENDATION FOR CHANGE	DELEGATE	Frequency
	COUNCIL COMMITTEES			
1.	Planning and Strategy Committee of Whole	No change	Whole Council	Monthly
	ORGANISATIONAL COMMITTEES			
2.	Audit, Risk and Improvement Committee	No change	Councillor and Portfolio GM Organisation Capability	Quarter
3.	Australia Day Community Awards Committee	No change	Mayor	As required
4.	Australia Day Organising Committee	No change	Portfolio GM Community Choice	As required
5.	Consultative Committee on Aboriginal Issues	No change	Councillor	Quarter
6.	Cultural Development and Public Arts Advisory Committee	No change	Councillor	Quarter
7.	Dangerous Dog Panel	No change	Councillor	As required
8.	Disability Access	To be formed	Councillor and Staff	As required
9.	Heritage Advisory Committee	Combine with Palerang Heritage Advisory s.355 Committee to form QPRC Heritage Advisory Committee	Councillor and Portfolio GM Natural Built Character	Bi-monthly
10.	Environment and Sustainability Advisory Committee	No change	Councillor	Quarter
11.	Queanbeyan Showground Advisory Committee	No change	Councillor	As required
12.	Sister City Committee	No change	Mayor and Portfolio GM Community Choice	As required
13.	Queanbeyan Sporting Gallery Committee	No change	Councillor	As required

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

14.	Sports Council	No change	Councillor	Quarter
15.	Q Advisory Board	No change	Portfolio GM Community Choice	Bi-month
16.	Queanbeyan-Palerang Library Service	Not required following amalgamation	N/A	
17.	Queanbeyan-Palerang Library Service – NSW Public Library Zone	Delegate required to attend Zone meetings	Councillor	As required
18.	Implementation Advisory Group	New (oversee merger transition)	2 Councillors, & Chair ARIC	Quarter
19.	Economic and Tourism Advisory Panel	New	Councillor	Quarter
20.	General Manager's Performance Review Committee	No change	Mayor	Annual
21.	Youth Advisory Committee	To be formed	Councillor and staff	Quarter
	STATUTORY COMMITTEES			
22.	Dargues Reef Community Consultative Committee	No change	Staff	As required
23.	Integrated Water Cycle Management Project Reference Group	No change	Staff	As required
24.	Jupiter Wind Farm Community Consultative Committee	No change	Staff	As required
25.	Lake George District Liaison Committee	Delete (has not met since 2014)		
26.	Lake George Bush Fire Management Committee	No change	Councillor and LEMO	Bi-annual
27.	Lake George Emergency Management Committee (meets quarterly)	No change	Councillor, Portfolio GM Connections (Chair) (<i>State Emergency and Rescue Management Act 1989</i>) or delegate	Quarter

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

28.	Local Traffic Committee	Note: this is a technical committee not policy-making committee	Portfolio GM Community Connections	Bi-month
29.	Holcim Quarry Consultative Committee	No change	Councillor	As required
	S355 COMMITTEES			
	Facility Committees			
30.	Braidwood Gymnasium Committee	No change; set up by formal agreement with Dept Education	Councillor	As required
31.	Braidwood National Theatre Community Centre Committee	No change	Councillor	As required
32.	Bungendore School Hall Management Committee	No change; set up by formal agreement with Dept Education	Councillor	As required
33.	Bungendore School of Arts Management Committee	No change	Councillor	As required
34.	Bungendore War Memorial Committee	No change	Councillor	As required
35.	Fernleigh Park Hall	No change	Councillor	As required
36.	Hoskinstown Community Hall Committee	No change	Councillor	As required
37.	Les Reardon Reserve Facility Management Committee	No change	Councillor	As required
38.	Mick Sherd Oval Canteen Facility Committee	No change	Councillor	As required
39.	Wamboin Hall Management Committee	No change	Councillor	As required
40.	Braidwood Saleyards	Disband due to facility being managed by staff		
	Reserve Committees			
41.	Braidwood Recreation Ground Committee	No change	Councillor	As required

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

42.	Braidwood Showground Reserve Trust Committee	No change	Councillor	As required
43.	Queanbeyan Trust Committee	No change	Mayor	As required
44.	Braidwood Historic Cemetery Committee	To be managed by Cemetery Officer		
45.	Burra and Cargill Park Management Committee	No change	Councillor	As required
46.	Canning Close Reserve Committee	No change	Councillor	As required
47.	Greenways Management Committee	No change	Councillor	As required
48.	Nerriga Sports Ground Reserve Committee	No change	Councillor	As required
49.	Royalla Common Committee	No change	Councillor	As required
	Advisory Committees			
50.	Araluen Area Committee	No change	Councillor	As required
51.	Captains Flat Area Committee	No change	Councillor	As required
52.	Carwoola/Stoney Creek Area Committee	No change	Councillor	As required
53.	Braidwood Floodplain Risk Management Committee	To be formed	Councillor	As required
54.	Bungendore Floodplain Risk Management Committee	No change	Councillor and staff member	As required
55.	Bungendore Town Centre Committee	No change	Councillor	As required
56.	Captains Flat Floodplain Risk Management Committee	Floodplain Plan complete - disband		
57.	Palerang Heritage Advisory Committee	Combine with Queanbeyan Heritage Advisory Committee to form QPRC Heritage Advisory Committee		

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

	REGIONAL COMMITTEES			
58.	ACT-NSW Cross Border Illegal Dumping Steering Committee	No change	Portfolio GM Connections or delegate	As required
59.	Canberra Airport Community Aviation Consultation Group	No change	CEO or delegate	Quarter
60.	Canberra Joint Organisation (CBRJO)	No change	Mayor	Bi-month
61.	Community Safety Precinct Committee – Monaro Local Area Command	No change	Councillor	As required
62.	Interim ACT and Region Catchment Management Coordination Group	Replaced by Catchment Network		
63.	Southern Joint Regional Planning Panel	No change	Community representative	As required
64.	Palerang Transport Working Group	Disband; no longer required		
65.	South East Australia Transport Strategy (SEATS)	No change	Councillor and Portfolio GM Community Connections	Quarter
66.	South-East Weight of Loads Group	No change	Councillor	As required
67.	Southern Tablelands Arts Board	No change	Portfolio GM Community Choice	As required
68.	WaterNSW (Local Government Reference Panel)	No change	Staff	As required
69.	Upper Murrumbidgee Catchment Network	No change	Staff	Quarter
	EXTERNAL COMMITTEES			
70.	Braidwood & Villages Tourism Inc	No change	Councillor	
	WORKPLACE COMMITTEES			
71.	Workplace Consultative Committee	No change	Management representatives and staff/union representatives	Month

4.8 Appointment of Committee Delegates and Representatives 2017-2018 (Ref: C17122858; Author: Tegart/Ferguson) (Continued)

72.	Workplace Health and Safety Committee	No change	Management representatives and staff representatives	Month
73.	Risk Committee	No change	Management representatives and staff representatives	Bi-month
74.	Workplace Innovation Group	New	staff	Bi-month

Implications

Legal

As s.355 committees are constituted under the *NSW Local Government Act 1993*, and are delegated to act on behalf of Council, it is appropriate that a Councillor be appointed to the committees to represent Council. The Councillor can thus be a conduit between the local community and Council and is usually the chairperson of such committees.

Policy

Council's committees, in particular the s.355 committees and their guidelines, will be the subject of a future policy review report to Council.

Resources

Staff resources are assigned to administer the Council's committees, arrange reports and follow up actions.

Conclusion

Council is asked to appoint its delegates and representatives to the committees and external organisations for 2017-2018.

Councillors may wish to consider merging some committees, or assigning staff as a delegate.

All Committee minutes are to be reported to and noted by Council, requiring Council endorsement by resolution for policy or financial recommendations of the Committees.

Delegates to statutory and regional committees should provide and information report to Council.

Attachments

Attachment 1 Terms of Reference - All Committees (*Under Separate Cover*)

4.9 Managing Casual Vacancies (Ref: C17145406; Author: Tegart/Spyve)

Summary

The return to elected councillors arising from the election 9 September 2017 means that Council should have in place a mechanism to deal with any casual vacancy which may arise. S219A of the *Local Government Act* sets out the provisions relating to the management of casual vacancies following an election. In particular S291A(1)(b) states that a council needs to resolve how it will fill a casual vacancy if one should arise.

Recommendation

That Council:

- 1. Note S291A of the Local Government Act's provisions relating to the management of casual vacancies.**
 - 2. Resolve that if any casual vacancy arises within 18 months of the election, that it be filled by a countback of votes cast at the last election as per the provisions of S291A(1) of the *Local Government Act*.**
-

Background

With the return to a directly elected body, it is important for Council to have in place contingencies to manage any casual vacancy which might possibly arise due to unforeseen circumstances. S291A of the *Local Government Act* sets out such provisions which would negate the need for a by-election to be held if a vacancy arises within 18 months of the election. In particular S291A states the following:

- (1) *This section applies to a casual vacancy in the office of a councilor if:*
- (a) The casual vacancy occurs within 18 months after the date of the last ordinary election of councillors for the area, and*
 - (b) The Council has at its first meeting following that ordinary election of councillors by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*

By resolving this course of action Council would be able to move quickly to fill any casual vacancy without needing to impose the expense of a by-election on the community. By implementing the countback option it would allow for better business continuity and minimise disruption to the business of council.

Should a vacancy take place within 18 months of the next election, Council may choose to leave that position vacant.

Implications

Financial

Having in place a resolution dealing with how Council would manage any casual vacancies within the first 18 months following the election will be beneficial for the community as it would save ratepayers the significant cost of having to pay for a by-election. That cost is similar to a full election, and likely to be around \$350k.

4.9 Managing Casual Vacancies (Ref: C17145406; Author: Tegart/Spyve) (Continued)

Conclusion

Councils should have in place contingency planning to deal with the issue of casual vacancies if they should arise. S291 of the Local Government Act set out provisions to allow a council to manage any such vacancies if they should occur within the first 18 months of the commencement of the electoral term, without having to go through the expense of running a by-election. To activate these provisions Council needs to resolve that it would implement the countback provisions at its first meeting.

Attachments

Nil

**4.10 Code of Conduct and Code of Meeting Practice (Ref: C17145015; Author:
Tegart/Tegart)**

Summary

The Office of Local Government has advised that the new Model Code of Meeting Practice and Code of Conduct will be available at the end of the year.

Recommendation

That Council:

- 1. Endorse the Code of Meeting Practice and Code of Conduct.**
 - 2. Review the Codes when the Office of Local Government releases new model Codes.**
-

Background

The new merged councils were required to adopt Code of Meeting Practice and other policies early in the period under administration. It would be normal practice for the new council to consider and adopt the various Codes early in the new term.

The Office of Local Government has advised new Codes of Conduct and Meeting Practice are scheduled for release later this year. On that basis, it is proposed the Codes be noted and reconsidered upon receipt of report on the new Model Codes.

The current Codes are attached.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Code of Meeting Practice - Amended (<i>Under Separate Cover</i>) |
| Attachment 2 | QPRC Code of Conduct (<i>Under Separate Cover</i>) |

5 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

Nil.