



Extraordinary Meeting of Council

AGENDA

12 January 2022

Commencing at 5.30pm

In light of the COVID-19, this meeting will be held remotely. Presentations can either be made in writing or by attending a Zoom meeting - see Public Involvement at Meetings on Council's website.

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- Item 6.5 Delegations to the Chief Executive Officer and Others
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**QUEANBEYAN-PALERANG REGIONAL COUNCIL
EXTRAORDINARY MEETING OF COUNCIL**

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- Item 6.7 Code of Meeting Practice
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- Item 6.8 Code of Conduct
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- Item 6.14 Committee Framework, Delegates and Representatives
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- Item 6.15 LGNSW Special Conference Delegates
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- Item 7.1 Electoral Funding Obligations of Newly Elected Councillors and Mayors
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Closed Attachments

Nil

ITEM 4.1 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 and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

6.1 Oath or Affirmation of Office for Councillors (Ref: ; Author: Tegart/Flint)

File Reference: 52.7.2

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 CEO, 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.

**6.1 Oath or Affirmation of Office for Councillors (Ref: ; Author: Tegart/Flint)
(Continued)**

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:

- (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.)

Policy

The Office of Local Government has released a new Model Code of Meeting Practice which has been put to the 12 January 2022 meeting for endorsement, prior to exhibition.

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 CEO.

Cr Winchester completed the affirmation before the CEO on 5 January 2022.

Attachments

Nil

6.2 Election of Mayor (Ref: ; Author: Tozer/Flint)

File Reference: 52.7.1

Summary

In accordance with Clause 15, Part 2 of the Proclamation which established 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 2022-2023 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 Mayor of QPRC will be elected by Councillors in January 2022 to serve until September 2023. At this time, a mid-term mayoral election will take place. The Mayor elected at the mid-term election will hold their office until the day of the Council's next ordinary election in September 2024 when their civic office as a councillor and mayor will expire.

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 (ie CEO) 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.

6.2 Election of Mayor (Ref: ; Author: Tozer/Flint) (Continued)

Election Procedure

A detailed explanation of the Mayoral Election Procedures is available from the Office of Local Government at <https://www.olg.nsw.gov.au/wp-content/uploads/2020/03/OLG-September-2018-mayoral-elections-Fact-Sheet.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 required 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

6.3 Election of Deputy Mayor (Ref: ; Author: Tozer/Flint)

File Reference: 52.7.1

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 councillors and holds the office for the mayoral term or a shorter term.

Generally, the Mayor is elected for a two-year term and the Deputy Mayor for a one-year term. However, as the local government election was not conducted until December 2021 and the Deputy Mayor set to be appointed at this meeting, it is recommended that the initial Deputy Mayor term be from January 2022 until September 2023. The following Deputy Mayor election will cover the term from September 2023 until September 2024 when the next local government election is due to occur.

Recommendation

That:

1. Council elect a Deputy Mayor to serve between January 2022 and September 2023.
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 (ie CEO) 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.

6.3 Election of Deputy Mayor (Ref: ; Author: Tozer/Flint) (Continued)

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.

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 2022-23 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

6.4 Delegations to the Mayor and Deputy Mayor (Ref: ; Author: Tegart/Flint)

File Reference: 52.7.2

Summary

It is necessary to provide delegations to the Mayor and the Deputy Mayor to enable Council to operate outside 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.
 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, 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.

**6.4 Delegations to the Mayor and Deputy Mayor (Ref: ; Author: Tegart/Flint)
(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 (CEO), 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 (CEO),
- 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 Ordinary Council meetings.

Attachments

Attachment 1 Mayoral Instrument of Delegations (*Under Separate Cover*)



6.5 Delegations to the Chief Executive Officer and Others (Ref: ; Author: Tegart/Flint)

File Reference: 52.3.1

Summary

The *Local Government Act 1993* provides for the delegation of many functions under that Act and numerous other Acts to the Chief Executive Officer (CEO) and in turn the CEO can sub delegate functions to nominated staff. The CEO undertakes the functions of the General Manager as nominated in the Act.

Recommendation

That:

1. Council note the report.
 2. Council delegate to the person holding the position, acting in, or performing the duties of CEO, the powers, duties and functions set out in the attached (*Attachment 1*) Instrument of Delegation to the CEO subject to the conditions and limitations specified in that Instrument.
 3. The Instrument of Delegation to the CEO comes into force immediately the Common Seal of Council is affixed.
 4. On the coming into force of the instrument all previous delegations to the CEO are revoked.
 5. 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.
 6. 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.
-

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*
 - *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.*

6.5 Delegations to the Chief Executive Officer and Others (Ref: ; Author: Tegart/Flint) (Continued)

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 (ie CEO). Section 377(1) of the Act provides that a Council may, by resolution, delegate to the CEO 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 (CEO),*
- 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.*

The CEO may sub delegate in accord with the s378 of the Act:

(1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*

(2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*

6.5 Delegations to the Chief Executive Officer and Others (Ref: ; Author: Tegart/Flint) (Continued)

(3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

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, which generally is one of the Portfolio General Managers as assigned by the CEO.

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

Other Delegations

Council may also delegate other functions in accord with the Act. Should Council continue to operate with a Planning and Strategy Committee of the Whole, then it delegates certain legislated functions and decision-making powers to those meetings.

Similarly, when confirming arrangements with advisory (heritage, sustainability, town centre etc) and management (hall, cemetery, reserve) committees comprising community representatives, under s355, it does so on the following terms:

S355 A function of a council may, subject to this Chapter, be exercised—

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

A separate report in this business paper outlines the s355 committee framework and delegates. QPRC partners with the Canberra Region Joint Organisation (CRJO) in a range of strategy, advocacy and procurement initiatives and activities.

However, Council's regulatory functions may only be delegated in accord with the Act, but may include a county council (such as weeds) or a joint organisation (such as the CRJO):

379 Delegation of regulatory functions

(1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than—

- (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or*
- (b) an employee of the council, or*
- (c) a county council, or*
- (d) a joint organisation*

6.5 Delegations to the Chief Executive Officer and Others (Ref: ; Author:
Tegart/Flint) (Continued)

Implications

Policy

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

Attachments

Attachment 1 Delegations to the Chief Executive Officer (*Under Separate Cover*)



6.6 Council Meeting Schedule (Ref: ; Author: Tegart/Ison)

File Reference: 52.3.2

Summary

Council has an opportunity to review 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.

Since the initial outbreak of COVID in 2020, regulations were modified by Government to enable attendance at meetings and public forums (by Councillors, staff and public) remotely via audio-visual link. Council meetings are live streamed, and registered attendees may participate by Zoom. The technology has improved accessibility for community members and Councillors to reduce travel and time pressures to attend or observe meetings.

In keeping with that technology, Councillors receive business papers, briefings and other material through a secure inhouse portal, and may use laptops to conduct business in meetings and workshops. The Queanbeyan Chambers has monitor cabinets to enable councillors to observe presentations by community members and the progress of minutes.

It is proposed briefings be attended by Zoom/Teams held at 4.00pm on Tuesdays prior to Council meetings; while workshops and Council meetings held at 5.30pm on alternate Wednesdays may be attended by Councillors and staff in person or remotely (upon request).

While the former Council held a Planning and Strategy Committee of the Whole and an Ordinary meeting on the second and fourth Wednesdays of each month, the new Council may also wish to contemplate the option of two Ordinary meetings a month instead.

Recommendation

That Council:

1. **Determine the option of two Ordinary meetings a month, or a Planning and Strategy Committee of the Whole and an Ordinary meeting on the second and fourth Wednesdays of each month.**
2. **Pending 1, resolve the following meeting schedule:**
 - a. **Planning and Strategy Committee meetings be held on the second Wednesday of each month except December and January, in the Council Chambers, Queanbeyan, commencing at 5.30pm.**
 - b. **Ordinary Council meetings be held on the fourth Wednesday of each month except December, in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), commencing at 5.30pm.**
 - c. **An Ordinary Council meeting be held on the third Wednesday of December at 5.30pm in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), the agenda for which may include any planning matters that require Council's consideration.**
 - d. **The agenda for the Ordinary meeting to be held in January each year include any planning matters that require Council's consideration; OR**

6.6 Council Meeting Schedule (Ref: ; Author: Tegart/Ison) (Continued)

- 3. Pending 1, resolve the following meeting schedule:**
 - a. Ordinary Council meetings be held on the second and fourth Wednesday of each month, except December and January, in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), commencing at 5.30pm.**
 - b. An Ordinary Council meeting be held on the third Wednesday of December and January commencing at 5.30pm in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*).**
 - 4. Conduct briefings at 4.00pm on Tuesdays prior to meetings of Council or Committee.**
 - 5. Conduct workshops at 5.30pm on alternate Wednesdays to meetings of Council or Committee.**
-

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.

Council may choose to retain its existing schedule or set a different schedule. The existing schedule is:

1. Planning and Strategy Committee meetings be held on the second Wednesday of each month except December and January, in the Council Chambers, Queanbeyan, commencing at 5.30pm.
2. Ordinary Council meetings be held on the fourth Wednesday of each month except December, in the Council Chambers, Queanbeyan, commencing at 5.30pm.
3. An Ordinary Council meeting be held on the third Wednesday of December at 5.30pm in the Council Chambers, Queanbeyan, the agenda for which may include any planning matters that require Council's consideration.
4. The agenda for the Ordinary meeting to be held in January each year include any planning matters that require Council's consideration.

The Office of Local Government (OLG) issued Circular 20-09 on 25 March 2020, advising that amendments have been made to the *Local Government Act 1993* (the Act) allowing councils to meet remotely to assist them to manage the risk of transmission of the COVID-19 virus at their meetings and to ensure compliance with the Public Health Order. Those amendments remain in place until 30 June 2022, unless the Council has resolved to allow remote attendance in its Code of Meeting Practice (refer separate report in business paper).

Implications***Legal***

The *NSW Local Government Act 1993* informs the setting of the schedule and time limits of meetings and workshops.

Policy

The draft Code of Meeting Practice is based on the Model Code released by the OLG. Clause 12.1 enables the council to resolve itself into a committee of the whole to consider any matter

6.6 Council Meeting Schedule (Ref: ; Author: Tegart/Ison) (Continued)

before the Council. It is under that structure the current Planning and Strategy Committee of the Whole was established, as most public presentations tend to be on development and planning matters, and the conduct of debate is more liberal in committee. The Committee receives several delegations under s377 from Council to deal with matters under several items of legislation including those below, but does limit some expediency in dealing with finance, tenders and property matters that are generally unable to be delegated and therefore await the next available Ordinary meeting of Council:

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Swimming Pools Act 1992*
- *Roads Act 1993*
- *Public Health Act 2010*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1997*

Clause 18 of the Code refers to the time limits on Council and Committee meetings with the meeting generally to conclude by 9.30pm and a break around 7.30pm. Councillors may resolve to modify those terms during a meeting, in accord with Clause 18.

Conclusion

Council is asked to establish its schedule for Ordinary and/or Committee meetings, briefings and workshops.

Attachments

Nil

6.7 Code of Meeting Practice (Ref: ; Author: Tozer/Ferguson)

File Reference: 52.3.2

Summary

The Office of Local Government (OLG) released, via Circular 21-35 on 29 October 2021, the new 2021 Model Code of Meeting Practice (CoMP) for Local Councils in NSW (Model Meeting Code). All councils must adopt a Code of Meeting Practice within 12 months of the local government general elections, based on the Model Meeting Code. This report presents a new draft QPRC Code of Meeting Practice for consideration by Council, prior to placing it on public exhibition in accordance with s.361 of the *Local Government Act 1993* (the Act).

By separate report to this meeting, councillors will have confirmed the preferred sequence and dates for its ordinary and committee meetings, which are then embedded in the CoMP.

Recommendation

That Council:

- 1. Initially apply the draft Code of Meeting Practice, based on the OLG Model Code, as presented**
 - 2. Continue the practice enabling attendance at meetings, workshops and briefings through audio-visual link**
 - 3. Place the draft Code of Meeting Practice on public exhibition for 28 days and invite written public submissions until 18 March 2022.**
 - 4. Consider the public submissions prior to formal adoption of the QPRC Code of Meeting Practice 2022.**
-

Background

All NSW local government councils must adopt a Code of Meeting Practice within 12 months of a local government general election. The OLG prepared a new Model Meeting Code which was prescribed under the *Local Government (General) Regulation 2021* in November 2021. The Model Meeting Code provides a uniform set of meeting rules for councils across NSW to ensure more accessible, orderly, effective and efficient meetings.

The latest Model Meeting Code contains new provisions relating to the webcasting of meetings and the attendance by councillors at meetings using audio-visual link, including in the event of natural disasters or public health emergencies.

In March 2021, NSW councils were given temporary exemption from the requirement for councillors to attend meetings in person as a consequence of the social distancing and other restrictions imposed during the COVID-19 pandemic. The exemption was initially set to expire on 31 December 2021 but has been extended until 30 June 2022 to allow councils time to adopt their new codes of meeting practice. If councils wish to continue allowing attendance by audio-visual link at meetings, they will need to include those provisions in their new Codes. If they do not adopt a new code with those provisions by 30 June 2022, they will not be permitted to hold meetings by audio-visual link after that date. The draft QPRC Code of Meeting Practice 2022 (**Attachment 1**) contains those provisions that will permit attendance at meetings by audio-visual link into the future.

6.7 Code of Meeting Practice (Ref: ; Author: Tozer/Ferguson) (Continued)

The Model Meeting Code (**Attachment 2**) contains a number of mandatory clauses and other non-mandatory clauses which reflect best practice. It also contains a recommendation from the Independent Commission Against Corruption (ICAC) that business papers include a reminder to councillors of their oath or affirmation of office and their conflict of interest disclosure obligations. These have been incorporated into the draft QPRC Code.

Councils must not include any discretionary provisions that are inconsistent with the mandatory provisions of the Model Meeting Practice. No such provisions are in the draft QPRC Code.

For a full summary of the new provisions in the Model Meeting Code, see OLG Circular 21-35 at **Attachment 3**.

Section 361 of the Act (below) refers to the preparation, public notice and exhibition of councils' draft codes of meeting practice.

361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

Due to the current summer holiday season, it is recommended that the period of public exhibition be more than the required 28 days and the period inviting public submissions be more than 42 days. This is reflected in the recommendation within this report. A further report will be presented to Council with any submissions received during the exhibition period. The submissions must be considered prior to formal adoption of the QPRC Code of Meeting Practice before 30 June 2022.

Implications***Legal***

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Policy

The Code of Meeting Practice provides meeting rules that ensure accessible, orderly, effective and efficient meetings of Council and committees of Council.

Engagement

QPRC meetings are live streamed, with members of the community also able to present submissions at forums and meetings via Zoom link.

The draft Code of Meeting Practice will be placed on public exhibition from 17 January – 25 February 2022 with written public submissions invited from 17 January – 18 March 2022. Any submissions received will be considered by Council prior to formal adoption of its new Code.




6.7 Code of Meeting Practice (Ref: ; Author: Tozer/Ferguson) (Continued)

Conclusion

Council is required to adopt a new Code of Meeting Practice within 12 months of a local government general election. It is suggested the Model Code be applied initially, with any modifications subsequent to submissions and workshop included in a new QPRC Code. The new QPRC Code must be based on the Office of Local Government's Model Code of Meeting Practice and include all mandatory provisions. Pending councillors' views on sections highlighted in the attached Draft (eg 4.11; 14.11), its will be published for community feedback

If Council wishes to continue allowing attendance by councillors at meetings using audio-visual link, it must adopt its new Code by 30 June 2022 with the relevant provisions, following public exhibition of the draft Code and consideration of any submissions made during the exhibition period.

Attachments

- | | |
|---|--|
| Attachment 1
 | Draft QPRC Code of Meeting Practice 2022 (<i>Under Separate Cover</i>) |
| Attachment 2
 | Office of Local Government's 2021 Model Code of Meeting Practice for Local Councils in NSW (<i>Under Separate Cover</i>) |
| Attachment 3
 | OLG Circular 21-35 of 29 October 2021 (<i>Under Separate Cover</i>) |

File Reference: 52.5.4

Summary

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist council officials to:

- Understand and comply with the standards of conduct that are expected of them.
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439).
- Act in a way that enhances public confidence in local government.

A new Model Code (attached) was published by the Office of Local Government (OLG) in 2020, with the former Council adopting a refined version on 23 September 2020 (attached).

Recommendation

That Council:

- 1. Adopt the QPRC Code of Conduct.**
 - 2. Note related elements within the draft Social Media Policy.**
 - 3. Reconsider the Code once current reforms and consultation has concluded.**
-

Background

All councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct.

Breaches of a council's code of conduct are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. All councils must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.

The standards of behaviour are described in detail in the Code of Conduct. The Code is a legal document that all officials (councillors and staff) are obliged to understand and follow. The Model Code forms the basis of each council's code of conduct.

6.8 Code of Conduct (Ref: ; Author: Tegart/Tegart) (Continued)

Council officials are expected to:

- Conduct themselves in a manner that will not bring the council into disrepute.
- Act lawfully, honestly and exercise due care.
- Treat others with respect and not harass or discriminate against them, or support others who do so.
- Consider issues consistently, promptly and fairly.
- Ensure development decisions are properly made and deal fairly with all parties involved.
- Disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations.
- Use and secure information appropriately and not disclose confidential information.
- Use council resources ethically, effectively and efficiently.

At the end of each year, councils are required to report on the numbers of code of conduct complaints made about councillors and the CEO, how they were dealt with and how much it cost the council to deal with them. This will ensure that councillors are individually and collectively accountable to their communities for their conduct and performance.

Implications***Legal***

The Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Training on the Code of Conduct is scheduled for Councillors on 3-4 February.

Policy

In addition, a Model Social Media Policy (attached) has been published by OLG which prescribes standards and aligns behaviours and breaches to the Code of Conduct. It is expected those standards will be embedded in the next iteration of the Code of Conduct, and are summarised below:

4.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.

4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory

6.8 Code of Conduct (Ref: ; Author: Tegart/Tegart) (Continued)

- d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e) contains content about the Council, council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information
- g) breaches the privacy of other council officials or members of the public
- h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW,
- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment,
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses or solicits commercial products or business
- n) constitutes spam
- o) is in breach of the rules of the social media platform.

4.5 Council officials must exercise caution when sharing, liking, or retweeting content as this can be regarded as an endorsement.

4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*)

Conclusion

Further reviews and reforms (following ICAC enquiries) are underway in the sector, with amendments expected later in 2022. Once published, the Code will be workshopped with councillors to form an updated version for adoption. However, councillors should be aware of provisions relating to social media.




A consultation paper has been issued by OLG to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements.

The consultation paper is attached. Several questions are posed to guide consideration and submissions. While submissions should be made before 28 March 2022, as the current group of councillors have no history or background in Code matters, it be appropriate to undertake

6.8 Code of Conduct (Ref: ; Author: Tegart/Tegart) (Continued)

training based on the current Code, monitor activity on the matter within the sector, and reconsider the current Code once a new Model Code is published.

Attachments

- | | |
|--|--|
| Attachment 1 | Model Code of Conduct 2020 (<i>Under Separate Cover</i>) |
|  Attachment 2 | QPRC Code of Conduct (<i>Under Separate Cover</i>) |
|  Attachment 3 | Draft Model Social Media Policy (<i>Under Separate Cover</i>) |
|  Attachment 4 | Consultation paper - Councillor Conduct Accountability (<i>Under Separate Cover</i>) |

6.9 Councillor Induction and Professional Development Policy (Ref: ; Author: Monaghan/Flint)

File Reference: 52.7.2

Summary

The *Local Government Act 1993* includes a responsibility for councillors “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.” This report presents a policy based on the Councillor Induction and Professional Development Guidelines released by the Office of Local Government (OLG) in 2018 and outlines a proposed program of induction and professional development for current and future QPRC Councillors.

Recommendation

That Council:

- 1. Endorse the Councillor Induction and Professional Development Policy.**
 - 2. Note the onboarding, induction and development programs to be undertaken for the newly elected QPRC Councillors.**
-

Background

Amendments to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* include a responsibility for councillors to “make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.”

Regulations have been made for the induction and other professional development for mayors and councillors. The requirements under the *Local Government (General) Regulation 2005* are as follows:

- The general manager (ie CEO) is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election.
- The general manager is to ensure an ongoing professional development program is delivered for the mayor and each councillor over the term of the council for the purposes of assisting them to acquire and maintain the skills necessary to perform their role.
- The content of the ongoing professional development program to be delivered to the mayor and councillors is to be determined in consultation with the mayor and each councillor and is to have regard to the specific skills required by the mayor, each individual councillor and the governing body as a whole to perform their roles.
- Mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.
- Councils are to publish the following information in their annual reports:
 - the name of the mayor and each individual councillor who completed council’s induction program (where an induction program has been delivered during the relevant year)
 - the name of the mayor and each councillor who participated in any ongoing professional development program during the year
 - the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and

6.9 Councillor Induction and Professional Development Policy (Ref: ; Author: Monaghan/Flint) (Continued)

- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.
- The above requirements do not apply to joint organisations

Council's induction and professional development programs are to consist of three elements:

1. Pre-election candidate sessions
To ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged).
2. Induction program
To equip mayors and councillors with the information they need to perform their role effectively over the first few months, with a particular focus on building positive, collaborative relationships between councillors and with staff.
3. Professional Development program
To be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

The inclusion of information in annual reports on the induction and ongoing professional development activities offered to the mayor and each councillor is required.

Pre-election Candidate Sessions

Council's CEO and Portfolio General Managers conducted a 3-hour online briefing on 17 November 2021, which covered matters from the four Strategic Pillars of the Organisation. Online sessions were also available through LGNSW and Office of Local Government.

Induction Program for Elected Councillors

Following the election, an intensive program of onboarding and induction is scheduled. Activities include formalised Councillor Induction Training facilitated by Lindsay Taylor Lawyers, a Councillor and Executive 'Famil Day', OLG's external workshops, internal workshops on general and topical matters, tours of QPRC offices, facilities, construction sites and small communities throughout the Local Government Area as required, briefings, and one-on-one meetings with Councillors and staff when requested.

These will all be evaluated for effectiveness and levels of participation during development of individual Councillors' professional development programs.

Professional Development

Local Government NSW (LGNSW) offers a mentoring service for mayors and councillors, as well as a number of professional development training courses covering topics: https://lgnsw.org.au/Public/Events-and-Learning/Learning-Development/Courses-for-Councillors/Public/Events/Learning-and-Development/councillor_courses.aspx?hkey=c15fc0ca-b466-4ccd-9b71-2c04d9e2df73

- Chairing and Effective Meeting Procedures
- Financial Issues in Local Government
- Executive Certificate for Elected Members
- Good Governance
- Resilience in the Workplace
- The Art of Business Storytelling
- Social Media and Media Skills

6.9 Councillor Induction and Professional Development Policy (Ref: ; Author: Monaghan/Flint) (Continued)

Preliminary reservations have been made for the LGNSW Mayoral Induction Forum on 8-9 February.

In addition, OLG offers several development courses 'Hit the Ground Running' (attached). Councillors have been provided a copy of the comprehensive OLG 'Councillor Handbook' aimed assist councillors to fulfil their statutory obligations and perform their civic duties. <https://www.olg.nsw.gov.au/programs-and-initiatives/local-government-elections-4-december-2021/support-for-councillors/>

Furthermore, other providers such as Lindsay Taylor Lawyers (LTL), Bradley Allen Love (BAL) Lawyers, LG Professionals and the Australian Institute of Company Directors (AICD) have similar offerings which can be elected to be undertaken at the discretion of the CEO. A regional approach to a AICD course is proposed through Canberra Region Joint Organisation (CRJO).

LGNSW has developed the Local Government Capability Framework which sets out the essential knowledge, skills and other attributes needed to work effectively in local government. The Framework supports personal and professional development planning after a self-assessment against the Framework. <https://capability.lgnsw.org.au/?elected-member>

A free and confidential online portal, called "PD in a Box" helps Councillors create their own professional development plan via the Capability Framework. Councillors will be provided with a username and password in the near future to access this resource.

Two key components of the Capability Framework cover:

- personal attributes i.e. managing self, resilience and adaptability, acting with integrity and demonstrating accountability; and
- relationships i.e. communication, community and customer focus, working collaboratively, influencing and negotiating.

The Framework also covers the important topic of Civic Leadership, which comprises community representation, responsible government and quality decision-making.

To assist in the implementation of the requirements, individual meetings will be arranged with each Councillor to develop a program of professional development that best meets each Councillor's particular requirements and the Council as a whole.

Mandatory training in the QPRC Code of Conduct, management of pecuniary and other conflicts of interests and the use of social media have been organised as a precursor to other optional training, delivered by LTL on 3-4 February in the Queanbeyan Chambers.

Implications***Legal***

In accordance with the Local Government Act 1993 as amended by the Local Government Amendment (Governance and Planning) Act 2015

Policy

The QPRC Councillor Induction and Professional Development Policy is based on the Model Councillor Induction and Professional Development Policy prepared by the Office of Local Government.

6.9 Councillor Induction and Professional Development Policy (Ref: ; Author: Monaghan/Flint) (Continued)

The draft policy is not required to be publicly exhibited prior to adoption.

Financial


An amount of \$88,000 is generally provided in the Operational Plan for Councillors' training and professional development with up to \$8,000 available per councillor per year (refer Councillor Expenses Policy). This amount can be adjusted according to Council requirements with the quarterly budget review process. Expenditure will be monitored and reported in the quarterly financial reviews, and then included in Annual Reports.

Conclusion

The prescribed role of councillors under the *Local Government Act 1993*, as amended by the *Local Government Amendment (Governance and Planning) Act 2016*, includes a responsibility for elected representatives to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

It is recommended that councillors work with Governance staff to prepare individual professional development programs. Information about the programs, together with each Councillor's level of participation, will be reported each year in the QPRC Annual Report.

Attachments

Attachment 1  QPRC Councillor Induction and Professional Development Policy (*Under Separate Cover*)

Attachment 2  OLG - Councillor Development Program (*Under Separate Cover*)

6.10 Model Policy - Councillor and Staff Interaction (Ref: ; Author: Tegart/Tegart)

File Reference: 52.5.4

Summary

The Office of Local Government (OLG) has issued drafts of a Model Social Media Policy and Model Councillor and Staff Interaction Policy in 2021. The model policies have been developed using a “best of breed” approach to existing council policies and reflect what OLG sees as best practice in the sector. Councillors will be provided information and training at sessions scheduled for 3-4 February.

The OLG model policies will not be mandatory, and councils will be free to choose whether to use them or to adapt them for their own purposes. If adopted, the policies will operate to supplement the provisions of councils’ adopted codes of conduct.

It is proposed Council endorse the attached draft Policy (with QPRC nominals) for community feedback and consider submissions at a later meeting. Schedule One will include staff contacts (Level 1-3) and Governance Support. The current QPRC policy is attached.

Recommendation

That Council:

- 1. Note the QPRC Policy on Councillor and Staff Interaction.**
- 2. Exhibit the draft Policy for 28 days for community feedback and subsequent consideration of submissions and refinement of the Policy.**

Implications

Policy

The draft Policy notes in broad terms, a councillor’s role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review.

The role of council staff, under the leadership of the general manager, is to carry out the day to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

The draft Policy recognises councillors’ role in setting the council’s strategic direction and keeping its performance under review, and therefore councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council’s operations, to initiate or influence planning decisions or applications, or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council’s resources are finite, and they need to be mindful of the impact of their requests.

**6.10 Model Policy - Councillor and Staff Interaction (Ref: ; Author: Tegart/Tegart)
(Continued)**

Above all, interactions between councillors and staff should be positive, respectful and professional.

Councillors should be mindful that, when meeting or interacting with developers or applicants in the company of staff (including site inspections), that they do not attempt to influence the staff member or convey their position on the matter to the developer in the absence of a report or background advice of staff.

Engagement

The draft Policy was prepared by OLG following significant local government sector and broad stakeholder engagement. As a new policy, it should also be exhibited for community feedback before adoption.

Attachments

Attachment 1 Model Policy - Councillor and Staff Interaction (*Under Separate Cover*)



Attachment 2 QPRC Policy - Councillor and Staff Interaction (*Under Separate Cover*)



6.11 Councillor Expenses and Facilities Policy (Ref: ; Author: Tegart/Flint)

File Reference: 52.7.2

Summary

This report seeks formal adoption of the Councillor Expenses and Facilities Policy in accordance with s. 252 of the *Local Government Act 1993*. It replicates the 2018 version adopted by the former Council, based on a model policy prepared by Office of Local Government in 2017. The 2022 version is updated with contemporary values.

If no change is proposed by councillors, the policy may be adopted. Otherwise the new draft should be exhibited for community feedback.

Recommendation

That Council:

- 1. Adopt the Councillor Expenses and Facilities Policy, OR**
 - 2. If modified, place the draft Policy on public exhibition for 28 days inviting submissions to be received, noting if no submissions are received, the Policy be adopted.**
-

Background

Council is required to adopt its Councillor Expenses and Facilities Policy once a term within 12 months of the last local government election, in accordance with s. 252 of the *Local Government Act 1993*.

Implications

Policy

The QPRC Councillor Expenses and Facilities Policy is based on a model prepared by the Office of Local Government, and updated with contemporary values (see Financial).

Engagement

If modified, the draft Councillor Expenses and Facilities Policy will be placed on public exhibition for a period of 28 days inviting submissions to be received. The Policy will be reported back to Council if amendments are required following this time.

Financial

The Councillor and Expenses Policy contains a number of annual monetary limits on certain expenses. Some of these are legislative amounts set by the ATO or the NSW Local Government Employees' Award, and others are discretionary amounts set by QPRC.

Council's Operational Plan/Budget includes provisions for the payment of expected expenses as detailed in the Policy. Some adjustments to the budget allocation may be required depending on the amendments to the draft Policy prior to adoption.

Attachments

Attachment 1 Councillor Expenses and Facilities Policy (*Under Separate Cover*)



**6.11 Councillor Expenses and Facilities Policy (Ref: ; Author: Tegart/Flint)
(Continued)**

6.12 Councillor Superannuation (Ref: ; Author: Tegart/Tozer)

File Reference: 52.7.1

Summary

The *Local Government Amendment Act 2021* (Amendment Act) was passed by NSW Parliament on 13 May 2021. Among other amendments, the Act now includes a clause relating to councillor superannuation.

The circular accompanying the announcement stated:

Councils will have the option to make superannuation contribution payments for councillors from 1 July 2022 equivalent in amount to superannuation guarantee payments. The decision to make superannuation contribution payments must be made by resolution at an open meeting.

<https://www.olg.nsw.gov.au/council-circulars/21-07-commencement-of-local-government-amendment-act-2021/>

As Council is preparing its budget for the 2022-23 financial year, the new Council is requested to make a determination regarding payment of superannuation from 1 July 2022 onwards.

Recommendation

That Council, in accordance with section 254B of the *Local Government Act*, determine whether to apply superannuation payments to the Mayor and Councillor allowance from 1 July 2022.

Background

Councillors and the Mayor are paid an allowance in accordance with Council resolution and the Local Government Remunerational Tribunal's annual determinations. That allowance is set within the range for Regional Centre, with Council resolving to apply the following for FY2022:

- Councillors \$20,685 x 11
- Mayor (in addition to councillor allowance) \$45,135 x 1

Up until now, councillors have not been eligible for superannuation payments. However, an amendment was made to the *Local Government Act* in 2021 to allow individual councils to determine whether they will be paid superannuation or not.

6.12 Councillor Superannuation (Ref: ; Author: Tegart/Tozer) (Continued)

As with employees, the rate of superannuation will increase over the following years as such:

Period	General super guarantee (%)
1 July 2021 – 30 June 2022	10.00
1 July 2022 – 30 June 2023	10.50
1 July 2023 – 30 June 2024	11.00
1 July 2024 – 30 June 2025	11.50
1 July 2025 – 30 June 2026	12.00
1 July 2026 – 30 June 2027	12.00
1 July 2027 – 30 June 2028 and onwards	12.00

The amended Act states:

254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a **superannuation contribution payment**) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
 - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

Commonwealth superannuation legislation means the [Superannuation Guarantee \(Administration\) Act 1992](#) of the Commonwealth.

superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies

6.12 Councillor Superannuation (Ref: ; Author: Tegart/Tozer) (Continued)

Implications

Financial

Based on the following 2021-21 Mayor and Councillor allowances for QPRC, the total budget impact of a 10% super payment would be around \$27,000, however the final figure is dependent on the Local Government Remuneration Tribunal determination for 2022-23.

Conclusion

The decision of whether to apply super to payments rests with councillors.

Attachments

Nil

6.13 Utilisation of Countbacks to fill Casual Vacancies (Ref: ; Author: Tozer/Flint)

File Reference: 52.7.1

Summary

Following the 2021 local government elections, Council will have the option of using a countback of votes cast on 4 December to fill casual vacancies occurring in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies, Council must resolve at the first meeting after the election to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Recommendation

That pursuant to section 291A(1)(b) of the *Local Government Act 1993*, Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the CEO to notify the NSW Electoral Commissioner of Council's decision within 7 days of the decision.

Background

Where Council resolves to fill casual vacancies using a countback in the first 18 months of its term, the CEO is required under the *Local Government (General) Regulation 2005* (the Regulation) to notify the election manager of the Council's ordinary election of the council's resolution within seven days of the Resolution.

Countbacks are not available to fill casual vacancies in the office of a councillor where:

1. The councillor who vacated office was elected at an election using the optional preferential voting system (ie. Elections where only one civic office is required to be filled such as the election of popularly elected mayors)
2. The councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

Implications

Legal

In accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

Attachments

Nil

6.14 Committee Framework, Delegates and Representatives (Ref: ; Author: Tozer/Flint)

File Reference: 52.3

Summary

Council is required to appoint representatives and delegates to all committees and external organisations for 2022-23, with a further report to be provided to Council in September 2023 to review representation.

All nominees are required to accept nomination before being formally appointed. It is recommended that Council determine the method of voting to be by open voting, should there be more than one nomination for a particular committee.

Recommendation

That Council:

- 1. Note the Committees framework and functions.**
 - 2. Nominate delegate/s for each of the committees and organisations that require Council's representation.**
 - 3. If more than one nomination is received for a delegate's position, determine that the method of ballot for the election be by open voting (show of hands), pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2005*.**
 - 4. Seek reports twice a year from s355 Committees containing minutes of proposed fees to be set and maintenance requests, and updates on membership and annual works and activities.**
 - 5. Request all committees to refresh their terms of reference for consideration in a Council review of committee structure and representation by September 2022.**
-

Background

The attached schematic illustrates the committees framework and the strategic pillars (from Community Strategic Plan) the committee's functions support. Many community representatives dedicate their time to the management and maintenance of certain reserves and facilities on Council or Crown lands, on Council's behalf. Those committees are delegated authority under s355 of the *Local Government Act 1993*, raising funds through hire fees or grants to maintain and improve premises, and generally reporting their minutes to Council bi-annually to advise of fees to be set and maintenance requests, and updates on membership and annual works and activities.

The tables below list the committees and external organisations and the frequency of meetings for councillors to nominate to. Councillors may choose to modify some committees and membership. Locality Committees (20-25) enable representatives of local s355 committees and other community associations to raise matters directly with councillors, with meetings timed to inform settings for the Operational Plan and half year budget review. Councillors and staff may separately attend community association (BCA, JRA, GRA etc) meetings upon invitation.

Many committees and organisations have been unable to hold their regular meetings over the past 18 months due to the restrictions of the COVID-19 pandemic.

6.14 Committee Framework, Delegates and Representatives (Ref: ; Author: Tozer/Flint) (Continued)

The Terms of Reference for many of the committees is attached.

	COMMITTEE	Delegates	Frequency
	COUNCIL COMMITTEES		
1	Planning and Strategy Committee of the Whole	All councillors	Monthly
	ORGANISATIONAL COMMITTEES		
2	Audit, Risk, and Improvement Committee	1 x councillor	Quarterly
3	Australia Day and Community Awards Committee	Mayor	As required
4	Australia Day Organising Committee	2 x councillor	As required
5	CEO Performance Review Committee	Mayor, Deputy Mayor + 3 x councillors	Six-monthly
6	Dangerous Dog Panel	1 x councillor	As required
7	Disability Access Committee	1 x councillor	As required
8	First Nations Consultative Committee	2 x councillors	Quarterly
9	Queanbeyan-Palerang Library Service (NSW Public Library Zone)	1 x councillor	As required
10	Queanbeyan Sporting Gallery Committee	1 x councillor	As required
11	Sports Council	3 x councillors	Quarterly
12	Sister City Committee	1 x councillor	As required
	STATUTORY COMMITTEES		
13	Dargues Reef Community Consultative Committee	1 x councillor	As required
14	Lake George District Liaison Committee	1 x councillor	Biannually
15	Integrated Water Cycle Management Project Reference Group	1 x councillor	As required
16	Lake George Bush Fire Management Committee	1 x councillor	Biannually
17	Lake George Emergency Management Committee	Operational staff	Quarterly
18	Local Traffic Committee	1 x councillor	Bi-monthly
19	Old Cooma Road Holcim Quarry Consultative Committee	1 x councillor	As required
	LOCALITY COMMITTEES		
20	Araluen, Majors Creek	2 x councillors	Biannually
21	Braidwood, Mongarlowe, Nerriga	2 x councillors	Biannually
22	Bungendore	2 x councillors	Biannually
23	Burra, Urila, Fernleigh Park	2 x councillors	Biannually
24	Captains Flat, Hoskinstown, Carwoola	2 x councillors	Biannually
25	Wamboin, Bywong	2 x councillors	Biannually

6.14 Committee Framework, Delegates and Representatives (Ref: ; Author: Tozer/Flint) (Continued)

ADVISORY COMMITTEES			
26	Braidwood and Curtilage Heritage Advisory Committee	1 x councillor	As required
27	Braidwood Floodplain Risk Management Committee	1 x councillor	As required
28	Bungendore Floodplain Risk Management Committee	1 x councillor	As required
29	Bungendore Town Centre and Environs Committee	Operational staff	Quarterly
30	Bungendore War Memorial Committee	1 x councillor	As required
31	Captains Flat Floodplain Risk Management Committee	Non-operational but may be reformed in the future as required	As required
32	Cultural Development and Public Arts Advisory Committee	2 x councillors (one Chair and one alternate Chair)	Quarterly
33	Economic Advisory Panel	1 x councillor	Quarterly
34	Environment and Sustainability Advisory Committee	2 x councillors	Quarterly
35	Q Advisory Board	Mayor	Bi-monthly
36	Queanbeyan Flood Management Committee	1 x councillor	As required
37	QPRC Heritage Advisory Committee	1 x councillor	Bi-monthly
38	Queanbeyan Showground Advisory Committee	2 x councillors	As required
39	Queanbeyan Trust Committee	All councillors	As required
40	Tourism Advisory Board	1 x councillor	Quarterly
41	Youth Advisory Council	2 x councillors	Quarterly
REGIONAL COMMITTEES			
42	ACT-NSW Cross Border Illegal Dumping Steering Committee	Operational staff	As required
43	Canberra Airport Community Aviation Consultation Group	1 x councillor	Quarterly
44	Canberra Region Joint Organisation (CRJO)	Mayor and CEO	Bi-monthly
45	Community Safety Precinct Committee – Monaro Local Area Command	2 x councillors	As required
46	ACT and Region Catchment Management Coordination Group	CEO or nominee	As required
47	South-East Weight of Loads Group	Operational staff	As required
48	South East Australia Transport Strategy (SEATS)	1 x councillor	Quarterly
49	Southern Joint Regional Planning Panel	1 x councillor + 1 alternate	As required
50	Southern Tablelands Arts Board	Operational staff	As required
51	Upper Murrumbidgee Catchment Network	Operational staff	Quarterly
52	WaterNSW (Local Government Reference Panel)	Operational staff	As required




6.14 Committee Framework, Delegates and Representatives (Ref: ; Author: Tozer/Flint) (Continued)

53	Woodlawn Eco-Precinct Community Liaison Committee (Veolia)	1 x councillor	Quarterly
54	Regional Cities NSW	Mayor and CEO	Bi-monthly
WORKPLACE COMMITTEES			
55	Risk Committee	Management representatives and staff representatives	As required
56	Workplace Consultative Committee	Management representatives and staff/union representatives	Monthly
57	Workplace Health and Safety Committee	Management representatives and staff representatives	Monthly
58	Workplace Innovation Group	Staff	As required
59	Diversity and Inclusion Group	Staff	Bi-monthly

Conclusion

Council is asked to appoint its councillor delegates and representatives to committees and external organisations (2-54) for the period January 2022-September 2023.

Attachments

- Attachment 1 Committees Framework (*Under Separate Cover*)
 Attachment 2 Committee - Reporting Pillars (*Under Separate Cover*)
 Attachment 3 QPRC Committees - Terms of Reference (*Under Separate Cover*)


6.15 LGNSW Special Conference Delegates (Ref: ; Author: Tozer/Flint)

File Reference: 52.5.2

Summary

The Local Government NSW (LGNSW) Special Conference 2022 will be held from 28 February 2022 – 2 March 2022 at the Hyatt Regency, Sydney. The Special Conference is a separate event to the November 2021 online Annual Conference.

Council is invited to nominate its four voting delegates (one of whom is the Mayor) for the Special Conference. Council is also asked to consider whether it wishes to propose further motions for the LGNSW Special Conference.

Recommendation

That Council:

- 1. Nominate three Councillors, in addition to the Mayor, to register for and attend the LGNSW Special Conference.**
- 2. Consider whether it wishes to submit any further motions.**

Background

The postponement of the local government elections has had a significant flow-on effect for the LGNSW Annual Conference, which was originally planned to be held in Sydney from 28–30 November 2021. This timeframe fell in the middle of the pre-poll voting for the rescheduled local government elections.

To meet its legislative obligations regarding presentation of the Financial Statements and the Annual Report, and for the election of its Board, LGNSW held its Annual Conference online for one hour on 29 November 2021. There was no cost to Council for attendees.

LGNSW is now holding a “Special Conference” in-person at the Hyatt Regency Sydney from 28 February to 2 March 2022 to consider motions that would normally be considered at the Annual Conference.

Under the LGNSW rules, QPRC is entitled to have four voting delegates who must be elected members and who must also be registered to attend the Conference.

Council resolved (PLA036/18) at its Planning and Strategy Committee meeting on 11 April 2018 that the Mayor be authorised to attend the national and state local government conferences as Council’s voting delegate. Council should now nominate three other Councillors to fill QPRC’s voting entitlement at the LGNSW Annual Conference.

Motions

All member councils can put forward motions to be considered at the “Special Conference”. LGNSW has asked councils to submit motions as soon as possible.

One Motion has already been resolved to be put to the Special Conference by the former Council on Streetlighting (Resolution 379/21).

“That LGNSW lead the advocacy on streetlighting pricing, billing and smart innovation relating to DNSPs across the State”.

For convenience, the report in relation to this Motion Submission has been attached.

Implications

Financial

Council’s budget includes provision for the attendance of Council’s delegates at the LGNSW “Special Conference”. Preliminary reservations and registrations have been made.

Attachments

Attachment 1



Notice of Motion to LGNSW Special Conference 2022 - Streetlighting
(Under Separate Cover)

6.16 Australia Day Arrangements (Ref: ; Author: Tegart/Richards)

File Reference: 1.4.4

Summary

QPRC runs several civic events each year on Australia Day. Events are coordinated by the QPRC events team in Captains Flat, Braidwood, Bungendore and Queanbeyan. Councillors usually represent QPRC in each location, with the Mayor presiding over the formal Queanbeyan event with Councillors in attendance.

Recommendation

That Council select representatives to be part of the formal celebrations in each township.

Background

QPRC conducts a range of civic ceremonies throughout the year. Australia Day celebrations are one of the most important events. A formal event occurs in Queanbeyan which often includes a citizenship ceremony. Community led events occur in Captains Flat, Braidwood and Bungendore. Councillors are generally in attendance at the Queanbeyan event which is led by the Mayor. Councillor representatives are also selected to represent QPRC at the various community celebrations throughout the day.

Implications

Social / Cultural

Australia Day celebrations are considered an important civic event supported by communities in each major population area of the LGA. Councillors are an important part of each celebration.

Engagement

Preparations for Australia Day events commences six months prior to the event taking place. All operational planning is complete and waiting for the selection of elected members to represent in each location.

Conclusion

Australia Day is an important event in the calendar of QPRC Civic events. To finalisation the organisation of Australia Day, the events team need elected member representatives for each major town. As noted above, it is traditional that the Mayor preside over the formal Queanbeyan event.

Attachments

Nil

7.1 Electoral Funding Obligations of Newly Elected Councillors and Mayors (Ref: ; Author: Tegart/Flint)

File Reference: 52.7.1

Report

Councillors and mayors elected at the local government elections on 4 December 2021 must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission periodically for their term in office. The first disclosures must be submitted by 25 February 2022.

There are three types of disclosures to submit each year as an elected member: two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

In relation to the 2021-22 financial year, an elected member must also submit disclosures in their capacity as a candidate. These being two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

The relevant periods each disclosure covers and the lodgement periods for disclosures for 2021-22 are:

Disclosure type	Disclosure period	Disclosure lodgement period	Disclosure due
1 st half-yearly political donations disclosure	1 July 2021 to 31 December 2021	1 January 2022 to 25 February 2022	25 February 2022
2 nd half-yearly political donations disclosure	1 January 2022 to 30 June 2022	1 July 2022 to 28 July 2022	28 July 2022
Annual electoral expenditure disclosure	1 July 2021 to 30 June 2022	1 July 2022 to 22 September 2022	22 September 2022

If no political donations are made or received or no electoral expenditure is incurred, 'Nil' disclosure forms must still be submitted.

Disclosures can be made through *Funding and Disclosure Online*, the NSW Electoral Commission's secure, accessible and convenient online portal for electoral participants.

Detailed information about disclosures is available on the NSW Electoral Commission website.

Elected member contact details

Elected members who have not provided the NSW Electoral Commission with up-to-date contact details are requested to do so as soon as possible by emailing fdc@elections.nsw.gov.au.

A current email address and mobile number for each elected member is required so that the NSW Electoral Commission can send notifications about when and how to disclose political donations and electoral expenditure. Elected members who do not comply with disclosure requirements could be penalised, including a fine or prosecution.


**7.1 Electoral Funding Obligations of Newly Elected Councillors and Mayors (Ref: ;
Author: Tegart/Flint) (Continued)**

More information about electoral funding obligations of elected members can be found on the NSW Electoral Commission website. The *Electoral Funding Act 2018* can be accessed on the NSW Legislation website.

Recommendation

That the report be received for information.

Attachments

Attachment 1  Fact Sheet - Electoral Funding Reporting Obligations (*Under Separate Cover*)

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart)

File Reference: 52.5.98-01

Report

Given the composition of the Council includes nine new councillors, it is appropriate to publish the legislated roles and functions of the elected and administrative bodies.

A Council has several functions conferred upon it by the *Local Government Act 1993 (s21)* undertaken or managed by staff:

THIS ACT						OTHER ACTS
SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS	VARIOUS FUNCTIONS
For example— • Providing community health, recreation, education & information services • Environmental protection • Waste removal & disposal • Land & property, industry & tourism development & assistance	• Approvals • Orders • Building certificates	• Resumption of land • Powers of entry and inspection	• Rates • Charges • Fees • Borrowings • Investments	For example • Employment of staff • Management plans • Financial reporting • Annual reports	For example • Proceedings for breaches of the Act • Prosecution of offences • Recovery of rates and charges	See the Note to section 22

Some other Acts and some of the functions they confer include under s22:

Community Land Development Act 2021	planning functions as consent authority
Companion Animals Act 1998	companion animal registration and control
Conveyancing Act 1919	placing covenants on council land
Environmental Planning and Assessment Act 1979	environmental planning
Fire and Rescue NSW Act 1989	payment of contributions to fire brigade costs and furnishing of returns
Fluoridation of Public Water Supplies Act 1957	fluoridation of water supply by council
Food Act 2003	inspection of food and food premises
Impounding Act 1993	impounding of animals and articles
Library Act 1939	library services
Protection of the Environment Operations Act 1997	pollution control
Public Health Act 2010	inspection of systems for purposes of microbial control
Recreation Vehicles Act 1983	restricting use of recreation vehicles
Roads Act 1993	roads
Rural Fires Act 1997	issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
State Emergency Service Act 1989	recommending appointment of local commander
Strata Schemes Development Act 2015	approval of strata plans
Swimming Pools Act 1992	ensuring restriction of access to swimming pools

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart) (Continued)

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act.

Environmental Offences and Penalties Act 1989	forfeiture of council functions to person appointed by Governor
Government Information (Public Access) Act 2009	council required to publish certain information and to grant access to certain documents
Heritage Act 1977	rating based on heritage valuation
Privacy and Personal Information Protection Act 1998	council required to amend certain records that are shown to be incomplete, incorrect, out of date or misleading
State Emergency and Rescue Management Act 1989	council required to prepare for emergencies

The Local Government Act 1993 prescribes the following guiding principles:

s8A Guiding principles for councils and 8B Principles of sound financial management

(1) The following general principles apply to the exercise of functions by councils—

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.*
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.*
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.*
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.*
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.*
- (g) Councils should work with others to secure appropriate services for local community needs.*
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.*
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.*

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law)—

- (a) Councils should recognise diverse local community needs and interests.*
- (b) Councils should consider social justice principles.*
- (c) Councils should consider the long term and cumulative effects of actions on future generations.*
- (d) Councils should consider the principles of ecologically sustainable development.*
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*

(3) Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart) (Continued)

A 'decision-making framework' has been established and will form part of the induction of councillors. <https://www.qprc.nsw.gov.au/Resources-Documents/Adopted-QPRC-Policies>

The following principles of sound financial management apply to councils—

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.*
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.*
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following—*
 - (i) performance management and reporting,*
 - (ii) asset maintenance and enhancement,*
 - (iii) funding decisions,*
 - (iv) risk management practices.*
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following—*
 - (i) policy decisions are made after considering their financial effects on future generations,*
 - (ii) the current generation funds the cost of its services.*

s226 Role of mayor

The role of the mayor is 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,*

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart) (Continued)

- (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.*

s232 The role of a councillor

(1) The role of a councillor is as follows—

- (a) to be an active and contributing member of the governing body,*
- (b) to make considered and well informed decisions as a member of the governing body,*
- (c) to participate in the development of the integrated planning and reporting framework,*
- (d) to represent the collective interests of residents, ratepayers and the local community,*
- (e) to facilitate communication between the local community and the governing body,*
- (f) to uphold and represent accurately the policies and decisions of the governing body,*
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*

(2) A councillor is accountable to the local community for the performance of the council

s731 Liability of councillors, employees and other persons

It is important councillors understand their actions and decisions taken in office have certain protections:

731 A matter or thing done by a council, a councillor, a member of a committee of the council or an employee of the council ... does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, ... the council or a committee of the council, subject a councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand

s335 Functions of general manager (CEO)

The general manager (CEO) of a council has the following functions—

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,*
- (b) to implement, without undue delay, lawful decisions of the council,*
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,*
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,*
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,*
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart) (Continued)

- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure ... and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act

s343 Functions of the public officer**(1) The public officer—**

- may deal with requests from the public concerning the council's affairs
- has the responsibility of assisting people to gain access to public documents of the council
- may receive submissions made to the council
- may accept service of documents on behalf of the council
- may represent the council in any legal or other proceedings
- has such other functions as may be conferred or imposed on the public officer by the general manager or by or under this Act.

(2) The public officer is subject to the direction of the general manager

The Portfolio General Manager Organisation Capability is the designated Public Officer.

S 332 Organisation Structure

Under s333, the new Council is to determine or review the organisation structure within 12 months of an election. While noting the terms of s332 below, a workshop and report will be presented to Council in 2022 proposing a refreshed structure (the third phase incorporated in the 2017 merger transition plan). The CEO and Portfolio General Manager (PGM) positions are designated as senior staff.

s332 Determination of structure**(1) A council must, after consulting the general manager, determine the following—**

- (a) the senior staff positions within the organisation structure of the council,
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
- (c) the resources to be allocated towards the employment of staff.

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

(1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.

The structure includes positions of the Executive and Service Managers (level 1-3) that aligns with the strategic pillars of the Community Strategic Plan. The remainder of the positions (Level 4-6) are aligned to the Service-Program-Activity framework within the Delivery Program

7.2 Role of Mayor, Councillors and CEO (Ref: ; Author: Tegart/Tegart) (Continued)

and established by the Executive with Service Managers, following staff consultation in accord with the Award. Pending any shifts in focus, priority and service settings by the new Council, any reassignment of staff resources (and budget impacts) would be reported to Council.

Councillor-Staff Interaction

A separate report on the Model Councillor and Staff Interaction Policy published by the Office of Local Government (OLG) in 2021 is presented in this business paper. Generally, councillor access to staff below Level 3 (service managers) and staff areas (office, depots) is not available, unless endorsed by the relevant Portfolio General Manager. It is noted the primary functions of the elected body is advocacy, representation, strategy, policy, property, integrated planning and resourcing.

Council employs the CEO, while the CEO is responsible for the recruitment and management of all staff, and management of the organisation.

Policies

Given the council term is relatively short (to September 2024), the policies introduced or refreshed by the former council will be presented for review over the next 12 months. Current policies are listed on the website <https://www.qprc.nsw.gov.au/Resources-Documents/Adopted-QPRC-Policies>

Questions on Notice (QoN) and Notices of Motion (NoM)

Councillors regularly receive requests from members of the community or seek further information to guide their decisions. In addition, councillors may wish to bring certain matters to the attention of the elected body or introduce a new matter for report or priority.

Like any member of the community, a councillor may lodge a service request (eg missed bin, pothole) or complaint (eg barking dog, DA delay) by phone, email or online <https://www.qprc.nsw.gov.au/Services/Report-a-Problem>.

On other matters or enquiries raised on behalf of constituents, councillors may email those matters direct to Governance staff who compile the requests into a QoN register. While the requesting councillor will receive a response to the initial enquiry, the QoN and Response are tabulated in a report to Council each month.

Should a councillor seek a report or propose an action on a certain matter that is not on the agenda of Council, or is a new matter for consideration or priority in the next Delivery Program for example, then lodgement of a Notice of Motion (on a prescribed online template) is preferred. If appropriate, staff may provide some background or comment to the NoM when published in the meeting business paper.

Opportunities will be available for councillors to nominate actions or projects for consideration in the next Delivery Program, either informally at workshops or via NoM at meetings from February.

Recommendation

That the report be received for information.

Attachments

Nil

8 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*.