

# **GLEN INNES SEVERN COUNCIL**

## **BUSINESS PAPER**



**FOR THE ORDINARY  
COUNCIL MEETING**

**TO BE HELD ON  
TUESDAY,  
11 JANUARY 2022**





# GLEN INNES SEVERN COUNCIL

## Notice is herewith given of an **ORDINARY MEETING**

That will be held at the Glen Innes Severn Learning Centre,  
William Gardner Conference Room, Grey Street, Glen Innes on:  
Tuesday, 11 January 2022 at 6.00pm

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### ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY.....	5
2	OPENING WITH PRAYER.....	5
3	APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS.....	5
4	MINUTES OF PREVIOUS ORDINARY MEETING - 25 NOVEMBER 2021 TO BE CONFIRMED.....	5
5	DISCLOSURE OF CONFLICT OF INTERESTS: PECUNIARY AND NON- PECUNIARY INTERESTS.....	5
6	MAYORAL MINUTE(S).....	5
7	REPORTS TO COUNCIL.....	6
7.1	Oath or Affirmation of Office by Councillors.....	6
7.2	Election Procedures for the Election of the Mayor and the Deputy Mayor.....	10
7.3	Election of the Mayor.....	20
7.4	Election of the Deputy Mayor.....	26
7.5	Review of the Annual Fee for the Deputy Mayor Policy.....	31
7.6	Casual Vacancies of Councillors.....	35
7.7	Delegates on Committees.....	38
7.8	Councillor Induction Program.....	46
7.9	Investments Report as at 30 November 2021.....	55

**8 NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE ..... 64**

**9 CORRESPONDENCE, MINUTES, PRESS RELEASES ..... 64**

**10 REPORTS FROM DELEGATES ..... 64**

**11 MATTERS OF AN URGENT NATURE..... 64**

**12 CONFIDENTIAL MATTERS ..... 64**

Craig Bennett  
**General Manager**

# Council

**Meeting Date:** 4<sup>th</sup> Thursday of the month commencing at 6.00pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *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)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *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*
- *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](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council."*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*
- *Any matter or function not within the delegable function of Committees*
- *Matters referred from Committees for determination*

**Membership:** Full Council - 7 Councillors.

**Quorum:** 4 members

**Chairperson:** The Mayor

**Deputy Chairperson:** The Deputy Mayor

The Mayor will read the following statement:

“This Council Meeting is being streamed live, recorded and published in accordance with Council’s Live Streaming of Council Meetings Policy. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to speak during the meeting will be recorded and their voice, image and comments will form part of the live stream and recording.

All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms.

The Chair and/or the General Manager have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.

Thank you.”

## **1 ACKNOWLEDGEMENT OF COUNTRY**

“I acknowledge the Ngoorabul people as the traditional custodians of this land and pay my respect to the Elders past, present and emerging. I also extend that respect to Aboriginal and Torres Strait Islander people here today.”

## **2 OPENING WITH PRAYER**

## **3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

## **4 MINUTES OF PREVIOUS ORDINARY MEETING - 25 NOVEMBER 2021 TO BE CONFIRMED**

## **5 DISCLOSURE OF CONFLICT OF INTERESTS: PECUNIARY AND NON-PECUNIARY INTERESTS**

### **PECUNIARY:**

Nature of conflict:

Action to be taken:

### **NON-PECUNIARY:**

#### a) Significant Non-Pecuniary

Nature of conflict:

Action to be taken:

#### b) Non-significant Non-Pecuniary

Nature of conflict:

Action to be taken:

## **6 MAYORAL MINUTE(S)**

## 7 REPORTS TO COUNCIL

**REPORT TITLE:** 7.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

**ECM INDEXES:**

**Subject Index:** GOVERNANCE: Councillors

**Customer Index:** INTERNAL DEPT - Councillors

**Property Index:** NIL

**AUTHOR:** Craig Bennett - General Manager

**APPROVER/S:** Craig Bennett - General Manager

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### PURPOSE

The purpose of this report is to inform Councillors of the requirement of Section 233A of the **Local Government Act 1993 (the Act)**. This section of the Act requires all Councillors to take an oath or affirmation of office.

### RECOMMENDATION:

*That each Councillor:*

- 1. Takes an oath or makes an affirmation of office in the prescribed format in accordance with the provisions of Section 233A of the Local Government Act 1993 as the first item of business at this Ordinary Council Meeting.*
- 2. Reads out aloud the prescribed wording of the oath or affirmation of office in front of the General Manager and signs a statement containing this oath of affirmation of office for Council's records.*

### REPORT

**(a) Background**

As a result of amendments to the Act in 2016, all Councillors (including the Mayor) are now required to take an oath or affirmation of office.



Oaths or affirmations of office must be taken by each Councillor at or before the first meeting of the Council, after being elected. The oath or affirmation is required to be the first item of business on the business paper.

**(b) Discussion**

Councillors are now required to take an oath of office or make an affirmation of office in accordance with Section 233A of the Act.

Circular No. 16-32 (**Annexure A**) from the **Office of Local Government (OLG)** states that a record must be kept of the taking of the oath or affirmation, therefore Councillors will be requested to sign a statement containing the oath or affirmation at this Ordinary Council Meeting for Council's records.

Councillors who would prefer to take the oath or affirmation in front of an Australian legal practitioner or a Justice of the Peace, are requested to let the General Manager know prior to the Ordinary Council Meeting, so that an arrangement can be made for a staff member to also be present at this ceremony (to ensure that an accurate record can be kept by Council) – in line with the directive given by the NSW OLG in the attached circular.

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Nil.

**(b) Governance/Policy**

Nil.

**(c) Legislative/Statutory**

Section 233A of the Act requires all Councillors (including the Mayor) to take an oath or affirmation of office at or before the first Meeting of the Council after the Councillor is elected.

Below is Section 233A of the Act in full:

**233A Oath and Affirmation for Councillors**

(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:

**Oath**

*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 Glen Innes Severn Local Government Area and the Glen Innes Severn Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions invested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.*

**Affirmation**

*I (name of councillor) solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interest of the people of the Glen Innes Severn Local Government Area and the Glen Innes Severn 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 judgement.*

- (3) A councillor who fails, without 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 made 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).

**(d) Risk**

Nil.

**(e) Social**

The community expects all Councillors to act impartially, professionally and, above all, ethically.

The taking of the oath or affirmation of office assists in assuring the community that all Councillors intend to conduct themselves in accordance with Council's values of Respect, Integrity, Courage, Honesty and Transparency.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

OLG.

**(b) Internal**

Management Executive Team (MANEX).

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This report has no relevance to the Integrated Planning and Reporting Framework.

**CONCLUSION**

All Councillors are required to take an oath or affirmation of office at the first Council Meeting.

The oath or affirmation is required to be the first item of business on the business paper.

Council is also required to keep a record of the taking of the oath or affirmation.

All Councillors have been requested to sign a statement containing the oath or affirmation of office for Council's records.

**ATTACHMENTS**

Annexure A     Circular No 16-32

**REPORT TITLE: 7.2 ELECTION PROCEDURES FOR THE ELECTION OF THE MAYOR AND THE DEPUTY MAYOR**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Elections**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

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### **PURPOSE**

The purpose of this report is for Council to understand the election procedures required by the ***Local Government Act 1993 (the Act)*** and the ***Local Government (General) Regulation 2021 (the Regulation)*** for the election of a Mayor and a Deputy Mayor. Further, Council is required to decide on the method of voting that will be used in the election process for a Mayor and a Deputy Mayor.

### **RECOMMENDATION**

***That Council selects Option Number.....***

### **REPORT**

**(a) Background**

Council last elected a Mayor on Thursday, 22 September 2020, for the period from Thursday, 22 September 2020 until Thursday, 4 September 2021. This period was extended until 4 December 2021 due to the postponement of the elections for a further three (3) months.

**(b) Discussion**

Council must elect a Mayor within three (3) weeks of the declaration of an ordinary election. Councillors may also elect a Deputy Mayor who may be elected for the mayoral term or a shorter term. It has been the practice in the past for Council to elect a Deputy Mayor.

If only one (1) Councillor has been nominated for the position of Mayor or Deputy Mayor, then that nominee is duly elected to the position. If more than one (1) candidate is nominated the Council must determine, by resolution the method of voting for the position of Mayor and Deputy Mayor. Council is resolving the method of voting (should it be required) in this report.

As no Mayor or Deputy Mayor will be present at the start of the meeting the returning officer (the General Manager) will assume the chair for the purpose of conducting the election.

The Act and the Regulation are prescriptive with regards to the election of both the positions of Mayor and Deputy Mayor. The relevant sections are provided in detail, in the Legislative/Statutory section of this report.

The **Office of Local Government (OLG)** has prepared a fact sheet on the Election of Mayor and Deputy Mayors by councillors, to assist councils to comply with these requirements. The fact sheet is attached as **Annexure A**.

Schedule 7 of the Regulation prescribes three (3) methods of election of Mayors (and Deputy Mayors):

- open ballot (e.g. a show of hands);
- ordinary ballot; or
- preferential ballot.

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods. Ordinary and Preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is by way of an ordinary or preferential ballot.

Section 227, read in conjunction with Section 282 of the Act stipulates that the Mayor of a Local Government Area, who is to be elected by the Councillors for the area, is to be elected by the Councillors from among their number. The election of the Mayor by Councillors in a Local Government Area is to be in accordance with the provisions of Section 394 and Schedule 7 of the Regulation.

Schedule 7 of the Regulation (in part) states the following:

Returning Officer

*The general manager (or a person appointed by the general manager) is the returning officer.*

Nomination

- (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*

- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

**(c) Options**

**Option 1**

That Council resolves to elect a Mayor and a Deputy Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022 and Council resolves to use the Open Voting (show of hands) method of voting for the election of both the Mayor and the Deputy Mayor.

**Option 2**

That Council resolves to elect a Mayor and a Deputy Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022 and Council resolves to use the Ordinary Ballot (Secret Ballot) method of voting for the election of both the Mayor and the Deputy Mayor.

**Option 3**

That Council resolves to elect a Mayor and a Deputy Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022 and Council resolves to use the Preferential Ballot (Secret Ballot) method of voting for the election of both the Mayor and the Deputy Mayor.

**Option 4**

That Council resolves to elect a Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022, using the ..... voting method and will not elect a Deputy Mayor for this period.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

There are no financial considerations associated with the method of election for the Mayor and Deputy Mayor positions.

It should be noted that Section 249 of the Act makes provision for the Mayor to be paid an annual fee in addition to the fee paid to the Mayor as a Councillor (determined by the Local Government Remuneration Tribunal). Further, it is a current policy of Council to pay 20% of the Mayoral fee to the Deputy Mayor.

**(b) Governance/Policy**

- Payment of Expenses and provision of Facilities to the Mayor and Councillors Policy; and
- Annual Fee for the Deputy Mayor Policy.

**(c) Legislative/Statutory**

Section 225 of the Act states the following:

**The mayor**

*An area **must** have a mayor who is elected in accordance with this Division.*

Section 227 of the Act states the following:

**Who elects the mayor?**

*The mayor of an area is the person elected to the office of mayor by -*

- the Councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors, or*
- the electors, if such a provision is in force.*

Section 230 of the Act states the following:

**For what period is a mayor elected?**

- A mayor elected by the Councillors holds the office of Mayor for 2 years\*, subject to this Act.*
- A Mayor elected by the electors holds the office of Mayor for 4 years, subject to this Act.*
- The Office of Mayor:*
  - Commences on the day the person elected to the office is declared to be so elected, and*
  - Becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.*
- A person elected to fill a casual vacancy in the office of Mayor holds the office for the balance of the predecessor's term.*

\*The term of the mayor is only for nine (9) months at this election. Mayors elected by councillors normally hold their office for two (2) years (unless a casual vacancy occurs). Due to the postponement of the ordinary council elections until 4 December 2021, mayors elected by councillors during the next term will have a shorter term than the usual two (2) years.

Section 282 of the Act states the following:

**Election of mayor**

- (1) *The mayor of an area who is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*
- (2) *The mayor of an area who is to be elected by the Councillors for the area is to be elected by the Councillors from among their number.*
- (3) *A Mayor elected for an area is one of the Councillors of the Council for the area.*

Section 231 of the Act states the following:

**Deputy mayor**

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

The election of the Mayor and the Deputy Mayor must be in accordance with section 394 and Schedule 7 of the Regulation.

Section 394 of the Regulation states the following:

*If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.*

Schedule 7 of the Regulation refers to the election of the mayor (and deputy mayor) by the Councillors.

Schedule 7 of the Regulation states the following:

**Part 1 - Preliminary**

1. *Returning Officer*

*The general manager (or a person appointed by the general manager) is the returning officer.*



2. Nomination

- (1) *A councilor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3. Election

- (1) *If one councilor is nominated, that councilor is elected.*
- (2) *If more than one councilor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) *In this section -*  
  
*“**ballot**” has its normal meaning of secret ballot.*  
  
*“**open voting**” means voting by a show of hands or similar means.*

**Part 2 – Ordinary ballot or open voting**

4. Application of part

*This part applies if the election proceeds by ordinary ballot or by open voting.*

5. Marking of ballot papers

- (1) *If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) *The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.*
- (3) *An informal ballot-paper must be rejected at the count.*

6. Count – 2 candidates

- (1) *If there are 2 candidates, the candidate with the higher number of votes is elected.*
- (2) *If there are 2 candidates and they are tied, the one elected is to be chosen by lot.*

7. Count – 3 or more candidates

- (1) *If there are 3 or more candidates, the one with the lowest number of votes is excluded.*
- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

**Part 3 – Preferential Ballot**

8. Application of part

*This Part applies if the election proceeds by preferential ballot.*

9. Ballot-papers and voting

- (1) *The ballot-papers are to contain the names of all candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.*
- (3) *An informal ballot-paper must be rejected at the count.*

10. Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- (2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
- (3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
- (4) *In this clause, “**absolute majority**”, in relation to votes, means a number that is more than on-half of the number of unexhausted formal ballot-papers.*

11. Tied candidates

- (1) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) *If, on and count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is the first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

**Part 4 – General**

12. Choosing by lot

*To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.*

13. Result

*The result of the election (including the name of the candidate elected as mayor or deputy mayor) is -*

- (a) To be declared to the councillors at the council meeting at which the election is held by the returning officer, and*
- (b) To be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.*

Section 249 of the Act states the following:

**Fixing and payment of annual fees for the Mayor**

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by each council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

**(d) Risk**

There are no obvious risks in Council choosing either of the voting methods provided in this report, other than that described at *(e) Social* below.

By following the provisions in the Act and the Regulation, risk, in relation to the election of a Mayor (and Deputy Mayor), is mitigated.

**(e) Social**

If Council decides not to elect a Deputy Mayor, it may have a negative impact on the availability of a dignitary of Council to perform the many and varied ceremonial duties of the Mayor within the community, in the instance of the Mayor not being available. It is therefore suggested for Council to continue the practice of electing a Deputy Mayor.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

OLG.

**(b) Internal**

General Manager.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Delivery Program Strategy STC 2.1 "Continue to be a financially sustainable and independent Council".

**CONCLUSION**

Council needs to consider if it wishes to elect a Deputy Mayor in addition to a Mayor.

It is recommended to continue the practice of electing a Deputy Mayor to ensure the availability of a dignitary of Council, in the instance of the Mayor not being available.

It is considered more "transparent" for Council to use the open voting (show of hands) method of voting for the election of both the Mayor and the Deputy Mayor.

**ATTACHMENTS**

Annexure A OLG Fact Sheet - Election of Mayor and Deputy Mayor by Councillors

**REPORT TITLE: 7.3 ELECTION OF THE MAYOR**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Elections**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

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**PURPOSE**

The purpose of this report is for Council to elect a Mayor from Tuesday, 11 January 2022 until the next Mayoral election, which will be held on Thursday, 22 September 2022.

**RECOMMENDATION**

***THAT:***

- 1. Council elects Councillor..... as the Mayor of the Glen Innes Severn Council from Tuesday, 11 January 2022 until Thursday, 22 September 2022.***
- 2. The General Manager advises Local Government New South Wales and the Office of Local Government of the results of the election of the Mayor.***

**REPORT**

**(a) Background**

Council last elected a Mayor in September 2020. A Councillor elected to the position of Mayor by the Councillors, in New South Wales Local Government is elected for a maximum two (2) year term.

The previous Mayor (Councillor Sparks) finished her term as the Mayor of Glen Innes Severn Council on Friday, 3 December 2021.

**(b) Discussion**

Council needs to conduct the election of a Mayor in accordance with Schedule 7 of the **Local Government (General) Regulation 2021 (the Regulation)**.

The relevant parts of Schedule 7 are detailed in the Legislative/Statutory section of this report.

As the Returning Officer, the General Manager invites written nominations for the position of Mayor for the Glen Innes Severn Council from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

The term of the Mayor is for nine (9) months at this election. Mayors elected by councillors normally hold their office for two (2) years (unless a casual vacancy occurs). Due to the postponement of the ordinary council elections to 4 December 2021, mayors elected by councillors during the next term will have a shorter term than the usual two (2) years.

Nomination forms (**Annexure A**) have been distributed to Councillors and additionally are included in this agenda.

In accordance with the Regulation, two (2) or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Mayor.

Nominations must be received by the returning officer in writing and the nominee must consent to their nomination in writing.

The method of voting was resolved by Council in the Election Procedures for the Election of the Mayor and the Deputy Mayor, the previous report to this report.

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Nil.

**(b) Governance/Policy**

- Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

**(c) Legislative/Statutory**

Section 226 of the **Local Government Act 1993 (the Act)**, states that the role of the Mayor is:

- (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 and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council;*
- (k) *In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community;*
- (l) *To carry out the civic and ceremonial functions of the mayoral office;*
- (m) *To represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;*
- (n) *In consultation with the Councillors, to lead performance appraisals of the General Manager;*
- (o) *To exercise any other functions of the Council that the Council determines.*

Section 227 of the Act states the following:

**Who elects the Mayor?**

*The Mayor of an area is the person elected to the office of Mayor by -*

- (a) ***The Councillors from among their number***, unless there is a decision in force under this Division which provides for the election of the Mayor by the electors.



Section 230 of the Act states the following:

**For what period is a Mayor elected?**

- (1) *A Mayor elected by the Councillors holds the office of Mayor for 2 years, subject to this Act.*
- (2) *A Mayor elected by the electors holds the office of Mayor for 4 years, subject to this Act.*
- (3) *The Office of Mayor:*
  - (a) *Commences on the day the person elected to the office is declared to be so elected, and*
  - (b) *Becomes vacant when the person’s successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.*
- (4) *A person elected to fill a casual vacancy in the office of Mayor holds the office for the balance of the predecessor’s term.*

Section 234 (5) of the Act states the following “*The office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor*”.

Section 282 of the Act states the following:

**Election of Mayor**

- (1) *The Mayor of an area is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*
- (2) ***The Mayor of an area who is to be elected by the Councillors for the area is to be elected by the Councillors from among their number.***
- (3) *A Mayor elected for an area is one of the Councillors of the Council for the area.*

Section 394 of the Regulation states the following:

*If a mayor or deputy mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7.*

Schedule 7 of the Regulation states the following:

**Part 1 - Preliminary**

1. Returning Officer

*The general manager (or a person appointed by the general manager) is the returning officer.*

2. Nomination

(1) *A councilor may be nominated without notice for election as mayor or deputy mayor.*

(2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*

(3) *The nomination is to be delivered or sent to the returning officer.*

(4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3. Election

(1) *If one councilor is nominated, that councilor is elected.*

(2) *If more than one councilor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*

(3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*

(4) *In this section -*

*“**ballot**” has its normal meaning of secret ballot.*

*“**open voting**” means voting by a show of hands or similar means.*

**(d) Risk**

By following the provisions in the Act and the Regulation, risk, in relation to the election of a mayor, is mitigated.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Office of Local Government.

**(b) Internal**

General Manager.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Delivery Program Objective STC 2.1 'Continue to be a financially sustainable and independent Council.'

**CONCLUSION**

Written nominations will be invited by the Returning Officer for the Office of the Mayor at this Ordinary Council Meeting.

**ATTACHMENTS**

Annexure A Nomination Form - Mayor

**REPORT TITLE: 7.4 ELECTION OF THE DEPUTY MAYOR**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Elections**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

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**PURPOSE**

The purpose of this report is for Council to elect a Deputy Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

**RECOMMENDATION**

*That Council elects Councillor .....as the Deputy Mayor of the Glen Innes Severn Council from Tuesday, 11 January 2022 until Thursday, 22 September 2022.*

**REPORT**

**(a) Background**

Council last elected a Deputy Mayor in August 2021. Councillor Newman was elected from Saturday, 4 September 2021 until Saturday, 4 December 2021 (Council elections).

A Deputy Mayor in New South Wales Local Government is elected for either the mayoral term (two (2) years) or a shorter term. The term is resolved by Council.

**(b) Discussion**

The conditions for the election of the Deputy Mayor are the same as for the election of the Mayor under Schedule 7 of the **Local Government (General) Regulation 2021 (the Regulation)**.

Council needs to conduct the election in accordance with Schedule 7 of the Regulation. The relevant parts of Schedule 7 are detailed in the Legislative/Statutory section of this report.

As the Returning Officer, the General Manager invites written nominations for the position of Deputy Mayor for the Glen Innes Severn Council. Nomination forms (**Annexure A**) have been distributed to Councillors and additionally are included in this agenda.

In accordance with the Regulation, two (2) or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Deputy Mayor.

Nominations must be received by the returning officer in writing and the nominee must consent to their nomination in writing.

The method of voting was resolved by Council in the Election Procedures for the Election of the Mayor and the Deputy Mayor Report (previous report to this meeting).

**(c) Options**

**Option 1**

That Council elects Councillor ..... as the Deputy Mayor of the Glen Innes Severn Council from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

**THIS IS THE RECOMMENDED OPTION.**

**Option 2**

That Council does not wish to elect a Deputy Mayor from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Nil.

**(b) Governance/Policy**

- Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.
- Annual Fee for the Deputy Mayor Policy.

**(c) Legislative/Statutory**

Section 231 of the **Local Government Act 1993 (the Act)** states the following:

**Deputy Mayor**

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) ***The person may be elected for the mayoral term or a shorter term.***
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Section 394 of the Regulation states the following:

*If a mayor or deputy mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7.*

Schedule 7 of the Regulation states the following:

**Part 1 - Preliminary**

1. **Returning Officer**

*The general manager (or a person appointed by the general manager) is the returning officer.*

2. **Nomination**

- (1) *A councilor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*

(3) *The nomination is to be delivered or sent to the returning officer.*

(4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3. Election

(1) *If one councilor is nominated, that councilor is elected.*

(2) *If more than one councilor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*

(3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*

(4) *In this section -*

*“**ballot**” has its normal meaning of secret ballot.*

*“**open voting**” means voting by a show of hands or similar means.*

**(d) Risk**

A Deputy Mayor will fill the functions of Mayor when the Mayor is unavailable and provides a mitigation to the risk of the mayor being unavailable, especially in the case of important civic functions.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

General Manager.

**[LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN \(DPOP\)](#)**

This item links to Council's Operational Plan Objective STC 2.1 'Continue to be a financially sustainable and independent Council.'

**CONCLUSION**

Written nominations will be invited by the Returning Officer for the Office of the Deputy Mayor if Council decides to elect a Deputy Mayor.

**ATTACHMENTS**

Annexure A      Nomination Form - Deputy Mayor



**REPORT TITLE: 7.5 REVIEW OF THE ANNUAL FEE FOR THE DEPUTY MAYOR POLICY**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Policy  
CORPORATE MANAGEMENT: Policy**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

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### **PURPOSE**

The purpose of this report is to present Council with the draft Annual Fee for the Deputy Mayor Policy (***Annexure A***) for review and adoption.

### **RECOMMENDATION**

***That Council adopts the revised Annual Fee for the Deputy Mayor Policy.***

### **REPORT**

#### **(a) Background**

At the Ordinary Council Meeting held on 20 October 2005, Council resolved the following:

*That Council adopts the following policy with regards to the payment of an annual fee to the Deputy Mayor:*

- 1. That, in addition to the annual fee paid to a Councillor, Council pays an annual fee to the Deputy Mayor of 20% of the annual fee paid to the Mayor, to be used to discharge and exercise the civic and ceremonial duties of the position of Deputy Mayor.*
- 2. That the amount so determined by Council be deducted from the annual fee paid to the Mayor, of which the latter is determined by Council in accordance with Section 249 of the Local Government Act 1993.*

3. *That, in accordance with the Section 250 of the Local Government Act 1993, the fee payable to the Deputy Mayor be payable in arrears for each month (or part thereof) for which the Deputy Mayor holds that office.*
4. *That the fee payable to the Deputy Mayor be reviewed by Council on an annual basis at the time when Council considers and sets fees for its Councillors and Mayor having regard to the annual determinations by the Local Government Remuneration Tribunal.*

The Annual Fee for the Deputy Mayor Policy was last adopted by Council on 26 August 2021 (Resolution Number 3.08.21E) and is now due for review as the opportunity for the election of a Deputy Mayor was afforded Council as part of the previous report.

**(b) Discussion**

Council needs to consider whether it wants to continue with the current policy of paying the Deputy Mayor (if elected) a percentage of the Mayoral fee as a standing arrangement.

As the Local Government elections have recently taken place this Policy is now presented to the new Council for review.

Council needs to review and adopt the revised Annual Fee for the Deputy Mayor Policy (Annexure A) if it wishes to continue with this policy direction.

**(c) Options**

**Option 1**

That Council adopts the revised Annual Fee for the Deputy Mayor Policy.

**THIS IS THE RECOMMENDED OPTION.**

**Option 2**

That Council does not adopt the revised Annual Fee for the Deputy Mayor Policy in its current form and requests officers to make amendments to the current policy prior to its adoption by Council.

**Option 3**

That Council rescinds the Annual Fee for the Deputy Mayor Policy.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

It is currently policy of Council to pay 20% of the Mayoral fee to the Deputy Mayor.

In accordance with this Policy, the Deputy Mayor will receive an annual total fee of \$17,812 (\$12,400 as a Councillor plus \$5,412 (20% of the Mayoral fee of \$27,060) as Deputy Mayor).

The amount payable from Tuesday, 11 January 2022 until Thursday, 30 June 2022 to the Deputy Mayor from the Mayoral Allowance is estimated to be \$2,535.

**(b) Governance/Policy**

- Payment of Expenses and provision of Facilities to the Mayor and Councillors Policy;
- Annual Fee for the Deputy Mayor Policy.

**(c) Legislative/Statutory**

Section 249 (5) of the *Local Government Act 1993* states the following with regards to the payment of a fee for the Deputy Mayor:

*A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor.*

*The amount of the fee so paid must be deducted from the mayor's annual fee.*

**(d) Risk**

If a deputy mayor is elected, a deputy mayor may be required to attend to functions on behalf of the Mayor. Consideration should be given to the value of remuneration (if any) afforded to a deputy mayor in such a situation in accordance with those requirements at (c) *Legislative/Statutory*.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

## **CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

General Manager.

## **LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Delivery Program Strategy STC 2.1 "Continue to be a financially sustainable and independent Council.

## **CONCLUSION**

Council's Annual Fee for the Deputy Mayor Policy has been reviewed and includes no changes that have occurred since the current Policy was last adopted in August 2021.

As the Local Government elections have recently taken place this Policy is now presented to the new Council for review and adoption.

## **ATTACHMENTS**

Annexure A     Draft Annual Fee for the Deputy Mayor Policy

**REPORT TITLE:** 7.6 CASUAL VACANCIES OF COUNCILLORS

**ECM INDEXES:**

**Subject Index:** GOVERNANCE: Councillors

**Customer Index:** INTERNAL DEPT – Councillors

**Property Index:** NIL

**AUTHOR:** Craig Bennett - General Manager

**APPROVER/S:** Craig Bennett - General Manager

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### PURPOSE

The purpose of this report is for Councillors to declare that any casual vacancies of Councillors within 18 months of the election are to be filled by a countback of the votes cast at the Saturday, December 4, 2021 Local Government election.

### RECOMMENDATION

*That Council declares that any casual vacancies occurring in the office of a councillor within 18 months of the Saturday, 4 December 2021 election are to be filled by a countback of the votes cast at the December 4, 2021 election.*

### REPORT

#### (a) Background

The **Office of Local Government (OLG)** issued a fact sheet to councils on the postponement of the 2021 Local Government elections (Frequently asked questions) in July 2021 (**Annexure A**).

One of the items discussed was the requirement for councils by resolution to declare that casual vacancies occurring in the office of a Councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means (page 5 of Annexure A).

**(b) Discussion**

Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election.

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

It will cost Council significantly more if it needs to hold a by-election to fill a casual vacancy instead of filling the casual vacancy by a countback of votes.

**(b) Governance/Policy**

Nil.

**(c) Legislative/Statutory**

Section 291A of the *Local Government Act 1993* states the following:

**Countback to be held instead of by-election in certain circumstances**

(1) This section applies to a casual vacancy in the office of Councillor if –

(a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the Councillors for the area, and

**(b) The Council has at its first meeting following that ordinary election of Councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.**

**(d) Risk**

There is a risk that Council will need to hold a by-election if it does not resolve at the first Council Meeting that all casual vacancies are to be filled by a countback of the votes cast at the Saturday, 4 December 2021 elections.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

OLG.

**(b) Internal**

Manager of Governance, Risk and Corporate Planning.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This report has no relevance to the Integrated Planning and Reporting Framework.

**CONCLUSION**

Council needs to resolve at the first Council Meeting that it declares that any casual vacancies occurring in the office of a councillor within 18 months of the Saturday, 4 December 2021 elections are to be filled by a countback of the votes cast at the December 4, 2021 elections, otherwise Council will be required to use a by-election to fill the casual vacancy.

**ATTACHMENTS**

Annexure A Requirements at the first Council Meeting after the Election

**REPORT TITLE: 7.7 DELEGATES ON COMMITTEES**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Committees of Council**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

**PURPOSE**

The purpose of this report is for Council to resolve the Councillors and Staff who are to be the Council delegates to sit on the Council and Community Committees for the nine (9) month period from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

**RECOMMENDATION**

**THAT:**

- Council nominates the following Councillors and Staff as Council's delegates to sit on the committees from Tuesday, 11 January 2022 until Thursday, 22 September 2022 as detailed in the list below:***

<b>NAME OF COMMITTEE</b>	<b>DELEGATES</b>
<b><i>Councillor/Staff Committees of Council</i></b>	
<b><i>Annual Donations Review Committee</i></b>	<b><i>Mayor, Deputy Mayor, Councillor on 24-month rotation....., Director of Corporate and Community Services. Meets in August each year.</i></b>
<b><i>General Manager's Appraisal Committee</i></b>	<b><i>Mayor, Deputy Mayor, Councillor....., Councillor.....</i></b>
<b><i>Integrated Planning and Reporting Framework Committee</i></b>	<b><i>All Councillors, General Manager, all Directors and the Manager of Governance, Risk and Corporate Planning.</i></b>



<b>Significant Development Proposals Committee</b>	<b>Mayor, Deputy Mayor, General Manager, Acting Director of Development Planning and Regulatory Services, Director of Infrastructure Services, Director of Corporate and Community Services, Manager of Economic Development.</b>
<b>Community Committees of Council</b>	
<b>Aboriginal Consultative Committee</b>	<b>Mayor, Councillor....., Director of Corporate and Community Services, Manager of Community Services, Life Choices – Support Services Administration and Quality Officer.</b>
<b>Australia Day Committee</b>	<b>Councillor.....</b>
<b>Australian Standing Stones Management Board</b>	<b>Councillor....., Tourism and Events Officer.</b>
<b>Local Economic Development Support Fund Committee</b>	<b>Mayor, Councillor....., General Manager, Acting Director of Development Planning and Regulatory Services, Manager of Economic Development.</b>
<b>Community Access Committee</b>	<b>Mayor, Director of Infrastructure Services or delegate, Manager of Community Services.</b>
<b>Emmaville Mining Museum Committee</b>	<b>Councillor....., Manager of Economic Development.</b>
<b>Emmaville War Memorial Hall Committee</b>	<b>Councillor....., Manager of Community Services and/or Manager of Learning and Library Centre.</b>
<b>Glencoe Hall Committee</b>	<b>Councillor.....</b>
<b>Glen Elgin Federation Sports Committee</b>	<b>Councillor.....</b>
<b>Glen Innes and District Sports Council</b>	<b>Councillor....., Manager of Recreation and Open Spaces.</b>
<b>Glen Innes Saleyards Advisory Committee</b>	<b>Mayor, Councillor....., General Manager, Acting Director of Development Planning and Regulatory Services, Saleyard Manager.</b>
<b>Glen Innes Severn Cemetery Committee (Incorporating the Glen Innes Cemetery Trust, Deepwater, Dundee, Emmaville and Glencoe Cemetery Committees)</b>	<b>Councillor....., Manager of Recreation and Open Spaces.</b>

<b>Glen Innes Severn Learning Centre Management Committee</b>	<b>Mayor, Director of Corporate and Community Services, Manager of Library and Learning Centre.</b>
<b>Library Committee (Managed under Section 11 of the Libraries Act)</b>	<b>Mayor, Director of Corporate and Community Services, Manager of Library and Learning Centre.</b>
<b>Minerama Committee</b>	<b>Mayor, Manager of Economic Development, Tourism and Events Officer.</b>
<b>Open Spaces Committee</b>	<b>Mayor, Director of Development Planning and Regulatory Services, Manager of Recreation and Open Spaces.</b>
<b>Pinkett Recreation Reserve Management Committee (Looks after hall and sports grounds)</b>	<b>Councillor.....</b>
<b>Public Art Reference Group</b>	<b>Mayor, Councillor....., Council staff representatives as required.</b>
<b>Roads Consultative Committee</b>	<b>Mayor, Councillor....., Director of Infrastructure Services, Manager of Asset Services, Manager of Infrastructure Delivery, Infrastructure Staff nominated by Director of Infrastructure Services.</b>
<b>Stonehenge Reserve Trust</b>	<b>Councillor.....</b>
<b>Groups of Councils</b>	
<b>Fossickers Way Committee</b>	<b>Manager of Economic Development.</b>
<b>New England Joint Organisation (NEJO)</b>	<b>Mayor, General Manager.</b>
<b>Northern Inland Regional Waste Group (NIRW)</b>	<b>Manager Planning and Regulatory Services.</b>
<b>Delegate of the Council</b>	
<b>Joint Regional Planning Panel</b>	<b>Councillor....., Councillor..... (two (2) Council nominees as community representatives).</b>
<b>North West Weight of Loads Committee</b>	<b>Councillor....., Director of Infrastructure Services.</b>
<b>Community Committees NOT Committees of Council</b>	
<b>Arts North-West</b>	<b>Director of Corporate and Community Services.</b>
<b>Community Safety Precinct Committee</b>	<b>Mayor.</b>

<b>Community Services Interagency Committee</b>	<b>Mayor, Councillor....., Director of Corporate and Community Services, Manager of Community Services and/or delegate.</b>
<b>Deepwater Progress Association</b>	<b>Councillor.....</b>
<b>Glen Innes and District Community Centre Inc.</b>	<b>Councillor....., Director of Corporate and Community Services and/or Manager of Community Services.</b>
<b>Glen Innes Correctional Centre Community Committee</b>	<b>Mayor.</b>
<b>Glen Innes Highlands Rail Trail Working Group</b>	<b>Councillor....., Manager of Economic Development.</b>
<b>Glen Innes Highlands Visitor Association Inc.</b>	<b>Councillor....., Manager of Economic Development, Tourism and Events Officer.</b>
<b>GLENRAC</b>	<b>Councillor....., Acting Director of Development Planning and Regulatory Services or delegate.</b>
<b>Local Emergency Management Committee</b>	<b>Director of Infrastructure Services or delegate from Infrastructure Services, Technical Services Coordinator.</b>
<b>Local Traffic Committee</b>	<b>Mayor (with voting rights), Director of Infrastructure Services, Acting Director of Development Planning and Regulatory Services or nominee as required.</b>
<b>New England High Country</b>	<b>Manager of Economic Development.</b>
<b>Northern Tablelands Bush Fire Management Committee</b>	<b>Councillor....., Director of Infrastructure Services or delegate from Infrastructure Services, Manager Planning and Regulatory Services and/or delegate.</b>
<b>Rural Fire District Liaison Committee</b>	<b>Mayor and Deputy Mayor, General Manager or delegate.</b>
<b>Sapphire Wind Farm Community Consultative Committee</b>	<b>Mayor.</b>
<b>White Rock Wind Farm Community Consultative Committee</b>	<b>Mayor.</b>
<b>White Rock Wind Farm Community Fund Committee</b>	<b>Mayor.</b>

2. ***Council confirms the importance of its Community Committee structure to facilitate the necessary flow of communication and information from its committees back to Council and vice versa.***
3. ***All Councillors be required to provide the Executive Assistant to the Mayor and General Manager with all relevant information relating to their attendances at all Committee Meetings during the previous month, in a timely, professional and accurate manner, and that these records of attendance continue to be published for all Councillors under Section 10 “Reports from Delegates” in the following month’s Business Paper.***
4. ***All Councillors ensure that matters of significance from the various Committees are brought back to Council for information and/or further discussion.***

## **REPORT**

### **(a) Background**

Council last resolved the Council delegates to committees at the 26 August 2021 Ordinary Council Meeting.

### **(b) Discussion**

Council delegates are now requested to sit on Councillor / Staff Committees of Council, Community Committees of Council, Groups of Council, Delegates of Council, and Community Committees that are not Committees of Council from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

Council currently has the following number of Committees, Groups and Industry Structures on which it is represented:

- Councillor/Staff Committees of Council: four (4);
- Community Committees of Council: 20;
- Groups of Council: three (3);
- Delegates of Council: two (2);
- Community Committees NOT Committees of Council: 17.

**Annexure A** provides the full details regarding each committee including the delegate details for the 2020/2021 Community Committee term (from Friday, 25 September 2020 until Friday, 3 September 2021 so that Councillors are aware of what committees previous Councillors were on for the last full 12-month period.

Feedback is invited from any Councillors in respect of membership of any of the committees.

Councillors are required to provide information to the Executive Assistant (Mayor and General Manager) regarding their attendance at all Council and Committee meetings. A record of these attendances is recorded as part of the Reports from Delegates section 10 report. This information is provided to Council monthly. The report provides valuable information to the community on what meetings all Councillors are attending each month.

(c) **Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

(a) **Financial**

Council has, in most cases, made provision in its Operational Plan and Budget for the 2021/2022 Financial Year for expenses associated with the operation of the Committees / Groups / Structures listed in this report.

(b) **Governance/Policy**

Although most Council committees are advisory in nature, input from these committees assists Council in formulating policy.

**Manual for Community Committees of Council**

Paragraph 2.2.5 of Council's Manual for Community Committees of Council states the following:

*Attendance of Committee Members is required at Committee Meetings. Committee Members are required to attend a minimum of three (3) meetings in each financial year. In the instance that members are unable to attend the scheduled meeting, an apology must be submitted to the Secretary prior to the commencement of the meeting.*

*A person shall cease to be a member of a Community Committee if the member is absent for more than three (3) meetings without leave (i.e. accepted apology). (This does not apply to Councillors or Council staff).*

All Section 355 Committees must function in accordance with the "Manual for Community Committees of Council".

Council's **Code of Conduct** for:

- Councillors (applicable to Councillors in the exercise of all their functions as Councillors including as delegates on committees of Council);
- Staff (applicable to Council staff in the exercise of all their functions as Councillor employees, including as delegates on committees of Council); and

- Council Committee Members, Delegates of Council and Council Advisers (applicable to all council committee members and delegates of Council who are not councillors or council staff. It also applies to advisers of Council).

**(c) Legislative/Statutory**

Section 355 of the *Local Government Act 1993* states the following:

*How a council may exercise functions*

*A function of a council may, subject to this Chapter be exercised:*

- (a) by the council by means of the councillors or the 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).*

**(d) Risk**

According to the **Office of Local Government (OLG)** in the *OLG Circular 16-24 – Section 355 Committees*:

- There have been several cases of section 355 committees failing to meet basic governance and accounting standards. This creates significant and ongoing risks for councils;
- Where councils delegate functions to section 355 committees, including the expenditure of council funds, it is important that the activities of these committees remain transparent and subject to critical oversight;
- Committees should be able to demonstrate clear links with the goals of the council's Delivery Program, while meeting required standards of governance; and
- Following the local government elections, councils are encouraged to review the operations of all section 355 committees.

Council's new Delivery Program (2022/2025) must be adopted by Council before 30 June 2022. A full review of all Committees of Council will be undertaken following the adoption of the Delivery Program to ensure they continue to be fit for purpose, and their functions and expenditures align with the goals of the Delivery Program.

**(e) Social**

It is important for Council to consult with the community it serves, with regards to a variety of issues.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

The Personal Assistant (Director of Corporate and Community Services) provided the annexure for this report as well as advice in relation to section 355 Community Committees of Council.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Community Strategic Plan Objective CS 5 'Celebrate and encourage community committees (volunteerism) and CS 5.1 'Promote partnerships between the community and Council in achieving this objective'.

Council achieves many of its strategic objectives contained in the Operational Plan and Delivery Program through its Community Committee structure.

**CONCLUSION**

It is recommended that Council re-assesses its listing of community and other committees and nominates Councillors and staff to sit as Council delegates on the committees for the extended Community Committee term from Tuesday, 11 January 2022 until Thursday, 22 September 2022.

**ATTACHMENTS**

Annexure A Delegates to Committees 2020/2021

**REPORT TITLE: 7.8 COUNCILLOR INDUCTION PROGRAM**

**ECM INDEXES:**

**Subject Index: GOVERNANCE: Councillors**

**Customer Index: NIL**

**Property Index: NIL**

**AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning**

**APPROVER/S: Anna Watt - Director of Corporate and Community Services**

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**PURPOSE**

The purpose of this report is to present the draft Councillor Induction Program to Council and to set dates and times in the Program that are not yet confirmed.

**RECOMMENDATION**

*That Council selects Option Number.....*

**REPORT**

**(a) Background**

The **Local Government Act 1993 (the Act)** prescribes the roles and responsibilities of mayors and councillors both collectively as the governing body of council, and as individual members of the governing body. It also places a responsibility on each mayor and councillor to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To assist mayors and councillors to meet this obligation, the **Local Government (General) Regulation 2021 (the Regulation)** requires the General Manager to deliver induction and ongoing professional development programs that will help mayors and councillors to acquire and maintain the skills necessary to perform their roles. Mayors and councillors have a reciprocal obligation to participate in these programs.



**(b) Discussion**

A draft **Councillor Induction Program (the Program)** (*Annexure A*) has been created covering key responsibilities and functions of a councillor's role.

The Program has been broken into six (6) sessions, called Program 1, Program 2 etc. Within the Program, the dates, time and venue for Program 1 and Program 2 have been confirmed. It was required to confirm these dates in November 2021 so that a consultant, an expert in the areas covered, could be booked in advance.

Programs 4, 5 and 6 may be conducted at a time and date suitable to the consensus of Council, noting that an induction program ensures the organisation provides a person commencing a new role with all the information they need to do their job in the first few months. It also enables the person to become a useful, integrated member of the organisation, rather than being 'thrown in at the deep end' without understanding how to perform their role, or how it fits in with the rest of the organisation.

Following is an outline of the planned program sessions broken into three (3) hour time frames. Council may consider having each three (3) hour program in the evening, or may consider holding them during business hours, which would be more suitable for those Council staff delivering the induction training.

Another option may be to hold two (2) three-hour sessions on the same day, separated by a lunch break. Other than the Orientation (Program 3A), all induction sessions will be held at the William Gardner Conference Room, Glen Innes Learning and Library Centre, 71 Grey Street, Glen Innes.

Program 3 is made up of two (2) sessions and this may be separated to be conducted on different dates. Program 3A must be conducted in the morning, during work hours.

**Program 1** - Roles and Responsibilities, legal context of local government and Code of Meeting Practice. **Tuesday, 18 January 2022; 6.00pm – 9.00pm.**

**Program 2** - Code of Conduct, a demonstration of various forms that apply to Code of Conduct provisions, and Council's Access to Staff, Information and Premises Policy. **Wednesday, 19 January 2022; 6.00pm – 9.00pm.**

**Program 3** - This involves two (2) sessions that could be combined on the same day or separated.

**A) Orientation** – Council facilities bus tour. (Approximately three (3) hours).

A visit to various Council sites, which will include the Works Depot, Quarry, Water, Sewer and Saleyards.

Due to staff working hours and the water plant only operating in the morning, the time set for this session of Program 3 cannot be changed.

**B) Welcome:** Introduction to the Organisation structure, senior staff, upcoming key dates, events and tasks; Council’s strategic direction and key issues across Council; and issuing of Councillor equipment. (Three (3) hours).

**Program 4 -** Councillor requests, delegates to committees, introduction to the Integrated Planning and Reporting Framework, Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy and the Risk Management Framework. (Three (3) hours).

**Program 5 -** Council meeting schedule, business paper process, Council’s financial management responsibilities, Councillor Induction and Professional Development Policy, media and social media, planning processes, cyber awareness and acceptable use of technology and systems. (Three (3) hours).

**Program 6 -** Economic Development Strategy, Destination Management Plan and Asset Management and Infrastructure Backlog Management Plan. (Three (3) hours).

An additional induction session will be provided for the Mayor (Date and time yet to be decided) and will cover:

- how to be an effective leader of the governing body and the Council;
- the role of the Chair and how to chair Council meetings;
- the Mayor’s role in integrated planning and reporting;
- the Mayor’s role and responsibilities under the Code of Conduct for Councillors;
- the Mayor’s role and responsibilities in relation to the General Manager’s employment;
- the Mayor’s role at regional and other representative bodies; and
- the Mayor’s civic and ceremonial role.

When the Councillor Induction Program is complete an ongoing professional development program will be created in consultation with the Mayor and each Councillor to ensure that it is needs-based and reflects the specific skills, knowledge and personal attributes required by the Mayor, each individual Councillor and the governing body as a whole, to perform their roles effectively.

**(c) Options****Option 1**

That the schedule for the Councillor induction program be set as follows:

<b>Program</b>	<b>Date</b>	<b>Time</b>
Program 1	Tuesday, 18 January 2022	6.00pm until 9.00pm
Program 2	Wednesday, 19 January 2022	6.00pm until 9.00pm
Program 3A	Tuesday, 1 February 2022	9.00am until 12.00pm
Program 3B	Tuesday, 1 February 2022	1.00pm until 4.00pm
Program 4	Tuesday, 8 February 2022	9.00am until 12.00pm
Program 5	Tuesday, 15 February 2022	9.00am until 12.00pm
Program 6	Tuesday, 22 February 2022	9.00am until 12.00pm

**Option 2**

That the schedule for the Councillor induction program be set as follows:

<b>Program</b>	<b>Date</b>	<b>Time</b>
Program 1	Tuesday, 18 January 2022	6.00pm until 9.00pm
Program 2	Wednesday, 19 January 2022	6.00pm until 9.00pm
Program 3A	Tuesday, 1 February 2022	9.00am until 12.00pm
Program 3B	Tuesday, 1 February 2022	1.00pm until 4.00pm
Program 4	Tuesday, 8 February 2022	1.00pm until 4.00pm
Program 5	Tuesday, 15 February 2022	1.00pm until 4.00pm
Program 6	Tuesday, 22 February 2022	1.00pm until 4.00pm

**Option 3**

That the schedule for the Councillor induction program be set as follows:

<b>Program</b>	<b>Date</b>	<b>Time</b>
Program 1	Tuesday, 18 January 2022	6.00pm until 9.00pm
Program 2	Wednesday, 19 January 2022	6.00pm until 9.00pm
Program 3A	Tuesday, 1 February 2022	9.00am until 12.00pm
Program 3B	Tuesday, 1 February 2022	1.00pm until 4.00pm
Program 4	Tuesday, 8 February 2022	6.00pm until 9.00pm
Program 5	Tuesday, 15 February 2022	6.00pm until 9.00pm
Program 6	Tuesday, 22 February 2022	6.00pm until 9.00pm

**Option 4**

That the schedule for the Councillor Induction Program (aside from Program 1 and 2) be discussed and decided among Councillors. A decision is to be made at this meeting and the schedule for the Councillor induction program be set as follows:

<b>Program</b>	<b>Date</b>	<b>Time</b>
Program 1	Tuesday, 18 January 2022	6.00pm until 9.00pm
Program 2	Wednesday, 19 January 2022	6.00pm until 9.00pm
Program 3A		9.00am until 12.00pm
Program 3B		
Program 4		
Program 5		
Program 6		

**IMPLICATIONS TO BE ADDRESSED****(a) Financial**

A budget of \$30,000 for Councillor Training Costs has been included in the Operational Plan and Budget for the 2021/2022 Financial Year.

**(b) Governance/Policy**

- Councillor Induction and Professional Development Policy.

**(c) Legislative/Statutory**

- Councillor Induction and Professional Development Guidelines issued under section 23A of the Act.

Under section 232(1)(g) of the Act, all mayors and councillors have a responsibility to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To support this, the General Manager is required under the Regulation to ensure the delivery of:

- an induction program for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election; and

- an ongoing professional development program for the mayor and each councillor over the term of the council to assist them to acquire and maintain the skills necessary to perform their roles. The content of the ongoing professional development program is to be determined in consultation with the mayor and each councillor. It must be needs-based and reflect the specific skills, knowledge and personal attributes required by the mayor, each individual councillor and the governing body as a whole, to perform their roles effectively.

These requirements also apply to councillors and mayors elected during the term of a council to fill a casual vacancy.

Under the Regulation, mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or professional development program. Councils are also required to report on the participation of the mayor and councillors in these programs.

### **The Regulation**

#### **- Part 8A Induction training and professional development for councillors**

##### *183 Induction training courses for councillors*

- (1) *The general manager must ensure that an induction training course is delivered to each councillor who has been elected to the council for the first time, within 6 months of the councillor's election.*
- (2) *The induction training course required by subsection (1) must provide councillors with information about the functions and obligations of councils and councillors and the administrative procedures and operations of the council.*
- (3) *The general manager must ensure that an induction refresher course is delivered to each councillor who is re-elected to the council, within 6 months of the councillor's re-election.*
- (4) *The induction refresher course required by subsection (3) must provide councillors with updated information about the functions and obligations of councils and councillors and the administrative procedures and operations of the council.*
- (5) *A councillor must make all reasonable efforts to participate in any induction training course or induction refresher course delivered to the councillor in accordance with a requirement under this section.*

##### *184 Supplementary induction training courses for mayors*

- (1) *The general manager must ensure that a supplementary induction training course is delivered to a person elected as mayor of the council, within 6 months of the person's election.*

- (2) *The supplementary induction training course required by subsection (1) must provide the mayor with information about the functions and obligations of councils and mayors and train the mayor in the skills necessary to perform the role of mayor.*
- (3) *A mayor must make all reasonable efforts to participate in any supplementary induction training course delivered to the mayor in accordance with a requirement under this section.*
- (4) *The requirements under this section in relation to a person elected as mayor are in addition to the requirements under section 183 to ensure the delivery of the induction training for councillors to that person.*

*185 Ongoing professional development program for councillors and mayors*

- (1) *The general manager must ensure that an ongoing professional development program is delivered to the mayor and to each other councillor elected to the council, during the course of the term of office of the mayor or councillor concerned.*
- (2) *The ongoing professional development program required by this section—*
  - (a) *must provide support and assistance to mayors and other councillors in the development of the skills necessary to perform the role of mayor or councillor (as the case may be), and*
  - (b) *must ensure that those skills are maintained over the term of office of the mayor and of each councillor.*
- (3) *The content of the ongoing professional development program required by this clause is to be developed—*
  - (a) *in consultation with the mayor and each councillor, and*
  - (b) *having regard to the specific skills required by the mayor, each individual councillor and the governing body of the council as a whole to perform the role of mayor, councillor or the governing body (as the case may be).*
- (4) *A mayor or other councillor must make all reasonable efforts to participate in any ongoing professional development program delivered to the mayor or councillor in accordance with a requirement under this section.*

*186 Information about induction training and ongoing professional development to be included in annual report*

*For the purposes of section 428(4)(b) of the Act, an annual report of a council must include the following information—*

- (a) *the names of any mayors or councillors who completed any induction training course, induction refresher course or supplementary induction course under this Part during the year,*
- (b) *the names of any mayors or councillors who participated in any ongoing professional development program under this Part during the year,*

- (c) *the number of seminars, circulars and other activities delivered as part of the ongoing professional development program in accordance with this Part during the year.*

*Note— Section 217(1)(a1)(iii) and (iv) require details of the total costs of all training and professional development programs for councillors to be included in an annual report.*

**(d) Risk**

The Councillor Induction Program and ongoing professional development training is aimed at providing Councillors and the Mayor with the requisite skills and knowledge required to carry out their civic duties and responsibilities effectively.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Emma Broomfield of Locale Learning provided some guidance into the development of the Program.

**(b) Internal**

The **Management Executive Team (MANEX)** provided guidance in the development of the Program.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Delivery Program Objective STC 2.1 'Continue to be a financially sustainable and independent Council.'

## **CONCLUSION**

The Councillor Induction Program has been provided with details regarding each session, including the two (2) programs already scheduled. Once all dates and times have been agreed, the Program will be rolled out in alignment with the Councillor Induction and Professional Development Policy.

## **ATTACHMENTS**

Annexure A     Draft Councillor Induction Program



**REPORT TITLE:** 7.9 INVESTMENTS REPORT AS AT 30 NOVEMBER 2021

**ECM INDEXES:**

**Subject Index:** FINANCIAL MANAGEMENT: Investments

**Customer Index:** NIL

**Property Index:** NIL

**AUTHOR:** Amy Watson - Financial Accountant

**APPROVER/S:** Ann Newsome - Chief Financial Officer  
Anna Watt - Director of Corporate and Community Services

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## PURPOSE

The purpose of this report is to provide Council with a reconciliation of Financial Investments as at Tuesday, 30 November 2021.

## RECOMMENDATION

*That Council notes the information contained in this report.*

## BACKGROUND

This report is required to be prepared monthly and presented to the next available Ordinary Council Meeting in accordance with Section 212 of the **Local Government (General) Regulation 2021 (the Regulation)**.

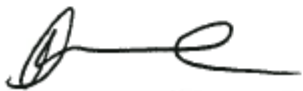
### (a) Discussion

Glen Innes Severn Council has \$18.1M invested in Term Deposits, equating to 100% of Council's total financial investment portfolio as at Tuesday, 30 November 2021.

Council selects banks based on rating, return and term of investment. It is expected that future investments will continue to target returns while aiming to select institutions with a high **Standard and Poor's (S&P)** rating. This is done by rolling investments between banks that meet Council's criterion and cash requirements.

If Council has two (2) comparable investment fund options, investment will be made in the fund that does not fund fossil fuels. At present all banks in this category are rated BBB. Council's Investment Policy limits exposure to an individual financial institution, for BBB rated category, to five percent (5%) of the total Investment portfolio. Currently, Council has five (5) responsible investments – four (4) \$1M investments with Westpac's Green Tailored Deposits and one (1) \$1M investment with Commonwealth Bank of Australia Green Term Deposit.

The Bank Reconciliation Statement shown below details what Council had in its bank account as at Tuesday, 30 November 2021. This considers unprocessed cheques, unprocessed deposits and unprocessed debits compared to what is stated in the General Ledger:

<b>Bank Reconciliation Statement</b>	
<b>Balance as per General Ledger</b>	
Opening Balance 1 November 2021	\$6,770,790.81
November Movements	\$ 300,835.09
Closing Balance 30 November 2021	<u>\$ 7,071,625.90</u>
Less unprocessed Bank Statement Transactions	\$ -
<b>Total:</b>	<b><u>\$ 7,071,625.90</u></b>
<b>Balance as per Statement</b>	
	<u>\$ 7,422,923.17</u>
Less Unpresented Cheques	\$ -
Plus Unpresented Debits	\$ 42,303.57
Less Unpresented Deposits	-\$ 393,600.84
<b>Total:</b>	<b><u>\$ 7,071,625.90</u></b>
	
Responsible Accounting Officer	
3 December 2021	

The Summary of Investments set out in the following table, details each of Council's investments. Where each investment is held, maturity date, interest rate and the rating of each investment as at Tuesday, 30 November 2021:

**SUMMARY OF INVESTMENTS:**

Rating (S&P)	Mature	%	Institution	Bank funds Fossil Fuels	Invested \$	Return \$
A1+/AA-	9/12/2021	0.49%	Westpac Banking Corporation (4)	Yes*	1,000,000	4,900.00
A1+/AA-	27/01/2022	0.43%	CBA (3)	Yes*	1,000,000	4,300.00
A1+/AA-	4/03/2022	0.38%	Westpac Banking Corporation (6)	Yes*	1,000,000	3,800.00
A1+/AA-	24/03/2022	0.45%	ME Bank (11)	Yes	700,000	3,150.00
A1+/AA-	24/03/2022	0.34%	Westpac Banking Corporation (1)	Yes*	1,000,000	3,400.00
A1/A	24/01/2022	0.40%	Macquarie Bank (2)	Yes	1,000,000	3,956.16
A1+/AA-	24/04/2022	0.35%	Westpac Banking Corporation (9)	Yes*	1,000,000	3,500.00
A2/BBB	24/03/2022	0.35%	AMP (10)	Yes	700,000	1,832.47
A1/A+	24/06/2022	0.40%	Macquarie (16)	Yes	1,000,000	4,000.00
A1+/AA-	24/06/2022	0.35%	NAB (18)	Yes	1,000,000	2,663.01
A1+/AA-	29/07/2022	0.38%	CBA (15)	Yes	1,000,000	2,663.01
A1+/AA-	31/07/2022	0.29%	NAB (17)	Yes	1,000,000	2,900.00
A1+/AA-	9/08/2022	0.30%	NAB (14)	Yes	1,000,000	3,000.00
A2/BBB+	23/08/2022	0.40%	BOQ (13)	Yes	700,000	2,800.00
A1+/AA-	9/09/2022	0.39%	CBA (19)	Yes	1,000,000	2,663.01
A1+/AA-	9/09/2022	0.30%	NAB (18)	Yes	1,000,000	3,000.00
A1+/AA-	24/09/2022	0.35%	CBA (12)	Yes	1,000,000	3,490.41
A1+/AA-	21/11/2022	0.44%	CBA (5)	Yes	1,000,000	4,773.70
A1+/AA-	10/11/2022	0.52%	CBA (8)	Yes	1,000,000	5,400.00
<b>Expected Average Return 20/21</b>		<b>0.38%</b>	<b>Total Investments</b>		<b>18,100,000.00</b>	<b>66,191.77</b>
<b>Actual Average Return Received YTD</b>		<b>0.60%</b>	<b>Cash on Hand</b>		<b>7,071,625.90</b>	
<b>Total Cash and Investments</b>					<b>25,171,625.90</b>	

\*Although these banks fund fossil fuels, these investments are Green Tailored Deposits.

The table below details the interest received for the current Financial Year as at Tuesday, 30 November 2021:

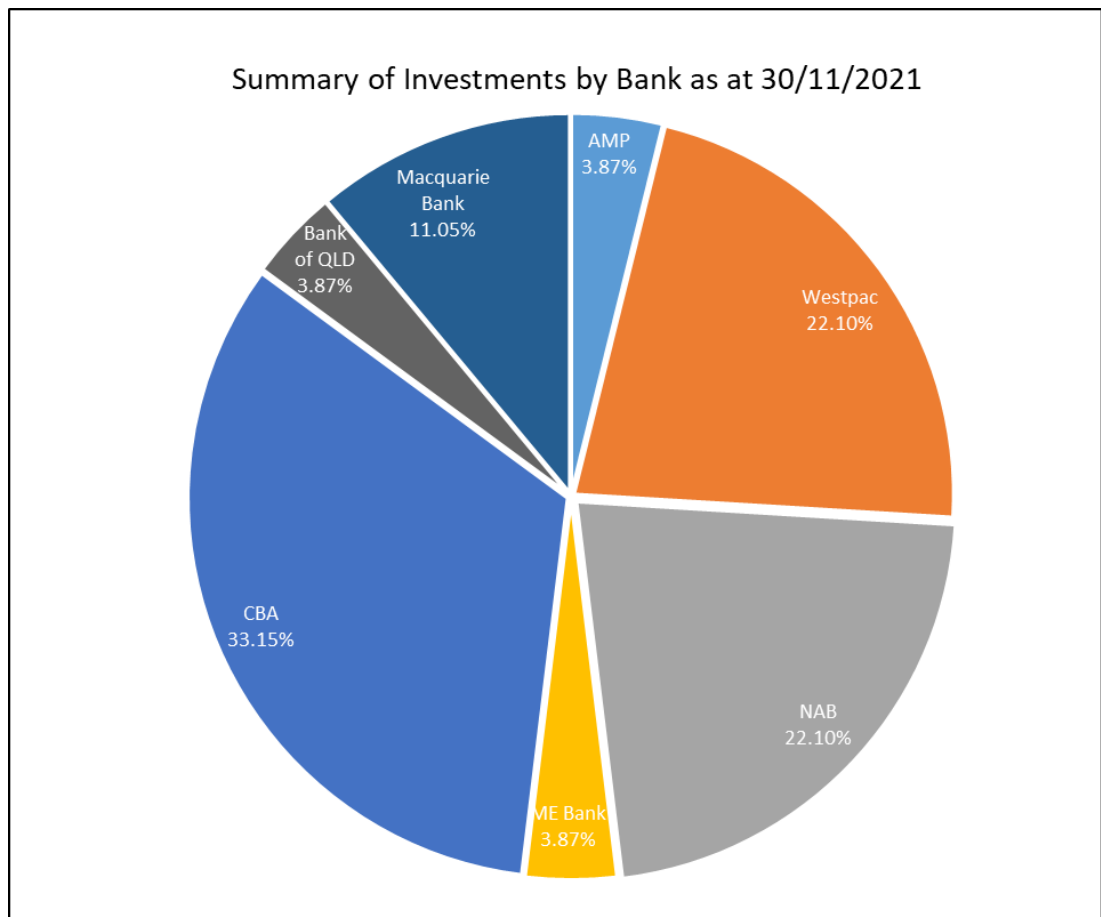
<b>Interest received for year to 30 November 2021</b>	<b>\$37,712.89</b>
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The table below details the monthly movements of investments for November 2021:

<b>Investment Movements</b>	
<b>Opening Balance as at 1 November 2021</b>	<b>18,100,000</b>
<b>Less:</b>	
Maturities (1)	1,000,000
<b>Subtotal</b>	<b>17,100,000</b>
<b>Plus</b>	
Rollovers (1)	1,000,000
New Investments (0)	-
<b>Current Balance as at 30 November 2021</b>	<b>18,100,000</b>

During the month of November 2021, there was one (1) investment with the Commonwealth Bank that matured and was rolled over.

The graph below shows the summary of Investments by Bank:



The application of restricted funds and trust funds are limited to a particular purpose and must be set aside for that purpose. Therefore, they may not be available to meet certain obligations, and this should be kept in mind when determining the short-term liquidity of Council.

All of Council's investments are currently made on terms of 12 months and under as the interest rates for short term investments are currently higher than the longer-term investments. This is due to the market not necessarily wanting long term investments now.

For this reason, the interest rate will vary in accordance with the prevailing interest rate. This may expose Council to fluctuations in short-term interest rates but should improve liquidity due to the structured availability of these invested funds.

### Certification

I, Ann Newsome, Chief Financial Officer, do hereby certify that the above investments have been made in accordance with the Regulation (Section 212), the **Local Government Act 1993 (the Act)** (Section 625), and Council's **Investment Policy (the Policy)**.

### (b) Options

Nil.

## IMPLICATIONS TO BE ADDRESSED

### (a) Financial

The actual average return on Council investments for the 2021/2022 Financial Year is 0.60%. This is a reduction on the actual average return of 1.38% for the 2020/2021 Financial Year, which reflects the downward trend in interest rates over the past few years. The Bloomberg Ausbond Bank Bill Index one (1) year return rate for November 2021 is 0.03%.

The following table compares information on investment balances from this year to last year:

Investment Balances	This Year	Last Year
Opening Balance 1 November 2021	18,100,000	13,700,000
Closing Balance 30 November 2021	18,100,000	15,400,000

**(b) Governance/Policy**

Monthly financial reporting ensures transparency of financial reporting to enable Councillors to make financially sustainable and accountable decisions. The Policy states that short-medium term funds can be invested for up to five (5) years.

All funds are invested in accordance with the Policy. Investments are to be considered in conjunction with the following key criteria:

- At the time of investment, no institution at any time shall hold more than 45% of Council's total investments. The maximum will be determined by the long-term rating of the institution - AAA up to 45%; AA up to 35%; A up to 15% and BBB up to five percent (5%);
- At the time of investment, the maximum portfolio limits per rating are - AAA up to 100%; AA up to 100%; A up to 45%; BBB up to 25% and Government up to 100%; and
- Council's Investments can be placed in a mixture of short (0-12 months), short-medium (1-2 years) and medium (2-5 years) term investments whilst ensuring that liquidity and income requirements are met.

The portfolio is split across three (3) of the credit rating categories (AA, A and BBB).

All aggregate rating categories are within the policy limits.

***Credit Quality Portfolio Compliance***

The following table details the credit rating of each of the categories where Council has money invested. All investments are compliant with Council's Investment Policy:

<b>Compliant</b>	<b>Credit Rating</b>	<b>Invested</b>	<b>Invested \$</b>	<b>Policy Limit</b>	<b>Available \$</b>
Yes	AAA	0.00%	-	100%	18,100,000
Yes	AA	77.35%	14,000,000	100%	4,100,000
Yes	A	11.05%	2,000,000	45%	6,145,000
Yes	BBB	11.60%	2,100,000	25%	2,425,000
Yes	Government	0.00%	-	100%	18,100,000
		<b>100.00%</b>	<b>18,100,000</b>		

A credit rating is an evaluation of the credit risk of a prospective financial institution predicting its ability to pay back the investment and interest maturity and an implicit forecast of the likelihood of the institution defaulting. The credit ratings are an opinion based on the creditworthiness of the company issuing the security and are assigned by Australian Ratings based on publicly available information at a point in time.

**(c) Legislative/Statutory**

All investments continue to be made in accordance with the requirements of the Act and the Policy.

Section 625 of the Act states the following:

**How may Councils invest?**

- (1) *A Council may invest money that is not, for the time being, required by the Council for any other purpose.*
- (2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- (3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- (4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.*

Section 212 of the Regulation states the following:

**Report on Council's Investments**

- (1) *The responsible accounting officer of a council:*
  - (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
    - (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
    - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
  - (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

**(d) Risk**

The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

Investment Type	Risk Assessment		Amount \$	% of Portfolio
	Capital	Interest		
Term deposits	Low	Low	18,100,000	100%
<b>Total</b>			<b>18,100,000</b>	<b>100%</b>

The Policy defines the principle objective of the investment portfolio as the preservation of capital. There is a risk that the investment portfolio does not perform on par or greater than the **Consumer Price Index (CPI)**. It is possible therefore that Council does not meet the principle objective of the Policy. In addition, consideration must be given to the potential that the investment restrictions provided in the Policy (both legislatively and by Council) may increase this risk.

A review of the aggregate performance on Council investments, comparative to the CPI, over a significant period (greater than five (5) years) may ascertain if the investment strategy has been meeting the Policy's principle objective. This may then advise if changes are required to Council's investment strategy.

**(e) Social**

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

**(f) Environmental**

Nil.

**(g) Economic**

Sound economic management includes maximising Council's return on financial investments.

**(h) Asset Management**

Nil.



## **CONSULTATION**

### **(a) External**

Council makes investments through Curve Securities and deals directly with the Commonwealth Bank and the Westpac Bank. During the month all three (3) advisors were contacted to gain advice of daily interest rates.

### **(b) Internal**

The Manager of Governance, Risk and Corporate Planning was consulted regarding the risk implications contained in this report.

## **LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

This item links to Council's Delivery Program Council Sustainability, Transparency and Communication Action STC 2.1 Continue to be a financially sustainable and independent Council.

## **CONCLUSION**

Funds have been restricted to ensure all areas of Council can continue to operate in accordance with both the annual Operational Plan and Budget and the Long Term Financial Plan. Further, all investments continue to be made in accordance with the requirements of the Act, the Regulation, and Council's Investment Policy.

## **ATTACHMENTS**

There are no annexures to this report.

- 8 NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE**
- 9 CORRESPONDENCE, MINUTES, PRESS RELEASES**
- 10 REPORTS FROM DELEGATES**
- 11 MATTERS OF AN URGENT NATURE**
- 12 CONFIDENTIAL MATTERS**