



**Minutes of the Council Meeting held in the Council Chambers on Wednesday, 17<sup>th</sup> February, 2016 commencing at 9.40 am.**

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**Min. No.** **Present:** Cr. Bernard Curtin (Mayor)

Crs: John Bruce, Matthew Hannan, Brian Hill, Denis Glanville, Colin Jones, Daryll Morris, Andrea O'Neill, Director of Corporate Services (Matthew Hansen), Director Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

**18** **RESOLVED** Crs: Jones and O'Neill that the meeting adjourn to continue Public Question Time.

The meeting reconvened at 9.55 am.

**Declaration of Items of Pecuniary and other Interests**

Matthew Hansen declared a Pecuniary Interest in Item 6.13 as he is working with the Committee on the project.

**4. CONFIRMATION OF MINUTES**

**19** **RESOLVED** Crs: Jones and Glanville that the Minutes of the meeting held in the Council Chambers on Wednesday 20<sup>th</sup> January, 2016 be confirmed.

**5 CLOSED COUNCIL**

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

**Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.**

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

**5.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW**

This item is classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal details of personnel.

- 20 RESOLVED** Crs: Hill and O'Neill that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

**5.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW**

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Council closed its meeting at 10.00 am. The public and media left the Chamber.

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**Min. No.**

Open Council resumed at 11.15 am.

**RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

No resolutions were made.

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**6.1 FINANCE – ACCOUNTS**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting

- 22 RESOLVED** Crs: O'Neill and Jones that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2016, be received and that the accounts paid as per Warrant No. 01/16 totalling \$1,457,140.94 be confirmed.

**6.2 DOCUMENTS FOR SIGNING AND SEALING**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Diverse and resilient business

**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism

**FILE NO:**

- 23 RESOLVED** Crs: O'Neill and Glanville that the Council sign and seal "Right of Entry" agreement with the Commonwealth Bank of Australia and Alkeen Pty Ltd over Lot 189 DP 752296 being Tocumwal Caravan Park.

**6.3 LAND ACQUISITION – REALIGNMENT OF PLUMPTONS ROAD**

**AUTHOR:** Director Technical Services

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities

**FILE NO:** 28.051.3

- 24 RESOLVED** Crs: Morris and Hill that the Council agree to sign and seal the agreement "Purchase of Land for Road Realignment between Berrigan Shire Council and Mr TB Marshall and Mrs KL Marshall" and pay compensation as set out in the agreement totaling \$8,114.40.

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**6.4 FINLEY WAR MEMORIAL AND SCHOOL OF ARTS COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO: 05.101.3**

**25 RESOLVED** Crs: O'Neill and Jones that the Council:

- A) Revoke existing members of the Finley War Memorial and School of Arts Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY WAR MEMORIAL AND SCHOOL OF ARTS Committee of Management:

President	Ross Whittaker
Secretary	Jan Gray
Treasurer	Ross Whittaker
Committee	Noel and Fran Avard, Heather Davis, Jim Sibraa, Robyn Purves, Christine Lawlor, Jim Cockayne and Ted Gray

The Strategic and Social Planning Coordinator entered the meeting at 11.35 am.

**6.5 DECEMBER QUARTER 2015 PROGRESS REPORT**

**AUTHOR: Strategic & Social Planning Coordinator**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO:**

**26 RESOLVED** Crs: Glanville and Morris that the Council note the December 2015 Quarter Progress Report of the Annual Operational Plan 2015/16 circulated as Appendix "B".

**Min. No.**

**6.6 LOCAL GOVERNMENT ACT AMENDMENT AND CODE OF CONDUCT**

**AUTHOR: Director Corporate Services**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO:**

**27 RESOLVED** Crs: Jones and Glanville that the Council:

1. Note the information provided in Office of Local Government Circular 15-41 *Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*, and
2. Adopt the Code of Conduct as circulated with this agenda as Appendix "C"

**6 7 REQUEST TO USE THE FINLEY WAR MEMORIAL HALL FOR BASKETBALL**

**AUTHOR: Director Corporate Services**

**STRATEGIC OUTCOME: Supported and engaged communities**

**STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation**

**FILE NO: 05.101.3**

**28 RESOLVED** Crs: Morris and O'Neill that the Council:

- Refuse the request to modify its requirements for use of the Finley War Memorial Hall for basketball as set out in the Council's letter of 22 January 2016 , and
- Seek an estimate for conversion of the Finley Indoor Sports Centre to a venue suitable for basketball, including a hard wood floor, lighting, air conditioning and fabricating of the internal walls, and
- Seek an estimate to refurbish the kitchen in the School of Arts



**Min. No.**

**6.8 CORPORATE WORKSHOP**

**AUTHOR: Strategic & Social Planning Coordinator**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO: 04.121.4**

**29 RESOLVED** Crs: Hannan and Morris that the Council

1. Conduct the Corporate Workshop on 23<sup>rd</sup> March, 2016.
2. Amend, as required, the timetable set out for the completion of its Integrated Planning and Reporting process for implementation in the 2015 – 2016 financial year.

**6.9 PLANNING PROPOSAL TO AMEND THE BERRIGAN LOCAL ENVIRONMENTAL PLAN 2013 (LEP)**

**AUTHOR: TOWN PLANNER**

**STRATEGIC OUTCOME: Sustainable natural and built landscapes**

**STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes**

**FILE NO: PF**

**39 RESOLVED** Crs: O'Neill and Glanville that the Council Submits the Planning Proposal to amend the Berrigan Local Environmental Plan 2013 (LEP) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local heritage item in Schedule 5 of the LEP to the Minister for Planning requesting that Amendment No. 2 of Berrigan Local Environmental Plan 2013 be made.

**Division**

Voting In Favour: Crs. Curtin, Bruce, Jones, Glanville, Hannan, Hill, Morris, O'Neill

Voting Against: Nil

**Min. No.**

**6.10 REFORM OF LOCAL GOVERNMENT**

**AUTHOR: Strategic & Social Planning Coordinator**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO:**

- 31 RESOLVED** Crs: Hill and O'Neill that the Council adopt and endorse for submission to the Boundaries Commission Delegate the Council's Response to the Minister for Local Government's proposal that the Berrigan Shire Council merge with the Jerilderie Shire Council (part) Appendix "G".

The Strategic and Social Planning Coordinator left the meeting at 12.25 pm.

**6.11 FINANCIAL REVIEW**

**AUTHOR: Director Corporate Services**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO:**

- 32 RESOLVED** Crs: Morris and O'Neill that the Council:
- Note the second quarterly review of the 2015/16 budget and vote the funds contained therein as shown in Appendix "H"
  - Note the Quarterly Budget Review Statement attached also as "Appendix "I"

**6.12 REVIEW OF LOCAL GOVERNMENT ACT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO:**

- 33 RESOLVED** Crs: Hill and Glanville that the Council make a submission to the Phase 1 review of the Local Government Act 1993 in terms of the following table:

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## 1. Guiding principles for the Act and local government

### 1.1 Purposes of the Local Government Act

**Proposed Amendment**

The purposes of the *Local Government Act 1993* should be:

- to establish a legal framework for the NSW system of local government, in accordance with section 51 of the *Constitution Act 1902* (NSW);
- to describe the nature and extent of the responsibilities and powers of local government; and
- to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money.

**Current provision:**  
Section 7

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**  
T: 3.1.1 Purposes of the Local Government Act

**Background**

The current purposes of the Act will be updated and streamlined by the proposal.

**Comment**

Not clear what will be included but unlikely to be of concern

**Min. No.**

**1.2 Role of local government**

<b>Proposed Amendment</b>	<b>Current provision:</b>	<b>Comment</b>
<p>The council charter in section 8 should be replaced by provisions that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> describe the role of local government; and</li> <li><input type="checkbox"/> establish guiding principles for local government.</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> The role of local government should be to enable local communities to be healthy and prosperous by:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> providing strong and effective elected representation, leadership, planning and decision making;</li> <li><input type="checkbox"/> working cooperatively with other bodies, including other levels of government, to pursue better community outcomes;</li> <li><input type="checkbox"/> effective stewardship of lands and other assets to affordably meet current and future needs;</li> <li><input type="checkbox"/> endeavouring to provide the best possible value for money for residents and ratepayers;</li> <li><input type="checkbox"/> strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and</li> <li><input type="checkbox"/> following the guiding principles of local government.</li> </ul> </li> </ul>	<p>Section 8</p> <p><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> T: 3.1.2 Role and Guiding Principles of Local Government</p> <p><b>Background:</b> The Taskforce's proposed role of local government was similar but has been modified in this proposal to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;</li> <li><input type="checkbox"/> adopt clear and simple language and remove duplication;</li> <li><input type="checkbox"/> reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and</li> <li><input type="checkbox"/> focus on the context in which councils operate, rather than prescribe outcomes.</li> </ul>	<p>The proposed amendment is better than the existing provision that has both generic and specific issues listed.</p> <p>The, general, enabling type provisions are guiding but not necessarily restrictive.</p> <p>This could be supported</p>

**Min. No.**

**1.3 The guiding principles of local government**

<b>Proposed amendment:</b>	<b>Current provisions:</b>	<b>Comment</b>
<p>The council charter in section 8 should be replaced by provisions that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> describe the role of local government; and</li> <li><input type="checkbox"/> establish guiding principles for local government.</li> <li><input type="checkbox"/> The new guiding principles to be observed in local government should enable councils to: <ul style="list-style-type: none"> <li><input type="checkbox"/> actively engage local communities, including through integrated planning &amp; reporting;</li> <li><input type="checkbox"/> be transparent and accountable;</li> <li><input type="checkbox"/> recognise diverse needs and interests;</li> <li><input type="checkbox"/> have regard to social justice principles;</li> <li><input type="checkbox"/> have regard to the long term and cumulative effects of its actions on future generations;</li> <li><input type="checkbox"/> foster ecologically sustainable development;</li> <li><input type="checkbox"/> effectively manage risk;</li> <li><input type="checkbox"/> have regard to long term sustainability;</li> <li><input type="checkbox"/> work with others to secure services that are appropriate to meet local needs;</li> <li><input type="checkbox"/> foster continuous improvement and innovation;</li> <li><input type="checkbox"/> act fairly, ethically and without bias in the public interest; and</li> <li><input type="checkbox"/> endeavour to involve and support its staff.</li> </ul> </li> </ul>	<p>Section 8</p> <p><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> T: 3.1.2 Role and Guiding Principles of Local Government</p> <p><b>Background:</b> The Taskforce's proposed role of local government was similar but has been modified in this proposal to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;</li> <li><input type="checkbox"/> adopt clear and simple language and remove duplication;</li> <li><input type="checkbox"/> reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and</li> <li><input type="checkbox"/> focus on the context in which councils operate, rather than prescribe outcomes.</li> </ul>	<p>The proposed amendment is better than the existing provision that has both generic and specific issues listed.</p> <p>The, general, enabling type provisions are guiding but not necessarily restrictive.</p> <p>This could be supported</p>

**Min. No.**

## 2. Structural framework of local government

### 2.1 The role of the governing body

**Proposed Amendment**

It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors). It is proposed to use the Panel's more expansive list as a basis for describing the functions of the governing body:

- to provide effective civic leadership to the community;
- to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions;
- to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act;
- to ensure as far as possible the financial sustainability of the council;
- to determine and adopt the community strategic plan, delivery program and other strategic plans and policies;
- to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area;
- to make decisions in accordance with those plans and policies;
- to make decisions necessary for the proper exercise of the council's regulatory functions;
- to keep under review the performance of the council and its delivery of services;
- to determine the process for appointment of the general manager and monitor his/her performance; and
- to ensure that the council acts honestly, efficiently and appropriately in carrying out its

statutory responsibilities.

**Current provision:**

Section 223

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

**P: 26 Political Leadership and Good Governance (Box 19)**

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

**Background:**

The proposed amendments are intended to:

- provide greater clarity to the roles of councillors by describing their collective role as members of the governing body, as distinct from their individual role as elected representatives; and
- embed strategic principles and practices within the prescribed role of the governing body.

**Min. No.**

**Comment**

The key difference proposed by the amendment is to shift the focus away from the individual to the collective. ie the Council as opposed to the Councillor.

This could be supported

## 2.2 The number of councillors

**Proposed Amendment:**

Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined. It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.

**Current provisions:**  
Section 224 and 224A

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**  
P: 26 Political Leadership and Good Governance (Box 22)

**Background:**  
The proposed amendment would give effect to the Government's response to the Panel's recommendation that councils comprise an odd number of councillors. This change will reduce the risk of the mayoralty being determined by lot and decisions being made on the casting vote of the mayor.

**Comment**

Whilst it is recognized that it is good practice to have an odd number of voters this has nonetheless not really been a significant issue at BSC.

If the existing BSC continues it will required change through either the addition or deletion of one Councillor position

This could be supported but the material impact is likely to be insignificant.

**Min. No.**

**2.3 Rural councils**

**Proposed Amendment**

It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:

- reduce councillor numbers and abolish wards without the need for a constitutional referendum;
- omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and
- reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365.

**Current provisions:**

Sections 224A and 365

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

P: 12 Rural Councils (Box 33)

**Background:**

The Panel recommended that consideration be given to supporting the streamlining of some small rural councils' governance arrangements to allow efficiencies and savings. These councils are in rural-remote areas with small populations. It is proposed to provide a one-off voluntary process to allow the Minister to approve small rural council proposals to abolish wards, change councillor numbers and allow numbers of meetings that are less than the thresholds set out in the Act where proposed by some small rural councils in their Fit for the Future submissions. This proposal is intended to facilitate a flexible response to the needs and circumstances of different regions.

**Comment**

This in part follows on from the previous proposed amendment.

Under existing provisions it can take up to two electoral terms to change the number of Councillors.

This could be supported



**Min. No.**

### 3. The governing body of councils

#### 3.1 The role of the mayor

**Proposed Amendment**

It is proposed to describe the role of the mayor differently. The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:

- to be the leader of the council and the community of the local government area, and advance community cohesion;
- to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- to be the principal member and spokesperson of the governing body and to preside at its meetings;
- to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act;
- to lead the councillors in the exercise of their responsibilities and in ensuring good governance;
- to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between the council and key stakeholders;
- to exercise, in cases of necessity, the policy-making functions of the governing body between meetings of the council;
- to represent the governing body on regional organisations and in inter-government forums at regional, State and federal levels;

- to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies;
- to lead performance appraisals of the general manager;
- to carry out the civic and ceremonial functions of the mayoral office; and
- to exercise such other functions as the governing body determines.

**Current provision:**  
Section 226

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

P: 26 Political Leadership and Good Governance (Box 21)  
T: 3.1.4 Roles and Responsibilities of Council Officials  
T: 3.3.18(7)d Other Matters

**Background**

Some aspects of the prescribed role of the mayor recommended by the Panel have not been included in this proposal as a result of previous stakeholder consultation.

**Comment**

This is part of the process that hopes to clarify the role of the Mayor and the general manager and clarify the distinction between the two.

This could be supported

**Min. No.**

**3.2 The mayor's term of office**

**Proposed Amendment**

The current length of term for a mayor is either:

- one year for mayors elected by councillors; or
- four years for mayors popularly elected by the electors.

This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the Panel, with the option of electing a person to the office for the whole four year term. Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.

Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.

**Current provision:**

Section 230

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

P: 26 Political Leadership and Good Governance (Box 22)

T: 3.3.1(8) Elections

**Background**

The proposed amendments will

- enhance political leadership and stable governance of council to give effect to the Government's commitment to extend the term of mayors elected by councillors to a minimum of two years, as well as make voting in mayoral elections compulsory; and
- address an existing ambiguity in the Act that has allowed some Mayors to purport to exercise the role of mayor after they cease to hold office as a councillor after an election.

Although the Panel and Taskforce did not describe a four year mayoral term option – just proposing a *minimum* of two years – this extension is being explored as a way to further support stable local government.

Compulsory voting by councillors for a mayoral election (as recommended by the Panel) may also address community concern that too many mayors are chosen by pulling lots out of a hat. However, it is important that a positive statutory obligation to vote does not undermine the democratic process (such as by excluding a person who has a genuine reason for being absent) or be too easy to avoid for reasons that are not bona fide. To meet those policy ends, the Act could provide:

- councillors may cast a vote in a mayoral election by proxy;
- councillors may cast a vote by telephone, video-conference, or electronic means;
- if a councillor is absent from the meeting at the time of the vote so that the number of remaining councillors voting is even-numbered, and has not cast a vote by proxy or electronic means, then another councillor must be excluded from voting by way of a 'draw from a hat'; and
- a regulation-making power in relation to process of electing mayors by councillors.

**Comment**

It is not clearly understood why extending the term of the Mayor is necessary however from the perspective of BSC and considering length of previous mayoral terms it is not likely to be significant

The voting provisions should be interesting and it is not understood how voting secrecy will be maintained.

Under current provisions at an election the Mayor remains the Mayor until a new Council elects a Mayor as the Mayor has a legal role defined by the Act – ie a Council must always have a Mayor. How this will be affected is unclear.

In general terms the amendment could be supported.

**Min. No.**

**3.3 The role of councillors**

**Proposed Amendment**

It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:

- to be an active and contributing member of the governing body;
- to make considered and well informed decisions;
- to represent the collective interests of residents, ratepayers and the wider community of the local government area;
- to facilitate communication between the community and the governing body;
- to be accountable to the community for the local government's performance; and
- to uphold and represent accurately the policies and decisions of the governing body.

**Current provision:**

Section 232

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

P: 26 Political Leadership and Good Governance (Box 19)  
T: 3.1.4 Roles and Responsibilities of Council Officials  
T: 3.3.18(7)d Other Matters

**Background**

Section 232 currently sets out a "dual role" for councillors as members of the governing body and as elected representatives and has been a source of confusion. The proposed amendments are intended to provide greater clarity for councillors and communities by prescribing councillors individual roles as elected representatives separately from their collective roles as members of the governing body, as recommended by the Panel.

**Comment**

This appears relatively clear and could be supported.

**Min. No.**

**3.4 Councillors' term of office**

**Proposed Amendment**

Section 234 prescribes the circumstances in which a civic office becomes vacant. Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (ie the office of a popularly elected Mayor) something that is currently not clear.

**Current provisions:**  
Sections 233 and 234

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**  
None

**Comment**

Not relevant to BSC at present but obviously a required clarification.

This could be supported

**Min. No.**

**3.5 Oath or affirmation of office**

**Proposed Amendment**

It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.

The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.

**Current provision:**  
None

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**  
T: 3.3.18(2) Other Matters

**Background**

An oath or affirmation of office operates as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails. Both Victoria and Queensland require their councillors to take an oath of office. It is proposed that the NSW law should operate in a similar way to Victoria and Queensland.

**Comment**

This could be supported as it has been considered good practice by BSC previously

**Min. No.**

**3.6 Councillors' expenses and facilities**

**Proposed Amendment**

Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this. It is proposed to amend sections 252 and 253 to:

- replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and
- remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption.

**Current provisions:**

Sections 235 – 254A and Schedule 1

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

T: 3.3.18(3) Other Matters

**Background**

The proposed amendments are designed to reduce the compliance burden on councils of being required to annually exhibit, consult and adopt their councillor expenses and facilities policies even where no change is made to them and to provide copies to the Office of Local Government. It is also noted that open access obligations apply now to councils under the *Government Information (Public Access) Act 2009*.

**Comment**

The Council has previously sought this amendment and should support it

**Min. No.**

**3.7 Mayor/councillor professional development**

<b>Proposed Amendment</b>	<b>Current provisions:</b>	<b>Comment</b>
<p>New provisions are proposed to require the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within 4 months of the election.</li> <li><input type="checkbox"/> Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year.</li> <li><input type="checkbox"/> In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of Local Government.</li> <li><input type="checkbox"/> The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors.</li> <li><input type="checkbox"/> Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report.</li> </ul>	<p>None</p> <p><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b>  P: 26 Political Leadership and Good Governance (requirement for mandatory professional development)  P: 27 Political Leadership and Good Governance (linking remuneration with completion of professional development program).</p> <p><b>Background</b>  Some aspects of the Panel recommendation have not been included in this proposal as a result of previous stakeholder consultation. The proposed approach has the following benefits:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> it places a responsibility on all councils to offer an induction and ongoing professional development programs to their councillors;</li> <li><input type="checkbox"/> it allows councils the freedom to determine the content of those programs based on local and individual needs at the same time as allowing the Office of Local Government to have input into content through guidelines; and</li> <li><input type="checkbox"/> it places responsibility for participation on councillors and makes them accountable to the community that elected them for any failure to do so.</li> </ul>	<p>BSC has always provided an induction program however an ongoing professional development program has not been supported.</p> <p>The direction of the Council is sought</p>

**Min. No.**

**3.8 Role and functions of administrators**

**Proposed Amendment**

Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council.

It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and councillors by amending these sections to provide that:

- Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act.
- Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor.

**Current provisions:**

Sections 255-259, 438I, 438M and 438Y

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

None

**Background**

The proposed amendments are designed to address an existing ambiguity in the legislation that has been unhelpful in councils under administration. Providing greater clarity in relation to the roles of administrators aligns with the new descriptions that are being proposed for mayors and councillors.

**Comment**

This appears clear and could be supported.



**Min. No.**

**3.9 Financial controllers**

**Proposed Amendment**

A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.

It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.

A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.

**Current provision:**

None

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**  
None

**Background:**

The Minister has an existing power to issue a performance improvement order against poorly performing councils to compel them to take steps to improve their performance. Before issuing a performance improvement order, the Minister must first give the council notice of his intention to do so and consider submissions by the council.

As part of the exercise of these powers, the Minister may appoint a temporary adviser to the council. If a temporary adviser is appointed, the council, councillors and members of the staff of the council are required to co-operate with the temporary adviser and to provide any information or assistance the temporary adviser reasonably requires to exercise his or her functions.

It is proposed to complement these powers with a new power for the Minister to appoint a financial controller to a council. These powers will be modelled on those that exist in Queensland.

**Comment**

This is to ensure that Councils remain solvent and sustainable.

The proposal only addresses half of the issue being focused on expenditure the role should be expanded to also focus on revenue ie set charges at appropriate levels.

This could be supported with the above improvement

**Min. No.**

**3.10 Meetings**

**Proposed Amendment**

In relation to conduct of meetings, amendments consistent with the following are proposed :

- provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code);
- provide that the Model Meeting Code may include mandated and non-mandatory “best practice” provisions;
- require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code;
- allow a council’s adopted meeting code to supplement the provisions contained in the Model Meeting Code;
- provide that a provision of a council’s adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code;
- require council and committee meetings to be conducted in accordance with the council’s adopted meeting code;
- require councils to review and adopt a meeting code within 12 months of each ordinary election; and
- retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this.

Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.

**Current provisions:**

Sections 9-11, and 360-376  
Clauses 231-273

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

T: 3.3.2 Meetings

**Background**

The Model Meeting Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:

- address existing procedural ambiguities; and
- modernise procedural requirements.

It is expected that the new Code will initially include the provisions relating to meeting processes now found in the Act and Regulation, but be reordered to reflect the order in which events usually occur in meetings.

**Comment**

This is broadly what exists at present.

“Best” practice should rather be “appropriate” practice as it is unlikely that the City of Sydney has the same needs as BSC.

Public consultation should only be required if a Council proposes to add to the model code.

The need to conduct committee meeting on entirely the same basis as a Council meeting could be questioned.

Subject to the above the proposal could be supported

**Min. No.**

**3.11 Delegation of functions**

**Proposed Amendment**

It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders. It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:

- the financial assistance is part of a specific program;
- the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given;
- the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and
- the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area.

Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.

**Current provisions:**

Sections 377-381

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

T: 3.3.8 Delegations  
T: 3.3.10 Procurement

**Background**

The amendments are designed to:

- Reduce red tape
- Remove impediments to collaboration, and
- Support the use of Integrated Planning and Reporting to guide council decisions on financial assistance.

**Comment**

It would be useful to include delegation to permit temporary suspensions of Alcohol Free Zones

This could be supported with inclusion of the above

**Min. No.**

## 4. Elections

### 4.1 Extension of the option of universal postal voting to all councils

<b>Proposed Amendment</b>	<b>Current provisions:</b>	<b>Comment</b>
It is proposed to amend section 310B to provide that the option of universal postal voting is available to <i>all</i> councils after the next ordinary election.	<p data-bbox="919 418 1157 477">Sections 310B Clauses 313 and 321</p> <p data-bbox="919 507 1241 676"><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> T: 3.3.1(1) Elections</p> <p data-bbox="919 706 1283 1620"><b>Background</b> The Taskforce's election-related recommendations have largely been implemented through the <i>Local Government Amendment (Elections) Act 2014</i> which was legislated to give effect to the recommendations of the Joint Standing Committee on Electoral Matters' inquiry into the 2012 Local Government elections. The one outstanding action arising from the Government response to the Committee's recommendations is the extension of the option of universal postal voting to all councils. Currently this is only available to the City of Sydney. In its response to the Committee's recommendation to give councils the option of universal postal voting, the Government indicated that this option would be made available to all councils following the 2016 elections. For councils that do not choose universal postal voting, the existing postal and pre-poll voting qualifications will remain.</p>	This concept has been supported by BSC and should again be supported.

**Min. No.**

## 5. Council's workforce

### 5.1 Determination of the organisation structure

**Proposed Amendment**

It is proposed to amend the Act to provide that:

- the organisation structure is to be determined on the advice of the general manager;
- the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program;
- the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and
- the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body.

**Current provisions:**

Sections 332-333

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

P: 29

T: 3.3.3 (1)

**Background**

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

**Comment**

This proposal goes a little further than what BSC presently does whereby it effectively determines the indoor structure and the outdoor number of positions.

The aim is to reinforce that the general manager determines the staff on the basis of the resources provided by the Council

It precludes a Council from adopting a structure without the advice of the general manager

This could be supported

**Min. No.**

**5.2 The role of general managers**

**Proposed Amendment**

It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:

- to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies;
- to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation;
- to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy;
- to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly;
- to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities;
- to implement lawful decisions of the governing body in a timely manner;
- to exercise such of the functions of the governing body as are delegated by the governing body to the general manager;
- to appoint staff in accordance with an organisation structure and resources approved by the governing body
- to direct and dismiss staff;
- to implement the council's workforce management strategy; and
- to undertake such other functions as may be conferred or imposed on the general

manager by or under the Act or any other Act.

**Current provision:**

Section 335

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

P: 28: Political Leadership and Good Governance (Boxes 23 and 24)  
 T: 3.1.4 Roles and Responsibilities of Council Officials  
 T: 3.3.3 Appointment and Management of Staff  
 T: 3.3.18(7)d Other Matters

**Background**

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

**Min. No.**

**Comment**

This is not significantly different to what presently exists and could be supported

**5.3 The requirement to report annually to the council on senior staff contractual conditions**

**Proposed Amendment**

It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.

**Current provision:**

Section 339

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

None

**Background**

Senior staff are now all employed under the approved standard contract for senior staff rendering this requirement redundant.

**Comment**

This proposal reinforces a general managers role in appointing staff on the basis of an adopted structure and within the resources provided by a Council.

BSC has no senior staff other than the general manager

This could be supported

**Min. No.**

## 6. Ethical standards

### 6.1 Consolidation of the prescription of ethical standards

<p><b>Proposed Amendment</b> Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.</p>	<p><b>Current provisions:</b> Sections 441 – 459 Clauses 180 - 192</p> <p><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> T: 3.3.6 Code of Conduct T: 3.3.7 Pecuniary Interest</p> <p><b>Background</b> The proposed amendments are designed to consolidate the imposition, administration and regulation of the ethical obligations of council officials into a single instrument, the <i>Model Code of Conduct for Local Councils in NSW</i> (the Model Code). Currently council officials need to be familiar with their obligations under both the Model Code and the pecuniary interest provisions of the Act. The separate regulation of the obligation of council officials to disclose and appropriately manage pecuniary conflicts of interests is a historical anomaly that arose from the fact that these provisions predated the prescription of a Model Code of Conduct and the provision for a disciplinary regime with respect to councillor misconduct. Replication will allow the consolidation of ethical standards into a single instrument. The current misconduct investigative provisions in the Act will apply to pecuniary interest matters and replace the pecuniary interest investigative procedures (see [6.2] below). The prescribed <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> (the Model Code Procedures) will continue to require the referral of pecuniary interest breaches to the Office of Local Government</p>	<p>and these will be dealt with under the misconduct provisions of the Act.</p>
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**Min. No.**

**Comment**

This is in effect an administrative change with current practice unaltered.

This could be supported

**Min. No.**

**6.2 Investigation of pecuniary interest breaches**

**Proposed Amendment**

It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions. General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal. The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.

**Current provisions:**

Sections 440F – 440P  
Sections 460 – 486A

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

T: 3.0.0 Approach and Principles for the Development of the New Act  
T: 3.2.1 Integrated Planning and Reporting

**Background**

The proposed amendments are required to give effect to the amendments that will see the prescription of all ethical standards under the Model Code of Conduct for Local Councils. All breaches (including in relation to the obligation to disclose and appropriately manage pecuniary conflicts of interests) will be dealt with under the existing misconduct provisions of the Act.

**Comment**

This is in effect an administrative change with current practice unaltered.

This could be supported

**Min. No.**

## 7. Councils' strategic framework

### 7.1 Integrated planning and reporting principles

**Proposed Amendment**

New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles. The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:

- lead and inspire residents, businesses and others to engage with their council;
- identify and prioritise key community needs and aspirations;
- develop strategic goals to meet these needs and aspirations;
- identify activities and prioritise actions to work towards these strategic goals;
- plan holistically to deliver on strategic goals within their resources;
- foster community participation to better inform local and state decision making;
- manage council's current and future financial sustainability;
- appropriately adapt to changing circumstances, evidence and priorities;
- proactively manage risks to the community and its council;
- be transparent and accountable for decisions and omissions;
- maintain an integrated approach to planning, delivery, monitoring and reporting;
- collaborate to maximise achievement of key community outcomes; and
- honestly review and evaluate progress on a regular basis.

**Current provisions:**

Sections 402 – 406 (Note there are mandatory guidelines)

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

T: 3.0.0 Approach and Principles for the Development of the New Act  
T: 3.2.1 Integrated Planning and Reporting

**Background**

The proposed amendments will ensure that the purpose and principles of Integrated Planning and Reporting as a strategic business planning tool are clearly reflected in the Act. These provisions will:

- set out the overarching principles of Integrated Planning and Reporting;
- require strategic business planning to be undertaken by councils in accordance with the prescribed Integrated Planning and Reporting principles and provisions;
- guide how Integrated Planning and Reporting documents are to be adopted/endorsed and reviewed; and
- require integrated planning to be directed to achieving better outcomes through continuous improvement.

**Comment**

The suggested changes shift the focus of the Community Strategic Planning – from a whole of Community Plan: a Plan owned by the community and endorsed by Council's on behalf of the Community. The shift in focus is that the new Strategic Plan will be a Council or LGA / Regional Strategic Plan the development of which is lead and owned by the Council.

The role of the Council will be to prioritize information it gathers about community needs and community aspirations and use this to inform its decision-making about the development of the Council's Strategic Plan – not necessarily a community owned 'Community Strategic Plan.

What is not clear from the suggested changes to the Act is whether or not Council's will still be required in Sec 402 to give weight or consideration to 'social justice principles' in its identification and prioritization (within resources) of key community needs.

Overall, the changes reflect a change in focus of integrated planning and reporting from the community strategic planning to Council or organisational strategic planning.

Organizationally and operationally these changes will in the NSW Local Government sector strengthen Council uniformity and operational accountability. The changes also establish a framework for standardised performance measurement and centralized monitoring of Council compliance with state and regional plans – that will require that Councils 'appropriately adapt to changing circumstances, evidence and priorities'. Ensuring in our system of local government that 'localised issues identified in community owned Community Strategic Plans' do not 'capture' Councils and limit Council

**Min. No.**

responsiveness to changing circumstance, evidence or 'changing priorities. For example, change in national, state, regional, Council or even organisational policies.

This could be supported

**Min. No.**

**7.2 Streamlining the existing integrated planning and reporting provisions**

<b>Proposed Amendment</b>	<b>Current provisions:</b>	<b>Comment</b>
The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.	<p data-bbox="877 400 1314 430">Sections 402 – 406</p> <p data-bbox="877 460 1314 578"><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b></p> <p data-bbox="877 578 1314 667">T: 3.0.0 Approach and Principles for the Development of the New Act</p> <p data-bbox="877 667 1314 727">T: 3.2.1 Integrated Planning and Reporting</p> <p data-bbox="877 756 1314 786"><b>Background</b></p> <p data-bbox="877 786 1314 979">These amendments are designed to give effect to the Taskforce's recommendations that the existing Integrated and Planning and Reporting provisions be simplified with prescriptive detail contained in the Regulation.</p>	<p data-bbox="1314 430 1705 519">This is in effect an administrative change with current practice unaltered.</p> <p data-bbox="1314 549 1705 578">This could be supported</p>

**Min. No.**

**7.3 Council's integrated planning and reporting to reflect regional priorities**

**Proposed Amendment**

Amendments are proposed to ensure that regional priorities are reflected in individual councils' strategic business planning. In particular, amendments are proposed to:

- require council's community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and
- require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally.

**Current provisions:**  
Sections 402 and 404

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

T: 3.0.0 Approach and Principles for the Development of the New Act  
T: 3.2.1 Integrated Planning and Reporting

**Comment**

The suggested changes give more weight to Sec 402 (d) 'due regard to State and other relevant regional plans' reinforcing the change in focus from a Community Strategic Plan 'owned by the community' and endorsed by Council with actions that the 'council is responsible for' needing to guide and inform Council's Resource Strategy, Delivery Program and Operational Plan

It will be interesting to see if this is workable

**Min. No.**

#### **7.4 Expanded scope of delivery programs**

**Proposed Amendment**

Section 404 will be amended to clarify that delivery programs are to capture all council activities.

**Current provisions:**  
Section 404 and 406

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

T: 3.0.0 Approach and Principles for the Development of the New Act

T: 3.2.1 Integrated Planning and Reporting

**Background**

This amendment is designed to embed in the Act a requirement that is currently reflected in the mandatory Integrated Planning and Reporting Guidelines. 2

**Comments**

The Council already includes all of its activities in its delivery program

**Min. No.**

**7.5 Fiscal sustainability**

**Proposed Amendment**

The *Local Government (General) Regulation 2005*, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:

- establish revenue policies with a view to ensuring fiscal sustainability; and
- provide a clear rationale for how rating systems are structured and what they are designed to achieve.

The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.

**Current provision:**  
Clause 201

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

P: 2 Fiscal Responsibility (Box 9)  
P: 5 Strengthening Revenues

**Background**

The amendments will give effect to the Panel's recommendations to embed the principle of fiscal sustainability through Integrated Planning and Reporting.

**Comment**

This reflects current BSC practice and could be supported



**Min. No.**

**7.6 Expanded scope of councils' community engagement strategies**

**Proposed Amendment**

It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform *all* council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework. This would be done by making the adoption of a community engagement strategy a general legislative obligation. A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies. It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.

**Current provisions:**

Sections 14, 18 – 20, 402

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

T: 3.0.0 Approach and Principles for the Development of the New Act  
T: 3.2.2 Community Engagement  
T: 3.3.18(7)b Other Matters

**Background**

The requirement for a single overarching community engagement strategy provides a framework for councils to engage with their communities in a strategic, ongoing, flexible and locally appropriate way. It also provides a single, consistent point of reference in the Act for other provisions requiring councils to undertake consultation for specified activities.

**Comment**

This reflects current BSC practice and could be supported

**Min. No.**

## 8. Council performance

### 8.1 Annual reports

**Proposed Amendment**

It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.

**Current provisions:**

Sections 428-428A

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

P: 22 Improvement, Productivity and Accountability (Box 17)  
T: 3.2.3 Performance of Local Government

**Background**

The proposed amendment is designed to provide an assurance mechanism and to give communities confidence in the integrity of the information their councils report about their council's performance through its annual report.

**Comment**

An internal audit committee has long been resisted by the Council.

To reflect the Council's current position this proposal should not be supported.

**Min. No.**

**8.2 State of the environment reports**

<b>Proposed Amendment</b>	<b>Current provision:</b>	<b>Comment</b>
It is proposed to remove the requirement under section 428A for a council to include a State of the environment report in its annual report every 4 years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the 4-yearly end of term report).	<b>Section 428A</b>  <b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> T: 3.2.1 Integrated Planning and Reporting  <b>Background</b> This amendment is designed to: <ul style="list-style-type: none"><li>□ reduce the compliance burden on councils arising from the preparation of a separate state of the environment report every 4 years; and</li><li>□ help councils achieve their environmental objectives by consolidating the reporting of those objectives into their Integrated Planning and Reporting frameworks.</li></ul>	The Council has previously supported this and again should do so.

**Min. No.**

**8.3 Performance measurement**

<b>Proposed Amendment</b>	<b>Current provision:</b>	<b>Comment</b>
<p>It is proposed to allow for the introduction of a performance management and reporting framework that should:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> provide a statutory basis to establish new indicators and benchmarks for reporting purposes;</li><li><input type="checkbox"/> expressly require councils to collect and report against these indicators in accordance with guidelines;</li><li><input type="checkbox"/> establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements;</li><li><input type="checkbox"/> align performance reporting to the Integrated Planning and Reporting cycle; and</li><li><input type="checkbox"/> provide the capacity to establish a state-wide community satisfaction survey.</li></ul>	<p>Section 429</p> <p><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> P: 2 Fiscal Responsibility P: 18 Improvement, Productivity and Accountability T: 3.2.3 Performance of Local Government</p> <p><b>Background</b> The proposed framework is a modified version of the one recently adopted by Victoria. Further work will be undertaken with the local government sector to develop the performance management framework in the coming months.</p>	<p>This could be supported</p>

**Min. No.**

**8.4 Internal audit**

**Proposed Amendment**

It is proposed to introduce a mandatory requirement for councils to have an internal audit function. To this end, it is proposed that new provisions will require all councils to have an internal audit function:

- with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and
- that focuses on councils adding value to, and continuous improvement in, the performance of their functions.
  
- All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:
  - audit committees must have a majority of independent members and an independent chair;
  - general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and
  - the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement.

Councils will be permitted to have joint arrangements for

internal audit and share audit committees.

**Current provisions:**

Discretionary guidelines issued under section 23A

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**

P: 22 Improvement, Productivity and Accountability (Box 17)

**Background**

Mandating internal audit will:

- entrench within each council an internal assurance mechanism that offers an alternative to prescription and external oversight as a means of addressing risk, ensuring compliance and promoting best practice;
- drive and inform a culture of continuous improvement;
- facilitate reporting; and
- promote increased accountability.

**Min. No.**

**Comment**

The Council has previously not supported an internal audit committee and to reflect the status quo should continue to do so.

**Min. No.**

**8.5 Sector-wide performance audits by the Auditor-General**

<b>Proposed Amendment</b>	<b>Current provision:</b>	<b>Comment</b>
To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.	<p data-bbox="624 416 692 450">None</p> <p data-bbox="624 479 967 725"><b>Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:</b> P: 22 Improvement, Productivity and Accountability (Box 17)</p> <p data-bbox="624 763 783 797"><b>Background</b> As noted by the Panel, such audits have been conducted by the Victorian Auditor-General for many years. Topics are selected in consultation with the sector, and recent audits have covered important issues such as rating practices, sustainability of small councils, business planning, fees and charges, and use of development contributions. They usually involve a small sample of representative councils. The audits do not question the merits of councils' policy objectives. Rather, the purpose of the audit is to assess whether councils are achieving their objectives and operating economically, efficiently and effectively. \</p>	For discussion.

**Min. No.**

**8.6 Financial management**

**Proposed Amendment**

It is proposed to adopt a more 'principles-based' approach to the management of council funds by moving detailed requirements to the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*, which is prescribed under the Act. New provisions in the Act will set out objectives and principles that are to inform councils' financial management practices and that align them with the objectives set through councils' Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans. They will also establish the following principles of sound financial management:

- responsible and sustainable spending, aligning general revenue and expenses as per the councils' planning documents.
- responsible and sustainable infrastructure investment for the benefit of its community.
- effective financial and asset management, including sound policies and processes for:
  - performance management and reporting, and
  - asset maintenance and enhancement, and

- funding decisions, and
- risk management practices.
- achieving intergenerational equity, including ensuring that:
  - policy decisions are made having regard to their financial effects on future generations, and
  - the current generation funds the cost of its services.

**Current provisions:**  
Sections 408 – 411

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**  
T: 3.3.9 Financial Governance

**Background**

The proposed amendments are designed to start to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments wherever practical. The proposed principles of sound financial management are modelled on those contained in the *Fiscal Responsibility Act 2012*.

**Comment**

This broadly reflects the Council's current practice and could be supported.



**Min. No.**

**8.7 Financial reporting**

**Proposed Amendment**

Consistent with the proposal that councils' financial obligations be recast to establish a "principles-based" approach in the Act detailed reporting requirements should be specified instead in the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*.

**Current provisions:**

Sections 412-421

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:**

T: 3.3.9 Financial Governance

**Background**

The proposed amendments are designed to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments.

**Comment**

This could be supported as it is an administrative change only

**Min. No.**

**8.8 External audit**

**Proposed Amendment**

It is proposed to place Local Government audits under the aegis of the NSW Auditor-General. There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.

**Current provisions:**  
Sections 422-427

**Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**

**recommendation:**  
P: 3 Fiscal Responsibility

**Background**

As noted in the Government response to the Panel and Taskforce, giving the Auditor-General oversight of council financial audit will improve quality, consistency and timeliness and financial management. The Office of Local Government is currently working with the Audit Office on the development and implementation of the proposed amendments, including transitional arrangements.

**Comment**

This could be supported on the basis of consistent quality of audits however it will also increase costs.

The Director of Corporate Services (Matthew Hansen) declared a Pecuniary Interest and left the meeting at 1.10 pm.

**6.13 BERRIGAN WAR MEMORIAL HALL MAINTENANCE**

**AUTHOR:** Building Surveyor / Asset Maintenance Officer

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities

**FILE NO:** PF

- 34 RESOLVED** Crs: O'Neill and Glanville that the Council considers allowing for the refurbishment / restoration of the ceilings in the two store rooms in the Berrigan War Memorial Hall in the 2016/2017 budget/capital works program to the value of \$20,000.

The meeting adjourned at 1.12 pm and reconvened at 1.40 pm.

**Min. No.**

**ITEMS FOR NOTING**

- 7.1 EMERGENCY SERVICES PROPERTY LEVY
- 7.2 MULTICULTURAL NSW REGIONAL ADVISORY COUNCILS
- 7.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL – ANNUAL DETERMINATION.
- 7.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 2016

- 35**      **RESOLVED** Crs: Hill and Bruce that Items for Noting numbered 7.1 to 7.4 Inclusive be received and noted.

**COMMITTEE REPORTS**

**8.1            MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING HELD ON 3<sup>RD</sup> FEBRUARY, 2016.**

- 36**      **RESOLVED** Crs: Hannan and Morris that recommendations numbered 1 and 3 of the Corporate Services Committee Meeting held on 3<sup>rd</sup> February, 2016 be adopted.

**5.2    GUIDELINES FOR COUNCIL DECISION MAKING DURING COUNCIL MERGER PERIODS**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:**    Good government

**STRATEGIC OBJECTIVE:**    2.2 Ensure effective governance by Council of Council operations and reporting

**FILE NO:** 13.010.2

**RECOMMENDATION NO 1:** - that the Council note the *Council Decision Making during Council Merger Proposal Periods* guidelines issued by the Office of Local Government under s23A of the *Local Government Act 1993*.

**6.1    INVESTIGATION INTO ALLEGED FUEL CARD MISUSE**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:**    Good government

**Min. No.**

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting**

**FILE NO: 23.067.1**

**RECOMMENDATION NO. 3:** - that the Council note the report by RSD Chartered Accountants and management's response.

**8.2 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 3<sup>rd</sup> FEBRUARY, 2016 IN THE COUNCIL CHAMBERS COMMENCING AT 11.20 am.**

**37 RESOLVED** Crs: Jones and Hannan that recommendation number 1 of the Technical Services Committee Meeting held on 3<sup>rd</sup> February, 2016 be adopted.

**5. KERB AND GUTTER CONSTRUCTION – DRUMMOND STREET BERRIGAN (BOTH SIDES, RAILWAY TO DROHAN STREET)**

**AUTHOR:** Executive Engineer

**STRATEGIC OUTCOME:** Supported and engaged communities

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities

**FILE NO:** HCS 02/15/16

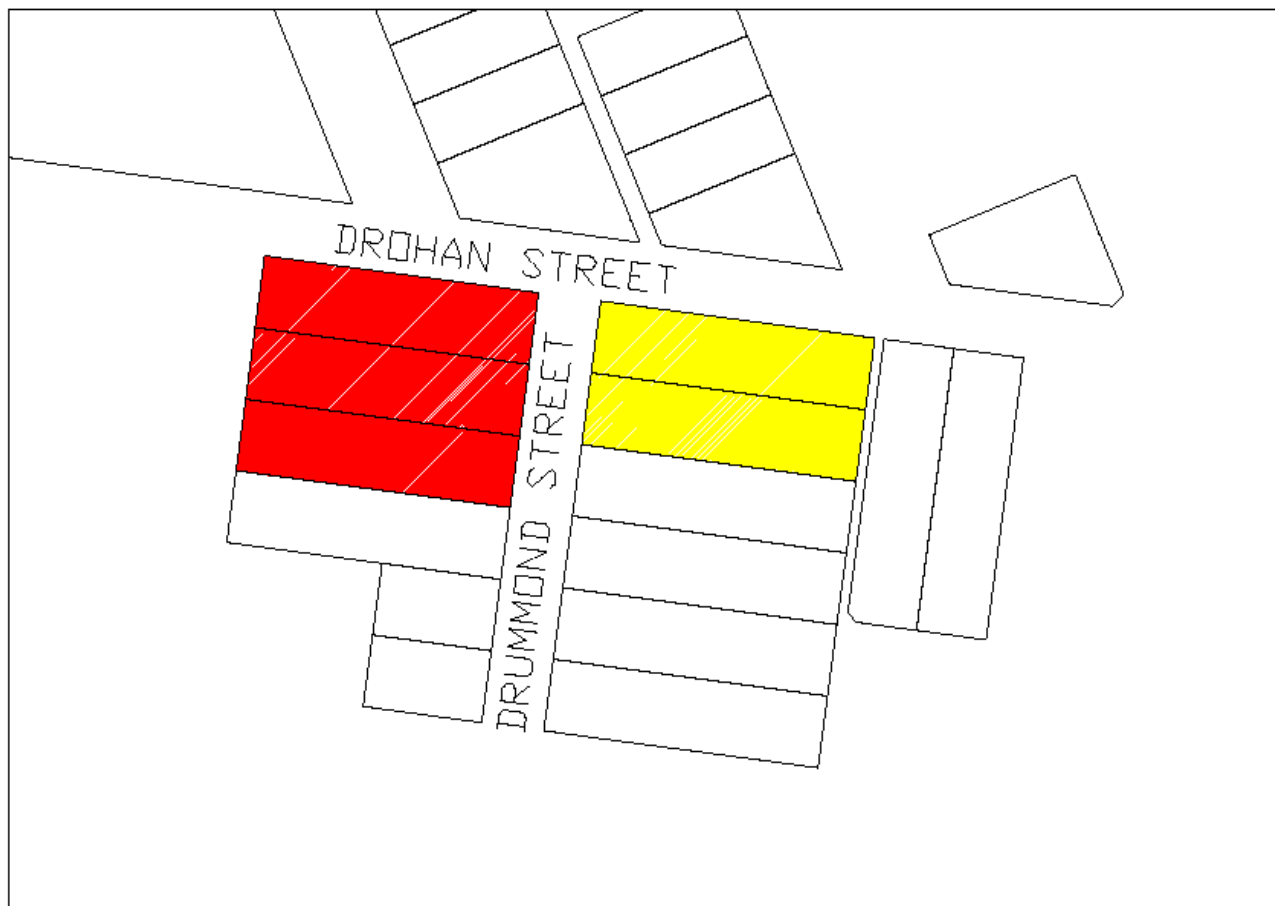
**RECOMMENDATION NO 1:** - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy and the table below, the Council now:

- a) proceed with half-cost scheme 02/15/16 installation of kerb and gutter as per the 2015/16 capital works program on the both sides of Drummond Street (from the end of the existing kerb to Drohan Street) and
- b) Reallocate \$13,493 from the kerb and gutter maintenance budget to these works.

**Min. No.**

<b>Drummond Street Kerb and Gutter estimated Half Cost Contributions</b>							
<b>Property</b>	<b>Owner's Percentage</b>	<b>Frontage (m)</b>	<b>Total Cost \$</b>	<b>Owner's Cost Excl GST \$</b>	<b>GST \$</b>	<b>Total Owner's Cost Incl. GST \$</b>	<b>Council Cost \$</b>
LOT 14 SEC B DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 15 SEC B DP 2426	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 16 SEC B DP 2427	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 22 SEC A DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 22 SEC A DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
BERRIGAN SHIRE COUNCIL	0.00%	92.85	\$13,370.40	\$0.00	\$0.00	\$0.00	\$13,370.40
	<b>TOTAL</b>	<b>207.6</b>	<b>\$29,894.40</b>	<b>\$8,262.00</b>	<b>\$826.20</b>	<b>\$9,088.20</b>	<b>\$21,632.40</b>

**Min. No.**



**Min. No.**

**MAYORS REPORT**

Cr. Curtin reported that he had attended the following during the period:

- Fit for the Future meeting with Jerilderie and Murrumbidgee Shire Councils
- Australia Day celebrations
- Meeting with Adrian Piccoli MP, Griffith
- Chamber Presidents meeting
- Charles Sturt University scholarship interviews, Berrigan
- Meeting with speakers for Public meeting with Delegate
- Fit for the Future Public meeting with Delegate, Berrigan
- Fit for the Future Public meeting with Delegate, Jerilderie
- Libby Quick retirement morning tea, Finley
- Asbestos meeting, Finley RS Club

**38**      **RESOLVED** Crs: O'Neill and Hannan that the Mayors report be received.

**DELEGATES REPORTS**

**Cr Hannan**

- Finley War Memorial Swimming Pool Committee of Management
- Finley Recreation Reserve Committee of Management
- Merger meeting
- Deniliquin LAC Award ceremony

**Cr O'Neill**

- Australia Day
- Merger public meeting

**Cr Morris**

- Chamber Presidents meeting
- Finley Chamber of Commerce Industry & Agriculture meeting
- Local Health Advisory Committee meeting at Berrigan

**Cr Hannan**

- Australia Day
- Finley Recreation Reserve
- Finley Chamber of Commerce Industry & Agriculture meeting
- Merger meeting
- Finley Farmers market
- Asbestos meeting

**Min. No.**

**Cr Glanville**

- Australia Day
- Merger meeting
- Hennessy Street proposed footpath meeting
- International Children's Games meeting

**Cr Jones**

- Australia Day
- Tocumwal chamber of Commerce and Tourism meeting
- Hennessy Street proposed footpath meeting
- Probus

**Cr Bruce**

- Barooga Advancement Group meeting

**GENERAL BUSINESS**

**Cr Bruce**

- Business Awards – letters out – check with Economic Development Officer

**Cr Jones**

- Tocumwal Chamber of Commerce and tourism – access to carpark

**Cr Glanville**

- nil

**Cr Hannan**

- Finley Lake overflow
- Business awards

**Cr Morris**

- Primitive Caravan Park – Finley Showgrounds – prepare Development Application

Cr Bruce left the meeting and did not return at 2.15 pm.

- Honour Board to reflect OAM's etc – find out
- Rural subdivision
- Gutter outside Finley High School (bus area)
- Charles Sturt University scholarship

**Cr O'Neill**

- Tank Paddock progress

Cr Hannan left the meeting and did not return at 2.25 pm.



**Min. No.**

**Cr Hill**

- Broughans Road meeting
- Truck stop at Tocumwal

**Cr Curtin**

- General interest in business awards
- Barooga post code

**Development Manager**

- Corellas at Tocumwal
- Land clean up at Finley

**Director Technical Services**

- Extra Council meeting on 2nd March to accept tender  
Barooga drainage and dead dogs crossing??
- Present draft Tocumwal Master Plan at Committee meeting

**Director Corporate Services**

- Support for war memorial improvements

**General Manager**

- Austin Evans – OK
- Refer \$10,000 to 2016/2017 budget for consideration as a  
contribution to the “Speak Up” Campaign

There being no further business the meeting closed at 2.50 pm.

**Min. No.**

There being no further business the meeting closed at 2.50 pm.

