

# Reports of the Corporate Governance Committee Meeting held at 5.30pm on Tuesday, 24 June 2014.

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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**Minutes of the Corporate Governance Committee held on 24 June 2014**

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**Present** His Worship the Mayor, Councillor C Mead  
Councillor S Dobson (Chairperson)  
Councillor G Greiss  
Councillor R Kolkman  
Councillor P Lake  
Director Business Services - Mr M Sewell  
Acting Director City Works - Mr K Lynch  
Acting Manager Business Assurance - Mr C Taylor  
Manager Emergency and Facility Management - Mr R Blair  
Manager Executive Services - Mr N Smolonogov  
Manager Financial Services - Mrs C Mears  
Manager Information Management and Technology - Mrs S Peroumal  
Manager Property Services - Mr J Milicic  
Manager Waste and Recycling Services - Mr P Macdonald  
Senior Waste Management Officer - Mr M Smith  
Revenue Accountant - Mr A Butcher  
Acting Manager Governance and Administration - Mr T Rouen  
Executive Assistant - Mrs D Taylor

**Apologies (Greiss/Lake)**

That the apologies from Councillors Borg and Hawker be received and accepted.

**CARRIED**

**Note:** Councillor A Chanthivong has been granted a leave of absence from Council, incorporating all formal Council and Committee meetings until Tuesday 12 August 2014.

**Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson Councillor Dobson.

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## **1. GOVERNANCE AND ADMINISTRATION**

### **1.1 Revised Code of Meeting Practice**

#### **Reporting Officer**

Acting Manager Governance and Administration

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#### **Attachments**

Revised Code of Meeting Practice (contained within this report)

#### **Purpose**

To review Council's Code of Meeting Practice to ensure it is consistent with the *Local Government Act 1993*.

#### **Report**

Council's Code of Meeting Practice has been reviewed in accordance with Council's Records Management Policy. The review incorporated two briefing evenings to Council conducted by Council's Legal Advisor. Sound meeting procedures contribute to good decision making and increase Council's transparency and accountability to its community. While legislation sets out certain procedures that must be followed in Council and Committee meetings, the Code of Meeting Practice sets out the standards for decision making and behaviour expected by the community.

The Code of Meeting Practice addresses the format, method and conduct of meetings of Council, its Standing Committees and its Sub Committees. Council's current Code of Meeting Practice was adopted on 1 September 2009.

In reviewing the Code of Meeting Practice, reference has been made to the provisions of the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the Division of Local Government Meeting Practice Note No 16 and consultation undertaken with Council's legal representatives. The revised Code of Meeting Practice has also been reformatted to a style similar to that of the Division of Local Government's model code.

The emphasis of the review was not only to ensure that the code complied with legislative requirements, but to provide Council with clear procedures to ensure that meetings are run effectively. To achieve this, the Code of Meeting Practice was presented to Councillors on two separate briefing evenings where Councillors had the opportunity to ask questions and seek clarification from Council's legal representative. Following each briefing evening any agreed changes were incorporated into the revised Code of Meeting Practice currently before Council. Highlighted in the attachment are the items raised at the March 2014 briefing.

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It is recommended that Council endorse the revised Code of Meeting Practice, and that in accordance with the *Local Government Act 1993*, the Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days, during which submissions may be made up until 42 days after the date on which the revised code is placed on public exhibition.

After considering all submissions received, Council may decide:

- a. to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360
- b. to adopt the draft code as its Code of Meeting Practice.

### **Officer's Recommendation**

1. That the Draft Code of Meeting Practice be placed on public exhibition for a period of not less than 28 days.
2. That following the exhibition period a further report be presented to Council.

### **Committee's Recommendation: (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Amendment: (Greiss/Mead)**

1. That the Draft Code of Meeting Practice be placed on public exhibition for a period of not less than 28 days subject to the inclusion of the following amendments:

- Item 1.4.1 - Order of business

At a meeting of Council, the general order of business will be:

1. Attendance and Apologies
2. Confirmation of Minutes
3. Declarations of Interest
  - Pecuniary Interest
  - Non Pecuniary Interest - Significant Interests
  - Non Pecuniary Interest - Less than Significant Interests
  - Other Disclosures
4. Mayoral Minute
5. Petitions
6. Correspondence
7. Reports from Committees:
  - 7.1 Planning and Environment
  - 7.2 City Works
  - 7.3 Community Services
  - 7.4 Corporate Governance

Reports from Officers:

8. General Manager
  9. Director Business Services
  10. Director City Works
  11. Director Community Services
  12. Director Planning and Environment
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13. Questions With Notice
14. Answers to Questions With Notice
15. Rescission Motion
16. Notice of Motion
17. Urgent General Business
18. Presentations by Councillors
19. Confidential.

(Council protocol)

- Item 2.1.1 - Presence at meetings (the last three paragraphs)

If a Councillor is anywhere in the room where the Council/Committee meeting is being held and they have voting rights, they are considered to be present for the purposes of voting. If the Councillor does not wish to vote on a particular matter they must leave the room. If they remain in the room but do not vote on the matter, they will be recorded as having voted in the negative.

Councillors who are non-members will be recorded as 'Also in Attendance' if they attend the meetings.

(Council protocol)

- Item 2.2.5 - Presentations by Councillors (first paragraph)

1. Councillors may make a brief presentation regarding matters they believe to be of significant importance to Council.

- Item 4.1.7 - Varying a motion/amendment (second paragraph)

2. If a Councillor proposes a variation to a motion, the chairperson shall seek the consent of the mover and seconder of the motion to have the variation included in the motion. If there is no objection, the proposed variation is adopted into the motion and the mover and seconder's names remain unchanged. Councillors that propose the variation/s will have their name/s and variation/s recorded in the minutes as a note/s.

2. That following the exhibition period a further report be presented to Council.

**CARRIED**

### **Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

### **Amendment: (Kolkman/Borg)**

That a decision in this matter be deferred to allow for the Code of Meeting Practice to be workshopped at one of the next briefing nights in July.

### **Council Resolution Minute Number: 114**

That the above amendment be adopted.

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## ATTACHMENT 1



# Campbelltown City Council Code of Meeting Practice

AS AT 19 JUNE 2014



Adopted by Council:

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## Introduction

The Code of Meeting Practice describes how meetings of Council and Standing Committees of Council are to be convened and conducted.

This Code of Meeting Practice has been prepared in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. The Division of Local Government's Meeting Practice Note 16 has also been taken into account in preparing this Code.

The section and clauses referred to in brackets under each heading of the Code, refer to sections of the Act and clauses of the Regulation. Council protocol refers to those practices which are specific to Campbelltown City Council.

The aim of this Code is to help you understand how our meetings are conducted. It can also be used as a reference document for committees and sub committees associated with Council.

The formal review date for this Code is 30 June 2017, however Council may decide to review and adopt an amended Code prior to that date due to changing circumstances as they arise.

## Preliminary information

### Objectives

The objectives of this Code of Meeting Practice are to:

1. set standards for the calling, conduct and recording of Council and committee meetings, so the public is aware of business to be conducted at all Council and Committee meetings and the results of the Council's determination of those matters
  2. provide clear rules and procedures for the orderly conduct of Council and committee meetings
  3. to incorporate procedures to complement the *Local Government (General) Regulation 2005* Part 9 – Committees, their members and functions
  4. provide practices to ensure that decisions made at Council and committee meetings have legal effect and are in scope within their powers
  5. ensure maximum transparency and openness of all Council and committee meetings.
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## Principles

The principle of this Code is to ensure good and open public decision-making processes are followed as to increase Council's transparency and accountability to its community. Councillors are accountable to their communities for the decisions they make. These decisions should be based on sound and adequate information and carried out with fairness, impartiality, objectivity and consideration of all the issues.

Open decision-making helps achieve this, as well as preventing misunderstanding and unfounded criticisms from the public. Councillors should be prepared to state their views publicly on both controversial and routine issues. Informed voting by electors is best achieved when they can observe the speeches, debate and voting patterns of their Councillors.

The role of the Code of Meeting Practice is to promote open decision-making, affording Councillors the ability to state their views when required as long as they act with good intentions and behave with respect to all other Councillors, staff and community members.

Open decision-making is an important part of Local Government and should be the rule rather than the exception. The ability of the public and media to attend and watch Council and Committee meetings - seeing the deliberations and decisions of elected representatives - is essential for Councillor accountability. This is recognised by the legislation, which encourages open decision-making at Council meetings.

The conduct of effective meetings is an indicator of good governance. Well run meetings reflect an effective partnership and relationship between the governing body of Council and Council administration.

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## Part One - Before the meeting

### 1.1 Holding meetings

#### 1.1.1 When and where are ordinary Council meetings held?

The Council is required to meet at least 10 times each year, each time in a different month.

(Section 365)

1. Ordinary Council meetings are held on Tuesdays on a four weekly cycle in the Council Chambers starting at 7.00pm. Council may vary meeting dates and times at its discretion provided it gives sufficient notice and it meets at least ten times each year, each time in a different month.
2. Meetings are held at the Council's Civic Centre, 93 Queen Street, Campbelltown. Committee meetings are held in Committee Room 3, Level 3 and the Council Chamber, Level 3 and Council meetings in the Council Chamber, Level 3.

(Council protocol)

#### 1.1.2 When are standing committee meetings held?

Standing committee meetings are held on Tuesdays on a four weekly cycle, the week before the Council ordinary meeting, in the Council Chambers and Committee Room 3 starting at the following times:

Community Services	5.30pm
Corporate Governance	5.30pm
City Works	7.30pm
Planning and Environment	7.30pm

(Council protocol)

#### 1.1.3 Extra-ordinary meeting

Extra-ordinary meetings are additional meetings to those in the adopted Council meeting cycle. The date and time for extra-ordinary meetings of Council will be determined as and when required.

(Council protocol)

#### 1.1.4 When can Councillors call for an extra-ordinary meeting to be held?

If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extra-ordinary meeting of the Council to be held as soon as practicable but in any event, within 14 days after receipt of the request.

(Section 366)

### 1.2 Notice of meetings

#### 1.2.1 What notice has to be given to the public of ordinary Council and committee meetings?

1. A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors
  2. A Council and each such committee must have available for the public at its offices and at each meeting, copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting
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- 2A. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
- a. the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item)
  - b. the requirements of subsection 1.2.1 (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
3. The copies are to be available to the public as nearly as possible to the time they are available to Councillors
4. The copies are to be available free of charge
5. A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.  
(Section 9)

The notice must be published in a local newspaper, indicating the date, time and place of the meetings.

(Council protocol)

#### 1.2.2 What notice has to be given to Councillors of ordinary Council and committee meetings?

The General Manager of a Council must send to each Councillor, at least three days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

(Section 367(1))

#### 1.2.3 What notice has to be given of extra-ordinary Council and committee meetings?

Notice of less than three days may be given of an extra-ordinary meeting called in an emergency.

(Section 367(2))

### 1.3 Agendas and business papers

#### 1.3.1 What must be in a meeting agenda?

1. The General Manager must ensure that the agenda for a meeting of the Council states:
    - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council
    - b. if the Mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting
    - c. subject to subclause 1.3.1(2), any business of which due notice has been given.
  2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council
  3. The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting
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4. The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned
5. Nothing in this clause limits the powers of the chairperson under clause 243.  
(Regulation Clause 240)

1.3.2 Timeframe for including notice of motions and rescission motions in to the business paper

The deadline for inclusion of notice of motions and rescission motions in the business paper is 9.00am on the Friday prior to the meeting, however rescission motions must be submitted before the item which is the subject of the rescission motion has been acted on.

(Council protocol)

1.4 Order of business

- 1.4.1 At a meeting of Council (other than an extra-ordinary or special meeting), the general order of business is as fixed by the Council's Code of Meeting Practice and by resolution of Council.

(Regulation Clause 239)

At a meeting of Council, the general order of business will be:

1. Attendance and Apologies
2. Confirmation of Minutes
3. Declarations of Interest
  - Pecuniary Interest
  - Non Pecuniary Interest - Significant Interests
  - Non Pecuniary Interest - Less than Significant Interests
  - Other Disclosures
4. Mayoral Minute
5. Petitions
6. Correspondence
7. Reports from Committees:
  - 7.1 Planning and Environment
  - 7.2 City Works
  - 7.3 Community Services
  - 7.4 Corporate Governance
- Reports from Officers:
8. General Manager
9. Director Business Services
10. Director City Works
11. Director Community Services
12. Director Planning and Environment
13. Questions With Notice
14. Answers to Questions With Notice
15. Presentations by Councillors
16. Rescission Motion
17. Notice of Motion
18. Urgent General Business
19. Confidential.

(Council protocol)

- 1.4.2 The order of business fixed under subclause (1.4.1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- 1.4.3 Despite Regulation Clause 250, only the mover of a motion to alter the order of business referred to in subclause (1.4.2) may speak to the motion before it is put.  
(Regulation Clause 239)

## Part Two – At the meeting

### 2.1 Coming together

#### 2.1.1 Presence at meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

(Regulation Clause 235)

A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.

(Regulation Clause 251(1))

1. A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
2. However, the Councillor is not entitled:
  - a. to give notice of business for inclusion in the agenda for the meeting
  - b. to move or second a motion at the meeting
  - c. to vote at the meeting.

(Regulation Clause 263)

If a Councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not vote on an issue, their vote is taken as against the motion.

(Meeting Practice Note 2.1.2)

If Councillors (including the Mayor) who are members of a committee are anywhere in the room where the committee meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not vote on an issue, their vote is taken as against the motion.

Councillors who are non-members will be recorded as 'Also in Attendance' if they attend the meetings.

(Council protocol)

#### 2.1.2 Attendance of the General Manager at meetings

1. The General Manager is entitled to attend, but not vote at, a meeting of Council or a Council committee of which all members are Councillors.
2. The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
3. However, the General Manager may be excluded from a Council meeting or a committee while the Council or committee deals with a matter relating to the standard of performance or the terms of employment of the General Manager.

(Section 376)

2.1.3 Who presides at meetings of the Council?

1. The Mayor, or at the request of, or in the absence of the Mayor, the deputy Mayor presides at the meetings of the Council.
2. If the Mayor and the deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at the meeting.

(Section 369)

An election of a chairperson is to be conducted in accordance with subclause 2.1.3(2) of the Act by the General Manager or his nominee and the vote shall be recorded in the minutes.

If at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot/draw.

(Council protocol)

2.1.4 Chairperson to have precedence

When the chairperson rises during a Council meeting:

- a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his/her seat
- b. every Councillor present must be silent to enable the chairperson to be heard without interruption.

(Regulation Clause 237)

2.2 Business at Council meetings

2.2.1 Giving notice of business - ordinary meetings

1. A Council must not transact business at a meeting of the Council:
  - a. unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council
  - b. unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.

(Regulation Clause 241)

2. Subclause 2.2.1(1) does not apply to the consideration of business at a meeting if the business:

- a. is already before, or directly relates to a matter that is already before, the Council
- b. is the election of a chairperson to preside at the meeting as provided by Clause 236 (1)
- c. is a matter or topic put to the meeting by the chairperson in accordance with Clause 243
- d. is a motion for the adoption of recommendations of a committee of the Council.

3. Despite subclause 2.2.1(1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting
  - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

4. Despite Clause 250, only the mover of a motion referred to in subclause 2.2.1(3) can speak to the motion before it is put.

(Regulation Clause 241)

#### 2.2.2 What business can be discussed at extra-ordinary Council meetings?

1. The General Manager must ensure that the agenda for an extra-ordinary meeting of the Council deal only with the matters stated in the notice of the meeting.
2. Despite subclause 2.2.2(1), business may be transacted at an extra-ordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting
  - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency
  - c. the business notified in the agenda for the meeting has been disposed of.

3. Despite Clause (250), only the mover of a motion referred to in subclause 2.2.2(2) can speak to the motion before it is put.

(Regulation Clause 242)

#### 2.2.3 Questions may be put to staff

1. A Councillor:
  - a. may, through the chairperson, put a question to another Councillor
  - b. may, through the General Manager, put a question to a Council employee.
2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question, and in particular, sufficient notice to enable reference to be made to other persons or to documents
3. The Councillor must put every such question directly, succinctly and without argument
4. The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

(Regulation Clause 249)

#### 2.2.4 Questions With Notice

1. Questions With Notice must be lodged in writing with the General Manager or specified delegate no later than 9.00am on the Friday preceding the meeting of Council at which the Questions With Notice are to be considered.
2. Questions With Notice must directly relate to the business of Council and must comply with the *Local Government (General) Regulation 2005* which provides at Clause 249 that a 'Councillor must put every such question directly, succinctly and without argument'.

3. Questions should not contain:

- a. statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated
- b. argument
- c. inference
- d. imputation.

4. The General Manager or specified delegate may exclude from the agenda any Question With Notice which may have the effect of exposing a Councillor, the council or a member of staff, to an action for defamation.

5. Where practicable, an answer to the questions contained in the business paper will be provided verbally at the Council meeting and documented in the minutes. Questions requiring a more detailed response will be provided at the next Ordinary meeting in the Answers to Questions With Notice section of the business paper.

(Council protocol)

2.2.5 Presentations by Councillors

1. Councillors may make a brief presentation to Council regarding a significant civic event or activity which they attended as an official representative of Council.

2. The total time allowed at any one meeting for presentations by any one Councillor shall be two minutes.

3. No debate shall be entered in to in regard to a matter presented in accordance with this clause.

4. No motions may be moved in relation to an item presented in accordance with this clause.

5. Presentations that do not strictly comply with this provisions of this clause shall be ruled out of order by the Chairperson.

(Council protocol)

2.3 Pecuniary and non-pecuniary conflicts of interest

Detailed information regarding pecuniary and non-pecuniary conflicts of interests can be found in part 4 of Council's Code of Conduct.

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## 2.4 Committee of the whole

### 2.4.1 What is the Committee of the Whole?

The Committee of the Whole is a Committee of Council comprised of all Councillors.  
(Council protocol)

Council may resolve itself in to a Committee of the Whole to consider any matter before the Council.

(Section 373)

1. All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches
2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported
3. The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.  
(Regulation Clause 259)

## 2.5 Mayoral minutes

1. If the Mayor is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded
3. A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.  
(Regulation Clause 243)

## 2.6 Voting

### 2.6.1 Voting entitlements

1. Each Councillor is entitled to one vote
2. However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.  
(Section 370)

The chairperson, if they choose, is entitled to use their casting vote in the opposite manner to their original vote.

The above section applies equally to Council and Council committee meetings.  
(Council protocol)

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2.6.2 How is voting conducted?

1. A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.
2. If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.
3. The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and at least two Councillors rise and demand a division.
4. When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes.
5. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, Council may resolve that the voting in any election by Councillors for Mayor or deputy Mayor is to be by secret ballot.

(Regulation Clause 251)

When a division is called for, the chairperson must request a show of hands of those Councillors voting for the motion and then those Councillors voting against the motion to ensure that the vote is recorded accurately.

(Council protocol)

2.6.3 Recording of voting on planning decisions

Council is required to maintain a register of planning decisions.

1. In this section, 'planning decision' means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979*:
  - a. including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act
  - b. not including the making of an order under Division 2A of Part 6 of that Act.
2. The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council or a Council committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
3. For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
4. Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
5. This section extends to a meeting that is closed to the public.

(Section 375A)

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## 2.7 Decisions of Council

### 2.7.1 What is a decision of Council?

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(Section 371)

### 2.7.2 Do certain circumstances invalidate Council decisions?

Proceedings at a Council meeting or a Council committee are not invalidated because of:

- a. a vacancy in a civic office
- b. a failure to give notice of the meeting to any Councillor or committee member
- c. any defect in the election or appointment of a Councillor or committee member
- d. a failure of a Councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with section 451
- e. a failure to comply with the Code of Meeting Practice.

(Section 374)

## 2.8 Audio or visual recording of meetings

1. A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
4. In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

(Regulation Clause 273)

## Part Three – Quorum and Attendance

### 3.1 Quorum

#### 3.1.1 What is a quorum?

A quorum for a meeting of the Council is a majority of the Councillors who currently hold office and who are not suspended from office.

(Section 368(1))

1. A meeting of the Council must be adjourned if a quorum is not present:
  - a. within half an hour after the time designated for the holding of the meeting
  - b. at any time during the meeting.

2. In either case, the meeting must be adjourned to a time, date and place fixed:
  - a. by the chairperson
  - b. in his or her absence - by the majority of the Councillors present
  - c. failing that, by the General Manager.
3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.  
(Regulation Clause 233)

### 3.2 Adjourning meetings

#### 3.2.1 What is an adjourned meeting?

1. A meeting may be adjourned if it cannot be held, for example a quorum is not present, and will be postponed to a new date or time. An adjourned meeting is a continuation of the same meeting, not a new meeting.
2. Council may resolve at any time to adjourn its meeting. Debate shall not be permitted on any motion for adjournment on a meeting of Council.
3. If a motion for adjournment is lost, the business of the meeting shall proceed, and a motion of adjournment cannot be moved within half an hour of the previous motion for adjournment being lost.

(Meeting Practice Note 4.3)

#### 3.2.2 What notice should be given of an adjourned meeting?

If a meeting has been adjourned to a different date or time, each Councillor and the public should be notified of the new date or time as soon as practicable by way of a memo or email to Councillors, and advertising in the local papers (if practicable) and Council's website for the general public.

(Council protocol)

#### 3.2.3 What business can be conducted at a meeting that has been adjourned?

As an adjourned meeting is a continuation of the same meeting, Council does not need to issue a new agenda and business papers. The agenda and business paper already issued would be the proper documents from which Council would work.

(Meeting Practice Note 4.3.3)

### 3.3 Leave of absence

#### 3.3.1 Leave of absence

1. A Councillor's application for leave of absence from Council meetings should, if practicable, identify the meetings from which the Councillor intends to be absent.
  2. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days notice of his or her intention to attend.  
(Regulation Clause 235A)
  3. For the purposes of subclause 3.3.1(1), a Councillor applying for a leave absence does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.
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4. If a Councillor attends a Council meeting despite having been granted leave of absence, the leave of absence is taken to have been rescinded in regards to any future Council meetings.
5. Subclause 3.3.1(4) does not prevent Council from granting further leaves of absence in respect of any future Council meeting.

(Section 234(2,3,4))

## Part Four – Motions and amendments

### 4.1 Motions

A motion is a proposal put forward by a Councillor calling for a specific action to be taken or a decision to be made on a particular matter at the meeting.

(Council protocol)

#### 4.1.1 Do motions need to be seconded?

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Clauses 243(2) and 250(5) of the *Local Government (General) Regulation*.

(Regulation Clause 246)

#### 4.1.2 Limitation as to number of speeches

1. A Councillor who, during a debate at a Council meeting, moves an original motion has the right of general reply to all observations that are made by another Councillor in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment
2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it
3. A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding
4. Despite subclauses 4.1.2(1) and (2), a Councillor may move that a motion or an amendment be now put:
  - a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it
  - b. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
5. The chairperson must immediately put to the vote, without debate, a motion moved under subclause 4.1.2(4). A seconder is not required for such a motion
6. If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 4.1.2(1)
7. If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

(Regulation Clause 250)

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4.1.3 Point of order

1. A Councillor may draw the attention of the chairperson to some irregularity in the meeting proceedings by raising a point of order
2. A Councillor must stand, call a point of order and the current speaker must cease talking and be seated
3. A point of order does not require a seconder and must be dealt with immediately
4. The chairperson must suspend business before the meeting to allow the Councillor raising the point of order to state the meeting procedure/s they believe have been infringed
5. The chairperson will subsequently either uphold the point of order or overrule it and the business before the meeting can then continue.

(Council protocol)

4.1.4 Motions of dissent

1. A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent
2. If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course
3. Despite Regulation Clause 250 (which refers to the limitations as to the number of speeches), only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

(Regulation Clause 248)

4.1.5 Notice of motion - absence of mover

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

- a. any other Councillor may move the motion at the meeting
- b. the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

(Regulation Clause 245)

4.1.6 Chairperson's duty with respect to motions

1. It is the duty of the chairperson at a Council meeting to receive and put to the meeting any lawful motion that is brought before the meeting
2. The chairperson must rule out of order, any motion that he or she believes is unlawful or the implementation of which would be unlawful
3. Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

(Regulation Clause 238)

The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

(Council protocol)

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#### 4.1.7 Varying a motion/amendment

1. A Councillor may seek to vary a motion by:
  - a. obtaining the consent of the mover and seconder of the motion
  - b. proposing an amendment to the motion.
2. If a Councillor proposes a variation to a motion, the chairperson shall seek the consent of the mover and seconder of the motion to have the variation included in the motion. If there is no objection, the proposed variation is adopted into the motion and the mover and seconder's names remain unchanged. If requested by the Councillor/s that proposed the variation/s, their name/s and the variation/s will be recorded in the minutes as a note/s, stating the Councillor/s proposing the variation/s.
3. If there is an objection, the proposed variation must be dealt with as an amendment and voted on accordingly.

(Council protocol)

#### 4.2 Amendments

An amendment is a change to the motion before Council (the initial motion), and is moved while the initial motion is being debated.

(Council protocol)

##### 4.2.1 Moving an amendment to a motion

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Regulation Clauses 243(2) and 250(5).

(Regulation Clause 246)

The amendment must be dealt with before voting on the main motion takes place. Debate is only allowed in relation to the amendment and not the main motion, which is suspended while the amendment is being considered.

(Meeting Practice Note 5.3.1)

##### 4.2.2 How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

(Regulation Clause 247)

If during discussions one motion and one amendment are already before Council, any further amendments can only be foreshadowed and cannot be considered by the Council until the amendment has been determined.

(Council protocol)

##### 4.2.3 Foreshadowed Motions and Foreshadowed Amendments

1. a. Foreshadowed Amendments - once an amendment has been moved and seconded, during debate, a Councillor member may 'foreshadow' an amendment, without a seconder, proposed to be moved following consideration of the first amendment.

There is no limit to the number of foreshadowed amendments before Council at any one time. However, no discussion on foreshadowed amendments can take place until the previous amendment has been dealt with.

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- b. Foreshadowed Motions (a direct negative to the original motion) - a foreshadowed motion can be proposed by a Councillor, without a seconder, during debate on the original motion. The foreshadowed motion will only be considered if the original motion is lost or withdrawn and once moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
2. Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they were notified however foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

(Council protocol)

## Part Five – Rescission motions

### 5.1 Rescinding or altering resolutions

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and, if applicable, the Council's Code of Meeting Practice
2. If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with
3. If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice
4. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be
5. If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same
6. A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council
7. The provisions of this section concerning negated motions do not apply to motions of adjournment.

(Section 372)

Rescission motions must be submitted in writing to the General Manager who will ensure, as soon as practicable, that all Councillors are advised that a rescission motion has been lodged.

(Council protocol)

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## Part Six – Closed parts of the meeting

### 6.1 Closure of meetings to the public

#### 6.1.1 Attendance of media and public

There is nothing in the Act or Regulation to limit public attendance at closed parts of meetings if invited by the Council. However, the non-disclosure provisions of section 664 of the Act would apply to a person attending a closed part of a meeting.

Similarly, there does not appear to be any direct breach of the Model Code, although such invitations may affect a Council's appearance of impartiality and proper conduct in a matter. The better practice would be to invite only those people whose presence at the meeting is necessary for the provision of advice, such as Council's solicitor.

(Meeting Practice Note 7.3.5)

#### 6.1.2 Exclusion of media and public

1. A Council, or a committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- a. the discussion of any of the matters listed in subclause 6.1.3(2)
- b. the receipt or discussion of any of the information so listed.

(Section 10A(1))

#### 6.1.3 Grounds to close a meeting or part of a meeting

2. The matters and information as referred to in Section 10A(1) are the following:

- a. personnel matters concerning particular individuals (other than Councillors)
- b. the personal hardship of any resident or ratepayer
- 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
  - ii. confer a commercial advantage on a competitor of the Council
  - 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 ground of legal professional privilege
- h. information concerning the nature and location of a place or an item of Aboriginal significance on community land
- i. alleged contraventions of any code of conduct requirements applicable under section 440.

3. A Council, or a committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

4. A Council, or a committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(Section 10A(2,3 and 4))

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#### 6.1.4 Confidential matters not to be disclosed

In particular, if part of a meeting of a Council or a committee of a Council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the Council or the committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

(Section 664(1A))

#### 6.1.5 Closing parts of meetings in urgent cases

Part of a meeting of a Council, or of a committee of the Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2)
- b. the Council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:
  - i. should not be deferred (because of the urgency of the matter)
  - ii. should take place in a part of the meeting that is closed to the public.

(Section 10C)

#### 6.1.6 Specifying reasons for closing part of a meeting

1. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting
2. The grounds must specify the following:
  - a. the relevant provision of section 10A(2)
  - b. the matter that is to be discussed during the closed part of the meeting
  - c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Section 10D)

## Part Seven – Order at meetings

### 7.1 Conduct at meetings

Council's Code of Conduct also provides standards for appropriate behaviour and sanctions for misbehaviour at meetings. Councillors should also be aware of the provisions of the Code of Conduct in regard to these matters.

### 7.2 Questions of order

1. The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so

2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter
3. The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council
4. The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Regulation Clause 255)

### 7.3 Acts of disorder

1. A Councillor commits an act of disorder if the Councillor, at a Council meeting or a Council committee:
  - a. contravenes the *Local Government Act 1993* or any regulation in force under the *Local Government Act 1993*
  - b. assaults or threatens to assault another Councillor or person present at the meeting
  - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or the committee, or addresses or attempts to address Council or the committee on such a motion, amendment or matter
  - d. insults or makes personal reflections on or imputes improper motives to any other Councillor
  - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the committee into contempt.
2. The chairperson may require a Councillor:
  - a. to apologise without reservation for an act of disorder referred to in subclause 7.3(1)(a) or (b)
  - b. to withdraw a motion or an amendment referred to in subclause 7.3(1)(c) and, where appropriate, to apologise without reservation
  - c. to retract and apologise for an act of disorder referred to in subclause 7.3(1)(d) or (3).
3. A Councillor may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for having failed to comply with a requirement under subclause 7.3(2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(Regulations Clause 256)

### 7.4 How disorder at a meeting may be dealt with

1. If disorder occurs at a Council meeting or Council committee, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public, as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for engaging in or having engaged in disorderly conduct at the meeting.

(Regulation Clause 257)

## 7.5 Power to remove persons from meeting after expulsion resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council or Council committee is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor or member from the meeting
- b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting

a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

(Regulation Clause 258)

## Part Eight – Committees, their members and functions

### 8.1 Council may establish committees

1. Council may, by resolution, establish such committees as it considers necessary.
2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
3. The quorum for a meeting of a committee is to be
  - a. such number of members as the Council decides
  - b. if the Council has not decided a number, a majority of the members of the committee.

(Regulation Clause 260)

### 8.2 Functions of committees

Council must specify the functions of each of its committees when the committee is established, but may from time to time, amend those functions.

(Regulations Clause 261)

### 8.3 Notice of committee meetings

1. The General Manager of a Council must send to each Councillor, at least three days before each meeting of the committee, a notice specifying:
  - a. the time and place at which and the date on which the meeting is to be held
  - b. the business proposed to be transacted at the meeting
2. However, notice of less than three days may be given of a committee meeting called in an emergency.

(Regulation Clause 262)

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#### 8.4 Non-member entitled to attend committee meetings

1. A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
2. However, the Councillor is not entitled:
  - a. to give notice of business for inclusion in the agenda for the meeting
  - b. to move or second a motion at the meeting
  - c. to vote at the meeting.

(Regulation Clause 263)

Non-members will be recorded in 'Also in Attendance' if they attend the meetings.

(Council protocol)

#### 8.5 Procedures in Council committee meetings

Council committees will operate within the provisions as outlined in this Code of Meeting Practice.

(Council protocol)

#### 8.6 Procedures in sub committee meetings

Each committee of Council will operate within the sub committee guidelines and this Code of Meeting Practice as set down by Council.

(Council protocol)

#### 8.7 Chairperson and deputy chairperson of Council committees

1. The chairperson of each committee of the Council must be:
  - a. the Mayor
  - b. if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council
  - c. if the Council does not elect such a member - a member of the committee elected by the committee.
2. A Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
3. If neither the chairperson nor the deputy chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
4. The chairperson is to preside at a meeting of a committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

(Regulation Clause 267)

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## 8.8 Absence from committee meetings

1. A member (other than the Mayor) ceases to be a member of a committee if the member:
  - a. has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences
  - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
2. Subclause 8.8(1) does not apply in respect of a committee that consists of all of the members of the Council.

(Regulation Clause 268)

## 8.9 Reports of committees

1. If in a report of a committee of the Council distinct recommendations are made, the decision of Council may be made separately on each recommendation.
2. The recommendations of a committee of the Council are, so far as adopted by the Council, they become resolutions of the Council.
3. If a committee of a Council passes a resolution, or makes a recommendation, during a meeting, or part of the meeting that is closed to the public, the chairperson must:
  - a. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended
  - b. report the resolution or recommendation to the next meeting of the Council.

(Regulation Clause 269)

## 8.10 Chairperson's role in presenting the committees recommendations to Council

When the chairperson presents the reports of the standing committees, they will move all the recommendations of the standing committee with the exception of any item that they have personally declared an interest in. In this instance, another member of the standing committee should move the particular item in question.

(Council protocol)

## 8.11 Chairperson's role in advising community members of meeting procedure

The chairperson should at the beginning of each committee meeting advise members of the gallery that he/she will present the recommendations of the committee to the full Council meeting which is held the following Tuesday.

Members of the gallery should also be advised that the committee's recommendation may be endorsed or amended by the full Council, or it may be referred back to the committee for further consideration.

In items where there is significant interest by members of the gallery the chairperson should at the conclusion of debate on that particular item advise all those present of the committee's decision.

(Council protocol)

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## Part Nine – Minutes

### 9.1 Contents of minutes

#### 9.1.1 What must be recorded in the minutes?

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
2. The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

(Section 375)

The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council or a Council committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

(Section 375A(2))

The General Manager must ensure that the following matters are recorded in the Council's minutes:

- a. details of each motion moved at a Council meeting and of any amendments and variations moved to it
- b. the names of the mover and seconder of the motion or amendment
- c. whether the motion or amendment is passed or lost.

(Regulation Clause 254)

A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.

(Section 453)

The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

(Regulation Clause 233(3))

If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

(Regulation Clause 251(2))

If a Councillor who has voted for a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's vote is recorded in the Council's minutes.

(Council protocol)

The General Manager must ensure that details of Councillor attendance and apologies are recorded in Council's minutes.

The items detailed above should also be recorded in Council standing committee minutes.

(Council protocol)

#### 9.1.2 Minutes for closed meetings

Any person is entitled to inspect the minutes containing resolutions or recommendations from the closed parts of meetings. While Council cannot keep its decisions confidential, it is possible to discuss matters in the minutes in such a way as to not reveal confidential details.

(Meeting Practice Note 7.3.2)

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9.1.3 Inspection of the minutes of Council or Council committee

1. An inspection of the minutes of a Council or committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
2. The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

(Regulation Clause 272)

DRAFT

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## **1.2 Annual Insurance Renewal 2014-2015**

### **Reporting Officer**

Acting Manager Business Assurance

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### **Attachments**

Insurance Register 2013-2014 (contained within this report)

### **Purpose**

To inform Council about the renewal process of the insurance policies of Council.

### **History**

Council undertakes an annual insurance renewal process. This process is primarily managed through Council's insurance broker, Jardine Lloyd Thompson (JLT). In preparing for this process Council reviews the existing premium excesses and conditions to determine "best value" for the organisation.

### **Report**

The Attachment to this report contains the details of each of the 2013-2014 insurance policies for Council operations, more specifically, the type of cover, the current insurer, the excess and premium paid. It also includes the contract cost for the insurance broker in line with the current contract.

Due to the length of the renewal process and the reporting cycle of Council, the price of the 2014-2015 policies is not available for reporting to Council prior to expiry of the policies. At the time of preparing this report JLT had offered Council's current policy requirements to the market to obtain quotes for the new policies.

It is anticipated that the renewals of all policies will be in line with budget estimates for 2014-2015, of up to 10% more than current year policies.

The following policies have been put to the market for quote, with no change to the proposed excess, cover and conditions; Councillors and Officer's Liability, Motor Vehicle, Marine Hull, Personal Accident, Workers Compensation Excess of Loss, Property, Artworks, Public Liability and Professional Indemnity, Fidelity Guarantee and Casual Hirer's.

A further report to Council will detail the actual premiums and coverage details once the process has been completed.

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### **Officer's Recommendation**

1. That Council approve insurance renewals for the following policies:
  - Councillors and Officer's Liability
  - Motor Vehicle
  - Marine Hull
  - Personal Accident
  - Workers Compensation Excess of Loss
  - Property
  - Artworks
  - Public Liability and Professional Indemnity
  - Fidelity Guarantee
  - Casual Hirer's.
  
2. That a further report be presented to Council outlining the actual cost of renewals, when available.

### **Committee's Recommendation: (Kolkman/Lake)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### Insurance Register 2013/2014

Coverage	2013/2014		
	Insurer	Excess	Premium (incl. GST)
Professional Indemnity/ Public Liability	Statewide	\$200,000	\$347,248.00
Property	Statewide	\$10,000	\$502,171.48
Motor Vehicle	Zurich	\$10,000	\$84,224.91
Workers Compensation Excess of Loss (XOL)	Liberty International Underwriters	\$1,000,000	\$34,237.50
Casual Hirer's Liability	Statewide	\$2,000	\$11,550.00
Marine Hull	Associated Marine Insurers (Zurich)	\$250	\$677.50
Art Works	Axa Art Ins Ltd	\$2,000	\$18,259.50
Councillors' and Officers' Liability	Zurich	NIL	\$58,144.90
Personal Accident	ACE Insurance	NIL	\$2,620.20
Fidelity Guarantee	Statewide	1% of claim or \$500	\$11,033.62
Insurance Broker Fee	Jardine Lloyd Thompson	N/A	\$63,189.10
		<b>Total</b>	<b>\$1,133,356.81</b>

## **1.3 Revised Policy Forms of Release - Insurance Claims on Council**

### **Reporting Officer**

Acting Manager Business Assurance

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### **Attachments**

Revised Policy Forms of Release – Insurance Claims on Council (contained within this report)

### **Purpose**

To seek Council's endorsement of the revised Forms of Release – Insurance Claims on Council Policy.

### **History**

The abovementioned policy was adopted by Council on 7 March 1989 and is now due for review in accordance with the Records Management Policy.

### **Report**

The abovementioned policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

In reviewing this Policy there has been no change required.

It is therefore recommended that the attached revised Forms of Release – Insurance Claims on Council Policy be adopted.

### **Officer's Recommendation**

1. That the revised Forms of Release – Insurance Claims on Council as attached to this report be adopted.
2. That the Policy review date be set at 30 April 2017.

### **Committee's Recommendation: (Lake/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

 campbelltown city council		<b>POLICY</b>
Policy Title	Forms of Release - Insurance Claims on Council	
Relevant Legislation/ Corporate Plan	Civil Liability Act 2002	
Responsible Officer	Manager Business Assurance	

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

### Objectives

To obtain a formal acknowledgment of settlement from claimants in respect of Insurance claims made against Council where the amount is settled for less than the excess which is applicable to the policy which is in force at the date of the incident.

### Policy Statement

1. That the form of release be used for the settlement of claims which are of a minor nature where the amount claimed is up to the level of excess applying to the insurance policy.
2. Claims exceeding the level of excess applicable to the policy of insurance, shall be actioned by Council's insurer or their nominated legal representative.

### Responsibility

The Manager Business Assurance will be responsible for the operation of this policy.

**END OF POLICY STATEMENT**

## **1.4 Rescinded Policy Occupational Rehabilitation/Injury Management**

### **Reporting Officer**

Acting Manager Business Assurance

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### **Attachments**

Rescinded Policy Occupational Rehabilitation/Injury Management (contained within this report)

### **Purpose**

To rescind policy that has been identified as being redundant in light of current legislative provisions.

### **History**

The Occupational Rehabilitation/Injury Management policy was first adopted on 20/12/98. This policy was developed to assist an early, safe return to meaningful and productive work following injury or illness.

### **Report**

The abovementioned policy has been rescinded in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

This policy has now been superseded by Council's Injury Management and Return to Work Programs. These Programs have been developed in accordance with the *Workers Compensation Act 1987*, the *Workplace Injury Management and Workers Compensation Act 1998* and WorkCover guidelines.

### **Officer's Recommendation**

That the Occupational Rehabilitation/Injury Management Policy be rescinded.

### **Committee's Recommendation: (Mead/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

 campbelltown city council		<b>POLICY</b>
Policy Title	Occupational Rehabilitation/Injury Management	
Related Documentation	Injury Management Program Policy - Provisional Liability Policy - Workers Compensation Incident Report / Injury Notification Form	
Relevant Legislation/ Corporate Plan	Workers Compensation Act, 1987 Workplace Injury Management and Workers Compensation Act, 1998 Workers Compensation Amendment Regulation	
Responsible Officer	Office of the General Manager	

**Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.**

### Objectives

1. To assist an early, safe return to meaningful and productive work following injury or illness.
2. To establish that there is early, accurate medical assessment, with the involvement of those persons deemed necessary to support the role of the treating medical practitioner.
3. To successfully integrate the injured or ill person back into the workforce.
4. To have effective Injury Management.

### Policy Statement

Campbelltown City Council is committed to the prevention of injury/illness through the provision of a safe working environment by successful management of occupational health, safety and welfare.

### Scope

This policy applies to all staff employed by Campbelltown City Council.

### Definitions

### Legislative Context

Campbelltown City Council must comply with the Workers Compensation Act, 1987, Workplace Injury Management and Workers Compensation Act, 1998 and Workers Compensation Amendment Regulation and recognises its obligations to be transparent and openly accountable for its actions.

### **Principles**

As part of Council's self insurer requirements, an Injury Management Program will be developed in consultation with staff and their respective unions in accordance with the WorkCover Guidelines for Employer's Return-to-Work-Program.

Campbelltown City Council Injury Management Program includes:

1. All managers and supervisors are committed to achieving the standards and time frames set for the reporting of work injuries and processing of claims for compensation
2. All reported work injuries are assessed for rehabilitation needs
3. All relevant parties are to be involved in the formulation of suitable rehabilitation programs to facilitate a successful return to work for injured staff
4. All staff are to be educated regarding their rights and responsibilities in relation to claims for compensation and their support in implementing return to work programs of injured colleagues

The Occupational Rehabilitation/Injury Management Policy will be reviewed to assess the effectiveness of the policy by:

1. Monitoring the return to work rate of injured staff
2. Monitoring the cost of rehabilitation
3. Reviewing the Workers Compensation statistics including days lost and total number of claims
4. Surveying managers, supervisors, staff, safety committees and health and safety representatives on the implementation and operation of the policy and procedures.

### **Responsibility**

All Senior Management, Coordinators, Supervisors, Injured Workers, Nominated Treating Doctors.

### **Effectiveness of this Policy**

This policy will be reviewed annually in accordance with the current legislation to ensure its continuing suitability and effectiveness. Records of reviewed shall be maintained.

**END OF POLICY STATEMENT**

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## 2. PROPERTY SERVICES

No reports this round

## 3. FINANCIAL SERVICES

### 3.1 Investment report - May 2014

#### Reporting Officer

Manager Financial Services

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#### Attachments

Investment portfolio performance as at 31 May 2014 (contained within this report)

#### Purpose

To provide a report outlining Council's investment portfolio performance for the month of May 2014.

#### Report

Council invests any surplus funds that become available through the financial instrument designated by the Ministerial Order from the Office of Local Government. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* require a monthly investment report be presented to Council.

Council's Investment Portfolio as at 31 May 2014 stood at approximately \$88m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

#### Portfolio Performance

Directly managed investments show an outperformance of the 90 day bank bill index benchmark by more than 100 basis points for the reporting period.

Monthly annualised return	May
Council Managed Funds	3.97%
Benchmark: 90 Day Bank Bill Index	2.70%

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Investment returns can fluctuate during any one reporting period based on market perceptions, or as in the case of funds under management, changes in asset classes. As such, any measurement of performance is better reflected over a rolling 12 month period to average out any fluctuations in monthly performance. Council's total investment portfolio has outperformed the benchmark on average over the last 12 months.

<b>Rolling year to date return</b>	<b>May</b>
Council Managed Funds	4.14%
Benchmark: 90 Day Bank Bill Index	2.66%

Council's portfolio as at 30 April 2014 is diversified with 70% in term deposits of varying lengths of maturity which are managed in accordance with market expectations and Council's investment strategy, 22% in floating rate notes which gives Council a set margin above either 30 or 90 day bank bills, 7% in fixed rate bonds, 1% in funds in a short term at call account and a National Australia Bank offset facility which expires in June 2014.

<b>Maturity profile</b>	<b>31 May</b>
Short term at call	\$1,196,095
0 – 3 months	\$42,300,282
3 – 6 months	\$24,895,228
6 – 12 months	\$13,658,144
12 months +	\$6,000,000

All investments are placed with approved deposit taking institutions. No funds are placed with any unrated institutions.

<b>Credit exposure</b>	<b>31 May</b>
AAA to AA-	71%
A+ to A-	24%
BBB+ to BBB-	5%
Other approved deposit taking institutions	0%

### **Economic outlook**

The Reserve Bank of Australia Board (RBA) left the cash rate unchanged at its present level of 2.5% at its meeting held on 3 June, which was widely anticipated by most economists. The accompanying statement to this decision indicated that the current setting of monetary policy is appropriately configured to foster sustainable growth as well keeping inflation within the Bank's target range of 2-3%.

## **Summary**

Council's investment portfolio continues to outperform the benchmark of the 90 day bank bill index. The Local Government Investment Guideline leaves little scope for the enhancement of Council's investment portfolio with the various investment products being offered. However, to enhance the portfolio, advantage is taken on the length of maturity of the investment given the rating of the institution, as well as reviewing any new investment products offered in consultation with Council's financial advisor, Spectra Financial Services.

Regular liaison with Council's external financial advisor assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio, while minimising the risk associated with this strategy.

## **Officer's Recommendation**

That the information be noted.

## **Committee's Recommendation: (Lake/Kolkman)**

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

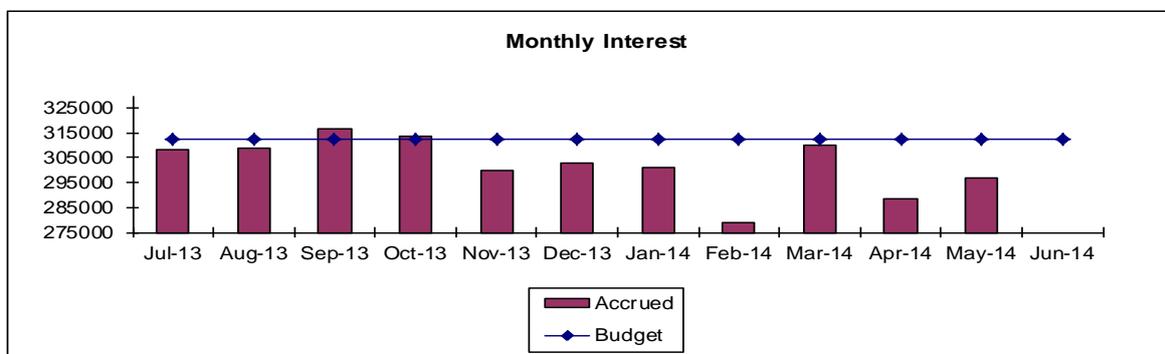
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# ATTACHMENT 1

## CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO Summary May 2014

Benchmark UBS Warburg 90 Day Bank Bill Index  
 Portfolio Balance \$88,049,749.44

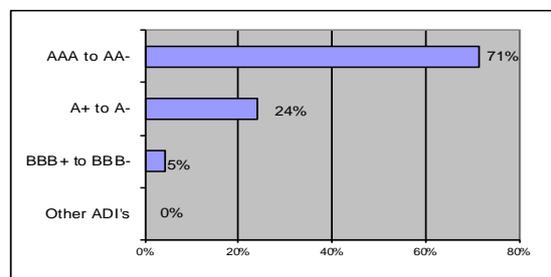
Monthly Performance	Return (mth)	Return (pa)
UBSW 90 Bank Bill Index	0.23%	2.70%
Total Portfolio	0.34%	3.96%
<i>Performance to Benchmark</i>	+ 0.11%	+ 1.26%
Portfolio - Direct Investments	0.34%	3.97%
<i>Performance to Benchmark</i>	+ 0.11%	+ 1.27%
Short Term Call Account	0.25%	2.90%



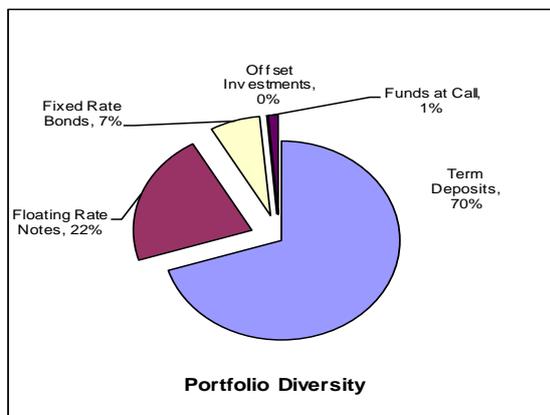
### Year to Date Performance Credit Exposure

Rolling 12 Month Period  
 4.14% Council Managed Funds  
 2.66% Benchmark

Interest Budget to Actual  
 Budget to Period \$3,437,500  
 Accrued to Period \$3,324,020



### Securities Institutions



	Amount Invested	% Portfolio
Funds at Call	\$ 1,196,095.56	1%
NSW Treasury	\$ 2,225,000.00	3%
National Australia Bank	\$24,734,460.98	28%
ANZ Bank	\$ 3,500,000.00	4%
Westpac Bank	\$10,933,616.38	12%
St George Bank	\$ 3,528,505.06	4%
Commonwealth Bank	\$12,500,000.00	14%
Bank Western Australia	\$ 4,226,709.79	5%
AMP Bank	\$ 5,000,000.00	6%
Suncorp Metway	\$ 5,205,361.67	6%
ING Bank	\$ 4,000,000.00	5%
Rural Bank	\$ 3,000,000.00	3%
Bank of Queensland	\$ 4,000,000.00	5%
ME Bank	\$ 4,000,000.00	5%
<b>Total</b>	<b>\$88,049,749.44</b>	<b>100%</b>

## **3.2 Monthly Rates Summary - May 2014**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

1. Monthly rates summary (contained within this report)
2. Actual to budget result (contained within this report)
3. Rates statistics (contained within this report)

### **Purpose**

To provide details of the 2013-2014 Rates and Charges Levy and cash collections for the period ending 31 May 2014.

### **Report**

Rates and charges levied for the period ending 31 May 2014 totalled \$83,761,738 representing 99.4% of the budget estimate.

Receipts collected to the end of May totalled \$76,962,537.47. In percentage terms this amount represents 89.5% of all rates and charges due to be paid. In comparison, the amount collected in the same period last year was 89.8%.

The fourth and final quarterly instalment of rates and charges became due for payment on 31 May 2014 which this year was a Saturday. The due dates are determined by statute and must also be accepted as paid on time if received the next business day. Based on the volume of payments received at the time of this report, the shortfall in amount collected to 31 May 2014 should be improved in the June rates summary report.

A review of the payment channels has revealed that BPay phone and internet payments direct from bank accounts continues to be the preferred method with 46%. Australia Post over the counter remains very strong with 35% along with credit card phone and internet increasing representing 9% of all payments.

Efforts continue throughout the year to assist ratepayers in making suitable payment arrangements to clear or minimise their debts. As at the end of May, 319 ratepayers with a total arrears balance of \$306,929 have elected to make smaller more frequent payments as a way to manage their debts.

Ratepayers who purchased property since the issue of the May instalment notices have received a "Notice to new owner" letter. During the month 31 of these notices were sent advising the amount levied in annual rates and charges and the balance outstanding.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Lake/Mead)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

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# ATTACHMENT 1

## RATES SUMMARY

### STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2013	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,489,704.10	47,042,510.70	1,365,254.29	726,975.31	48,893,935.82	43,216,637.96	5,677,297.86	358,046.63	6,035,344.49
BUSINESS	468,656.67	15,792,058.54		104,728.93	16,365,444.14	14,640,427.92	1,725,016.22		1,725,016.22
BUSINESS - IND	3,940.83	0.00		135.31	4,076.14	1,492.23	2,583.91		2,583.91
FARMLAND	12,880.47	393,443.20	884.94	1,220.02	406,658.75	363,213.00	43,445.75	158,638.65	202,084.40
MINING	0.00	13,929.61		0.00	13,929.61	13,929.61	0.00		0.00
LOAN	243,314.66	4,109,953.27		11,811.78	4,365,079.71	3,829,371.05	535,708.66	49,997.45	585,706.11
F5 ACCESS RAMPS	764.21	0.00		20.34	784.55	106.91	677.64		677.64
MAIN STREET	40.12	0.00		0.00	40.12	0.00	40.12		40.12
<b>TOTAL</b>	<b>\$3,219,301.06</b>	<b>\$67,351,895.32</b>	<b>\$1,366,139.23</b>	<b>\$844,891.69</b>	<b>\$70,049,948.84</b>	<b>\$62,065,178.68</b>	<b>\$7,984,770.16</b>	<b>\$566,682.73</b>	<b>\$8,551,452.89</b>
GARBAGE	735,268.06	15,838,668.34	807,414.43	40,456.56	15,806,978.53	14,064,206.10	1,742,772.43		1,742,772.43
SANITARY	0.00	0.00		0.00	0.00	0.00	0.00		0.00
STORMWATER	51,164.38	901,035.69		2,250.16	954,450.23	833,152.69	121,297.54		121,297.54
<b>GRAND TOTAL</b>	<b>\$4,005,733.50</b>	<b>\$84,091,599.35</b>	<b>\$2,173,553.66</b>	<b>\$887,598.41</b>	<b>\$86,811,377.60</b>	<b>\$76,962,537.47</b>	<b>\$9,848,840.13</b>	<b>\$566,682.73</b>	<b>\$10,415,522.86</b>

Total from Rates Financial Transaction Summary	9,680,617.10
Overpayments	-734,905.76
Difference	0.00

### ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	615,563.07
Rate accounts greater than 12 months less than 18 months in arrears	119,597.87
Rate accounts greater than 18 months in arrears	39,563.72
<b>TOTAL rates and charges under instruction with Council's agents</b>	<b>\$774,724.66</b>

## ATTACHMENT 2

### COMPARISON OF BUDGET TO ACTUAL

DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	ACTUAL	BALANCE STILL RECD.	% RAISED
RESIDENTIAL	46,699,900	46,863,400	47,042,511	(179,111)	100.38%
BUSINESS	15,792,500	15,792,500	15,792,059	441	100.00%
FARMLAND	415,500	415,500	393,443	22,057	94.69%
MINING	15,000	15,000	13,930	1,070	92.86%
LOAN	4,176,500	4,176,500	4,109,953	66,547	98.41%
TOTALS	67,099,400	67,262,900	67,351,895	(88,995)	100.13%
INTEREST CHARGES	368,900	258,900	178,288	80,612	68.86%
LEGAL COSTS RECOVERED	710,000	710,000	670,798	39,202	94.48%
PENSIONERS - Sec 575	(1,735,300)	(1,735,300)	(1,808,374)	73,074	104.21%
PENSIONERS - Sec 582	0	0	(365,180)	365,180	0.00%
PENSIONERS SUBSIDY	953,500	953,500	994,605	(41,105)	104.31%
SUB TOTAL	67,396,500	67,450,000	67,022,034	427,966	99.37%
DOMESTIC WASTE CHARGES	15,566,800	15,566,800	15,432,099	134,701	99.13%
COMMERCIAL WASTE CHARGES	358,800	358,800	406,569	(47,769)	113.31%
STORMWATER MINGMNT	894,000	894,000	901,036	(7,036)	100.79%
GRAND TOTALS	84,216,100	84,269,600	83,761,738	507,862	99.40%

### COLLECTIONS AS A % OF:

	TOTAL RECEIVABLE	TOTAL LEVIED	TOTAL RECEIVABLE	TOTAL LEVIED
RESIDENTIAL	88.39%	91.87%		
BUSINESS	89.46%	92.71%	RATES	92.15%
FARMLAND	89.32%	92.32%	WASTE	88.80%
LOAN	87.73%	93.17%	STORMWATER	92.47%
ALL RATES	88.60%	92.15%	TOTAL RATES & CHARGES	92.40%

## ATTACHMENT 3

### RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	May-13
Rate Notices	48,779	121		238			165						
Electronic - DoH	5,655												
Instalment Notices				42,363			42,019			41,705			
Electronic - DoH				5,703			6,317			5,455			
Missed Instalment Notices			7,916			6,949			6,411				
- Pensioners > \$15.00			489			436			419				
Notice to new owner	169	91	41	71	41	39	48	21	31	39	31		23
7-day Letters - Council issued			1,755			1,901			1,785				
- Pensioners > \$500.00			124			99			93				
7-day Letters - Agent Issued			698				522		696				
Statement of Claim	235	31	19	248	20	15	236	22	24	243	29		15
Judgments	20	81	21	19	65	9	21	38	43	23	117		84
Writs	23	44	53	9	15	37	16	6	55	31	51		46
eRates	1,163	1,309	1,327	1,331	1,335	1,337	1,341	1,342	1,345	1,346	1,349		1,263
Arrangements	382	297	385	334	277	389	373	303	405	368	319		327

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### 3.3 Sundry Debtors Report - May 2014

#### Reporting Officer

Manager Financial Services

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#### Attachments

1. Debtors summary to 31 May 2014 (contained within this report)
2. Ageing of sundry debts to 31 May 2014 (contained within this report)

#### Purpose

To provide a report detailing the amount outstanding by type and age for sundry and miscellaneous debts for the period ending 31 May 2014.

#### Report

Debts outstanding to Council as at 31 May 2014 are \$1,207,997, reflecting an increase of \$195,994 since April 2014. The ratio of outstanding debts to current invoices has decreased from 32% in April to the current level of 24%. This debtor management ratio is a measure of the effectiveness of recovery efforts, however is impacted by Council policies as well as economic and social conditions.

#### Invoices raised – May 2014

During the month, 1378 invoices were raised totalling \$879,456. The majority of these are paid within a 30 day period, however those that remain unpaid from previous periods for longer than 90 days are detailed at the end of this report. The most significant invoices raised during the month have been in the following areas:

Government and other Grants – \$229,837 – the main invoices relate to:

Environment Protection Authority - regional co-ordination support for the implementation of Waste Less, Recycle More to 30 June 2017	\$132,000
Greater Sydney Local Land Services - incentive project improving Spring Creek	\$50,490
NSW Office of Communities Sport and Recreation - upgrade of floodlighting controls at various sportsgrounds in the Local Government Area	\$19,800
Road and Maritime Services - Road Safety Officer salary grant, Log Book Run project and choose Right Buckle Right project	\$14,347
The Georges River Combined Councils Committee - Bio Fund grant - Spring and Mansfield Creek work	\$13,200

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Corporate Administration – \$138,606 – the invoices relate to:

Office of Local Government - Road and Infrastructure backlog renewal program	\$107,165
State Emergency Service - operational expenses for Campbelltown State Emergency Service, October 2013 to January 2014	\$6,411
NSW Police Force - NAIDOC Week Donation 2013 - Touch Football competition	\$6,000
YMCA - recovery of outgoings	\$5,515
Campbelltown District Netball Association - recovery of outgoings	\$3,058

Land and Building Rentals – \$113,512 – all invoices relate to:

Nuvezo Pty Ltd - monthly rental Dumaresq Street Cinema	\$23,283
Aldi Stores - monthly rental Macquarie Fields	\$22,517
Glenquarie Hotel Pty Ltd - monthly rental Macquarie Fields	\$20,438
Caltex Oil Australia Pty Ltd - monthly rental Macquarie Fields	\$15,062
Mycorp Group Pty Ltd - monthly rental Macquarie Fields	\$13,696
McDonalds Australia Limited - monthly rental Macquarie Fields	\$7,565
Macarthur Community Options - monthly rental Campbelltown	\$5,958

Sportsground and Field Hire – \$108,153 – the main invoices relate to:

Invoices raised in May relating to the hire of Campbelltown Sports Stadium - West Tigers Football Club, Wise Consulting Services Pty Ltd, Total Event Management Services Pty Ltd, Football Federation Australia Ltd	\$60,494
Macarthur Baseball League - various sporting fields	\$3,295
Gunners Soccer Club - Bensley Reserve and Hazlett Oval	\$3,295

Receipts to the value of \$683,462 have been received during the period, the most notable in the following areas:

Land and building rentals	\$196,414
Various Sundry Items	\$106,695
Road and Footpath Restorations	\$49,154
Waste Collection Services	\$48,930
Private Works	\$48,199
Corporate Administration	\$47,623

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### Sundry debts outstanding – 31 May 2014

Debts exceeding 90 days of age totalled \$162,810 as at 31 May 2014. The major invoices relating to this balance include:

Description	Date Invoiced	Balance
Debtor 68316.9 - retaining wall between Lot 1451 DP 703487, 2 and 4 Brownlow Place, Ambarvale. Debtor is maintaining arrangement to pay \$450 per month as approved by Council	09/06/10	\$14,207
AFL NSW - Contribution to Thomas Acre Reserve spectator fencing. Payment is expected in June 2014	13/02/14	\$7,700
Imperium Projects Pty Ltd - Road restoration at 25 Blaxland Rd Campbelltown. Matter has been referred to council's agents Executive Collections. Statement of Liquidated Claim was issued to debtor on 04/06/14	03/01/14	\$4,173
Caspers Baseball Club - hire of Mary Brookes Reserve and electricity charges. Club is experiencing financial difficulty, unable to commit to structural payment plan but have been making regular payments to reduce the debt	17/12/12 to 14/03/14	\$5,922
Debtor 67532.2 - Compliance Service Administration fees and contractor fees to reduce overgrown vegetation. Property owners are bankrupt and a Trustee has been appointed. As this is a property related debt, the account will be paid when the property is sold	08/05/09 to 14/09/11	\$5,312

Debt recovery action is undertaken in accordance with Council's Sundry Debtor Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 60 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least ten days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

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During the month, ten accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agents.

Five accounts progressed to the first stage of formal legal recovery action. The defaulting debtors were issued a letter of demand by Council's agents Executive Collections, advising that if the account was not settled or an appropriate arrangement was not made the account may be escalated to a Statement of Liquidated Claim.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Mead/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number: 114**

That the Officer's Recommendation be adopted.

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**ATTACHMENT 1**

***DEBTORS SUMMARY 1 May 2014 to 31 May 2014***

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/04/2014	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/05/2014	% DEBT RATIO
Corporate Administration	74,688	138,606	47,623	165,671	13.71%
Abandoned Items	8,944	0	0	8,944	0.74%
Child Care Debts	18,710	0	0	18,710	1.55%
Community Bus	143	0	54	89	0.01%
Sportsground and Field Hire	89,226	108,153	32,113	165,266	13.68%
Government and other Grants	49,510	229,837	22,890	256,457	21.23%
Public Hall Hire	30,117	42,878	26,163	46,832	3.88%
Health Services	350	0	0	350	0.03%
Land and Building Rentals	136,764	113,512	196,414	53,863	4.46%
Healthy Lifestyles	3,101	29,615	31,400	1,316	0.11%
Library Fines and Costs	174,497	0	0	174,497	14.45%
Shop Licence Fees	58,293	31,755	27,105	62,943	5.21%
Pool Hire	15,952	8,401	19,254	5,099	0.42%
Private Works	71,705	600	48,199	24,106	2.00%
Road and Footpath Restoration	77,174	30,233	49,154	58,254	4.82%
Shop and Office Rentals	27,105	24,422	27,469	24,059	1.99%
Various Sundry Items	159,475	94,709	106,695	147,489	12.21%
Waste Collection Services	55,682	26,735	48,930	33,487	2.77%
	<b>1,012,003</b>	<b>879,456</b>	<b>683,462</b>	<b>1,207,997</b>	<b>100%</b>

**ATTACHMENT 2**

**AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 May 2014**

Description	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	131,042	5,009	1,899	27,722	165,671	52,100
Abandoned Items	0	0	0	8,944	8,944	8,944
Child Care Debts	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	99,708	1,066	47,515	16,977	165,266	18,286
Government and other Grants	207,947	0	40,810	7,700	256,457	0
Public Hall Hire	38,474	5,503	239	2,616	46,832	3,479
Health Services	0	0	0	350	350	350
Land and Building Rentals	45,305	1,537	1,250	5,771	53,863	4,902
Healthy Lifestyles	895	112	0	309	1,316	349
Library Fines and Costs	174,497	0	0	0	174,497	0
Shop Licence Fees	27,072	6,950	1,835	27,086	62,943	24,916
Pool Hire	1,681	665	1,341	1,411	5,099	1,225
Private Works	600	0	0	23,506	24,106	22,767
Road and Footpath Restoration	16,887	3,377	18,196	19,794	58,254	20,682
Shop and Office Rentals	12,624	6,560	4,685	190	24,059	0
Various Sundry Items	93,518	29,553	4,912	19,506	147,489	13,856
Waste Collection Services	26,405	6,154	0	927	33,487	927
	<b>856,019</b>	<b>66,485</b>	<b>122,682</b>	<b>162,810</b>	<b>1,207,997</b>	<b>172,783</b>

#### **4. HUMAN RESOURCES**

**No reports this round**

#### **5. INFORMATION MANAGEMENT AND TECHNOLOGY**

**No reports this round**

#### **6. GENERAL BUSINESS**

##### **6.1 Library fines**

##### **Committee's Recommendation: (Lake/Kolkman)**

That a report be presented examining other options for managing Council's library fines.

**CARRIED**

##### **Council Meeting 1 July 2014 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

##### **Council Resolution Minute Number: 114**

That the Committee's Recommendation be adopted.

#### **21. CONFIDENTIAL ITEMS**

**No reports this round**

There being no further business the meeting closed at 6.12pm.

S Dobson  
CHAIRPERSON

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