



Vincent Street  
CESSNOCK

28 June 2018

## ORDINARY MEETING OF COUNCIL

WEDNESDAY, 4 JULY 2018

### ENCLOSURES

PAGE NO.

#### CORPORATE AND COMMUNITY

##### **CC45/2018 Proposed Variations to the LGNSW Rules**

<b>Enclosure1:</b> Proposed Amendments to LGNSW Rules.....	3
<b>Enclosure2:</b> Registered LGNSW Rules .....	11
<b>Enclosure3:</b> LGNSW Correspondence .....	69

##### **CC46/2018 Adoption of the Draft Procurement Policy and a Revision of the Statement of Business Ethics**

<b>Enclosure1:</b> Draft Procurement Policy .....	70
<b>Enclosure2:</b> Submission 1 .....	79
<b>Enclosure3:</b> Submission 2 .....	80
<b>Enclosure4:</b> Statement of Business Ethics (Current) .....	81
<b>Enclosure5:</b> Revised Statement of Business Ethics.....	83

#### ANSWERS TO QUESTIONS FOR NEXT MEETING

##### **AQ62/2018 NRMA Recharge Points**

<b>Enclosure1:</b> NRMA Partnership Proposal EV Fast Charging Regional NSW .....	87
<b>Enclosure2:</b> NRMA EV Fast Charger Network Information Pack .....	99

#### CORRESPONDENCE

##### **CO23/2018 Hart & Government Roads and Gingers Lane, Weston - Seeking Funding Support**

<b>Enclosure1:</b> Letter from Clayton Barr MP.....	104
---	-----

##### **CO24/2018 Wine Country Drive - Traffic and Safety**

<b>Enclosure1:</b> Response from Clayton Barr, MP.....	105
--	-----

**CO25/2018 Commuter Carparking - Hunter Expressway - Heddon  
Greta**

**Enclosure1:** Reply from Minister for Roads, Maritime and Freight..... 106

**CO26/2018 Request to Premier to Reconsider Sydney Football  
Stadium and Sydney Olympic Stadium Plans - Cessnock  
Police Station Funding**

**Enclosure1:** Reply from The Hon Troy Grant MP ..... 107

## **PROPOSED AMENDMENTS TO THE LGNSW RULES (consultation draft amendments)**

### **Issue 1: Time for Proxy Voting**

Under existing Rule 34, members can “substitute” the name(s) of their nominated voting delegate(s) to a Conference (for both voting on motions and voting in Board elections) before and *during* a Conference. Separately, paragraph 16 of Schedule B of the LGNSW rules, which relates only to voting in Board elections, provides:

*“If a delegate of a member or member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as “the absentee”), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer before 5pm on the business day immediately prior to the first business day of the Conference appoint another delegate from the same member to exercise the absentee’s right to vote in the election.”*

Prior to the Election Notice being issued for the 2017 Board election, the Australian Electoral Commission (“AEC”) and the Association shared the concern that the different times in the LGNSW rules for submitting proxy voting and substitution voting delegates could create difficulties (for example, if both a substitution and a proxy occurred in respect of the same voting entitlement, which one takes precedence?). To remedy this for the 2017 Board election, the AEC issued a direction under subsection 193(1) of the *Fair Work (Registered Organisation) Act 2009* (the “RO Act”) that:

*“A member of the LGNSW wishing to notify a change of delegate under either Rule 34(b) or (c) of the Association’s Rules must give notice in writing signed by either the Mayor or the General Manager of the member to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.”*

The AEC raised the above issue in its Post-Election Report for the 2017 Board election.

The above concern only arises for voting in Board elections and does not arise when voting on motions. Further, the substitution of voting delegates for voting on motions is a common occurrence at annual Conferences.

To avoid the potential for an election irregularity occurring in future Board elections, it is recommended that Rule 34 be amended and that different substitution requirements be specified for voting on motions to voting in Board elections.

#### Proposed amendment

Delete sub-rules 34(b) and 34(c) and insert in their stead the following:

“(b) Substitution of voting delegates for voting on motions

**If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute**

delegate. Such notification shall be signed by either the Mayor or the General Manager of the Council, or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

(c) Substitution of voting delegates for voting in Board elections

If it is desired to change the nomination of a delegate for voting in an election, written notice signed by either the Mayor or the General Manager of the Council, or in the case of the ALC, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot."

## Issue 2: Names on Ballot Papers

The AEC's Post-Election Report for the 2017 Board election contained the following observation:

*"The Rules of the Association do not include a provision for how candidates' names were to appear on the ballot paper. As a remedy, the Returning Officer conducted a draw for ballot paper positions and advised all candidates and the Association the time, date and place for the draw."*

It is recommended that Schedule B of the LGNSW rules be amended to include a requirement that the Returning Officer conduct a draw to determine the order of candidates on the ballot paper.

### Proposed amendment

In Schedule B, after paragraph 11 and before paragraph 12 insert the following:

**"11A. The Returning Officer shall conduct a draw to determine the order of candidates on the ballot paper."**

## Issue 3: Registered Political Parties

The AEC's Post-Election Report for the 2017 Board election contained the following observation:

*"Schedule B, paragraph 15 of the Rules, states that the ballot paper(s) must include the candidate's declared current registered political party membership. A number of political parties are registered differently in the State and Federal jurisdiction. It is recommended that the Rules specify which jurisdiction applies so that registered political party membership can be presented consistently on the ballot paper."*

It is recommended that Schedule B, paragraph 15, be amended to clarify the requirements concerning disclosure of registered political party membership.

Proposed amendment

In Schedule B, after sub-paragraph 5(b) and before paragraph 6 insert the following:

- “(c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.”

Delete paragraph 15(b) of Schedule B in its entirety and insert in its stead the following:

- “(b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
- (i) the Returning Officer’s initials;
  - (ii) the name of each candidate for the office/position to be filled, including the candidate’s declared registered political party membership(s);
  - (iii) such other information as the Returning Officer deems appropriate.”

**Issue 4: Industrial Relations Advisory Committee**

Some members have suggested that general managers should have a role in the governance of the Association on the basis that:

- i) The Association is a registered industrial organisation of employers established to represent the employer interests of NSW Local Government, and general managers do not have a voice on the committee of management of the Association;
- ii) General managers have “employer” functions under the *Local Government Act 1993* (NSW) which include: to determine the positions (other than the senior staff positions) within the organisation structure of council, to conduct the day-to-day management of the council, to appoint staff in accordance with the organisation structure, to direct and dismiss staff, and to implement the council’s workforce management strategy; and
- iii) whilst councillors employ the general manager, the remainder (and majority) of staff within councils are employed by the general manager.

It is recommended that the LGNSW rules be amended to provide for an Industrial Advisory Committee (“IAC”) comprising of both general managers (or their nominees) and councillors (Directors of the Board). The role of the IAC would be to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern Local Government as a sector.

Proposed amendment

After Rule 21 and before Rule 22 insert the following:

- “21A (a) The Association may establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern Local Government as a sector.
- (b) An Industrial Advisory Committee established under this rule shall consist of:
- (i) Four (4) directors chosen by and from the Board, and
  - (ii) Four (4) general managers or other employees of member organisations who make, or participate in making, industrial relations decisions that affect the whole, or a substantial part, of the member’s business, chosen via a nomination process by the Chief Executive or his or her nominee.
- (c) The Industrial Advisory Committee:
- (i) shall meet on an as needs basis;
  - (ii) shall appoint a chair, which shall rotate between members under 21A(b)(i) and 21A(b)(ii) at least annually; and
  - (ii) may make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern Local Government as a sector.
- (d) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.”

**Issue 5: Removal of the office of Immediate Past President**

It has been suggested that the office of Immediate Past President be removed with effect from the conclusion of the Annual Conference in 2019. This would reduce the overall size of the Board to 18 members, and the overall size of the Senior Executive Group (SEG) to 8 members. A person who has ceased to be President (or any other person) could still be invited to assist the Board and/or the Association where appropriate.

Proposed amendment

Amend the rules to remove all references to the office of Immediate Past President, with effect from the conclusion of the Annual Conference in 2019.

**Issue 6: Removal from the Board**

Rule 49 prescribes the procedural steps that are required to be followed before a Director can be removed from the Board. It is proposed that these procedural steps be set out more clearly.

Proposed amendment

Delete rule 49 in its entirety and insert in its stead the following:

**“REMOVAL FROM THE BOARD**

49. (a) The Board may remove from the Board any Director if an allegation concerning the Board member is substantiated under the Rules of the Association of:

- (i) Misappropriation of the funds of the Association; or
- (ii) A substantial breach of the rules of the Association; or
- (iii) Gross misbehaviour or gross neglect of duty.

[Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]

(b) The making of an allegation

Allegations about a matter referred to Rule 49(a) should be made to the Chief Executive in writing.

(c) Investigation of allegation or suspected breach

- (i) Where the Chief Executive receives an allegation about a matter referred to in Rule 49(a) the Chief Executive shall cause a fact-finding investigation to be undertaken to determine whether the allegation is substantiated.
- (ii) Where the Chief Executive reasonably suspects a breach of a matter referred to in Rule 49(a) the Chief Executive may cause a fact-finding investigation to be undertaken into the matter without a written allegation.

(d) Director to be informed of the outcome of the investigation

A Director whose conduct is investigated under this rule shall be informed of the outcome of the fact-finding investigation within fourteen (14) days of the investigation being finalised.

(e) Opportunity to show-cause as to why the Director should not be removed from the Board

- (i) Where an allegation or suspected breach of a matter referred to in Rule 49(a) is substantiated, the Director shall be given at least fourteen (14) days written notice of the requirement to appear before the Board to show cause as to why they should not be removed from the Board.
  - (ii) Where the Director is unable to appear before the Board in person they may respond to the request to show cause in writing.
  - (iii) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the Director called if due notice of the hearing has been given.
  - (iv) Before deciding to remove a Director from the Board, the Board shall consider any response by the Director, including mitigating factors.
- (h) Where the Board removes a Director from the Board in accordance with this Rule, such removal shall operate from the date of the decision of the Board.”

#### Issue 7: The Seal of the Association

The rules do not currently provide for a common seal of the Association.

Section 222(d) of the *Industrial Relations Act 1996* (NSW) requires State registered industrial organisations to have a seal. Further, Regulation 30 of the *Industrial Relations (General) Regulations 2015* states:

*“The rules of a State organisation must provide for a seal of the organisation to be kept by a member of the committee of management of the organisation and to be affixed to a document only with the authority of at least 2 members of that committee.”*

It is recommended that the rules be amended to include a new rule that specifies how the common seal of the Association is to be kept and used.

#### Proposed amendment

After rule 70 and before rule 71 insert the following:

#### **“COMMON SEAL**

- 70A (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.”

**Issue 8: The name of the Association**

The amalgamation of two organisations in 2013 led to the use of two names and this is reflected in Rule 1(a) which provides:

- “1. (a) *The name of the Organisation shall be the Local Government and Shires Association of New South Wales (the “Association” but may also be known as “[Local Government NSW]”.*

The legal name of the Association is “*Local Government and Shires Association of New South Wales*” and this expanded name is used extensively in legislation. However, it has become common practice for the name “*Local Government NSW*” to be used on branding and promotional materials. Changing the name to “*Local Government NSW*” would also provide simplicity and clarity.

A complete removal of the expanded name would require legislative changes to be made to ensure the Association continues to be recognised in legislation.

It is recommended that the order of the names of the Association in Rule 1(a) be reversed so that the legal name becomes “*Local Government NSW*” and the Association may also be known as “*Local Government and Shires Association of New South Wales*”.

Changing the name in this manner would mean that the Association continues to be recognised in legislation that refers to the expanded name.

**Proposed amendment**

Delete rule 1(a) in its entirety and insert in its stead the following:

- “1. (a) **The name of the Organisation shall be “Local Government NSW” (the “Association”) but may also be known as “Local Government and Shires Association of New South Wales”.**”

**Issue 9: Other minor amendments**

A number of minor amendments to the rules are proposed to clarify provisions and/or remove ambiguity. These include:

- Rule 3 [Definition of “Roll of Voters”] – Amend the definition of “Roll of Voters” to provide that the Roll of Voters shall mean all those “members” of the Association who are, by virtue of the Rules, entitled to vote in the election of members of the Board (as distinct from roll consisting of “delegates of members”). Such an amendment would return the definition to that which existed under both the former Shires Association and the Local Government Association rules. The amended definition would provide as follows:

**“Roll of Voters” shall mean all those members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.**

- Rule 3 [New definition of “Secretary”] – Insert a new definition of “Secretary” that identifies the Chief Executive as the Secretary of the Association for the

purposes of the relevant legislation to enable the Chief Executive to sign declarations, annual returns, etc that the Association is required to send to the Registered Organisations Commission (ROC) or the Fair Work Commission (FWC) each year.

- Rule 28 [Motions to Conferences] – Amend the Rule to state beyond doubt that the Board can place motions before Conferences of the Association for consideration by members.
- Rule 73 [Amendments to the Rules] – Amend the Rule to expand the power of the Board to make minor clerical and/or administrative changes to the Rules.
- Rule 74 [Notification of Disputes] – Amend the Rule to reflect that the Chief Executive may delegate his or her authority to officers of the Association to notify the appropriate court or tribunal of an industrial dispute.
- Rule 76 [Calculation date for election of offices in 2017 – Special Rule] and Rule 3 [Definition of “calculation date”] – Remove all references to the 2017 Board election and the special arrangements that were put in place for the 2017 Board election.
- Re-ordering and re-numbering of the rules – Re-order and re-number the rules, where appropriate, to ensure that they have a logical order and progression.

[142N: Incorporates alterations of 23/04/2018 in matter R2018/5]  
Replaces Rulebook dated 01/03/2017

I CERTIFY under section 161 of the Fair Work  
(Registered Organisations) Act 2009 that the pages  
herein numbered 1 to 37 both inclusive contain a  
true and correct copy of the registered rules of the  
Local Government and Shires Association of New South Wales.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

## CONTENTS

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## Contents

Rules of the Local Government and Shires Association of New South Wales

<b>CONSTITUTION</b>	<b>1</b>
<b>PREAMBLE – AMALGAMATION COMPACT</b>	<b>1</b>
<b>INTERPRETATION</b>	<b>1</b>
<b>OBJECTS</b>	<b>8</b>
<b>POWERS</b>	<b>10</b>
<b>MEMBERSHIP</b>	<b>12</b>
<b>REGISTER OF MEMBERS</b>	<b>15</b>
<b>ANNUAL SUBSCRIPTIONS</b>	<b>15</b>
<b>SPECIAL LEVIES</b>	<b>17</b>
<b>DISBURSEMENT OF MONIES RAISED BY LEVY</b>	<b>18</b>
<b>CONTROL AND GOVERNANCE OF THE ASSOCIATION</b>	<b>18</b>
<b>CONFERENCES</b>	<b>22</b>
<b>ANNUAL CONFERENCES</b>	<b>29</b>
<b>SPECIAL CONFERENCES</b>	<b>29</b>
<b>DELEGATES TO A CONFERENCE</b>	<b>29</b>
<b>BOARD OF DIRECTORS</b>	<b>30</b>
<b>ELECTION PROCESS FOR MEMBERS OF THE BOARD</b>	<b>35</b>
<b>GENERAL</b>	<b>35</b>
<b>ELECTION ARRANGEMENTS</b>	<b>35</b>
<b>CASUAL VACANCIES</b>	<b>35</b>
<b>SUSPENSION FROM OFFICE</b>	<b>36</b>
<b>REMOVAL FROM THE BOARD</b>	<b>38</b>
<b>BOARD MEETINGS</b>	<b>39</b>
<b>AUDITOR</b>	<b>40</b>

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

ii

CONTENTS

---

FINANCE	41
CHIEF EXECUTIVE	44
ACCESS TO RECORDS	44
PATRON OF THE ASSOCIATION	44
AMENDMENT	46
NOTIFICATION OF DISPUTES	46
DISSOLUTION	46
CALCULATION DATE FOR ELECTION OF OFFICES IN 2017 – SPECIAL RULE	48
SCHEDULE A	49
SCHEDULE B	50

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

## INTERPRETATION

## Rules of the Local Government and Shires Association of New South Wales

### CONSTITUTION

1. (a) The name of the Organisation shall be the Local Government and Shires Association of New South Wales (the "Association") but may also be known as "[Local Government NSW]".
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

### PREAMBLE – AMALGAMATION COMPACT

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales ("LGA NSW") and the Shires Association of New South Wales ("SA NSW") to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, Metropolitan/Urban councils and Rural/Regional councils respectively) would, post the amalgamation, each have an approximately equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management ("Board of Directors"), and arrangements for alternative access to the office of President from the two different constituencies.

### INTERPRETATION

3. (a) Unless the context otherwise requires:
 

"Aboriginal Land Council" or "the ALC" means the New South Wales Aboriginal Land Council as constituted under the Aboriginal Land Rights Act 1983 (NSW).

"Act" or "the Act" means the Fair Work (Registered Organisations) Act 2009 (Cth).

"Administrator" means an Administrator appointed in accordance with the Local Government Act 1993 (NSW) or Division 2 of Part 11 of the Aboriginal Land Rights Act 1983 (NSW).

"ALC Region" mean a Region constituted under the Aboriginal Land Rights Act 1983 (NSW).

"Amalgamation" or "the Amalgamation" means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the Act immediately prior to the amalgamation date.

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## INTERPRETATION

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“Amalgamation date” means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect, being such date as Fair Work Australia determines but being no earlier than 1 March 2013

“Associate member” means a member who is not an Ordinary member.

“Association” means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

“Badge” means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a Delegate at a Conference.

“Board” or “the Board” means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“calculation date” means the first day of March last occurring prior to a Conference, except for the purpose of calculating the voting entitlement of each member of the Association at the 2017 Annual Conference and in the 2017 elections for office at that Conference, where the provisions of Rule 76 shall apply.

“Chief Executive” means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 70.

“Conference” means the Annual Conference or a Special Conference of the Association as provided by these Rules.

“Constitution” or “this Constitution” means these Rules as they provide from time to time.

“Council” means a council constituted under the Local Government Act 1993 (NSW) and the ALC but does not include a County council.

“Councillor” means a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator.

“County council” means a County council established under Part 5 of Chapter 12 of the Local Government Act 1993 (NSW).

“Director” means a member of the Board including an Office Bearer (unless the contrary intention appears from the context).

“Delegate” means an elected member of a council or a member of the Board of the ALC, the LHIB, the NIRC or RLGB or an Administrator who are by virtue of this Constitution entitled to vote at a Conference.

INTERPRETATION

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“Financial year” means the period from July 1 in one year to 30 June in the following year.

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 3 of 37 Pages

Page 3 of 55 Pages

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## INTERPRETATION

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“LGA NSW”, means the Local Government Association of New South Wales, an organisation of employers registered under the Act until the Amalgamation Date.

“LHIB” means the Lord Howe Island Board as constituted under the *Lord Howe Island Act 1953* (NSW).

“Member” means a Council, County council, the ALC, the LHIB, the NIRC or a RLGB that is a member of the Association, whether as an Ordinary member or as an Associate member.

“Metropolitan/Urban County council” means a County council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County council.

“Metropolitan/Urban council” means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban council.

“NIRC” means the Norfolk Island Regional Council as constituted under the *Norfolk Island Act 1979* (Cth).

“Office” has the same meaning as defined by section 9 of the Act, but to avoid doubt includes the office of Director.

“Office Bearer” means the President, Immediate Past President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

“Officer” has the same meaning as defined by section 6 of the Act, but to avoid doubt includes a Director.

“Ordinary member” means a member that obtains and retains ordinary membership pursuant to Rule 6 of these Rules.

“Political objects” means the expenditure of money:

- (i) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (ii) on the provision of any service or property for use by or on behalf of any political party;
- (iii) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot in connection with any election to a political office;
- (iv) on the maintenance of any holder of a political office; or

INTERPRETATION

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 5 of 37 Pages

Page 5 of 55 Pages

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 INTERPRETATION
 

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- (v) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting – the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants).”

“Related local government body” or “RLGB” means an association, body corporate or body politic that is controlled by:

- (a) one or more Councils; or
- (b) An entity constituted under a law of the state of New South Wales to perform the functions of a council, other than a Council or County council.

In this definition:

- (i) A “related local government body” is controlled by a Council if that Council has the capacity to determine the outcome of decisions about the body’s financial and operational policies, and is controlled by more than one Council if those Councils concerned, acting jointly, have that capacity;
- (ii) In paragraph (b), the expression “the functions of a council” means those functions that are of a kind conferred on a council by the *Local Government Act 1993*, even if the entity concerned has other functions.

“Roll of Voters” shall mean all those Delegates of members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

“Rural/Regional County council” means a County council in the State of New South Wales other than a Metropolitan/Urban council.

“Rural/Regional council” means a council in the State of New South Wales which is a council in the said State which is other than a Metropolitan/Urban council.

“SA NSW” shall mean the Shires Association of New South Wales, an organisation of employers registered under the Act (until the Amalgamation Date).

- (b) Unless the contrary intention appears:
- the singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender;
  - headings are for convenience and do not affect meaning;

INTERPRETATION

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 7 of 37 Pages

Page 7 of 55 Pages

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**OBJECTS**


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- schedules shall form part of these Rules; and
- a reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

**OBJECTS**

4. The objects of the Association shall be in New South Wales and elsewhere:
- (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
  - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
  - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
  - (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
  - (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
  - (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
  - (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
  - (h) to promote, support and encourage Local Government at a State and national level;
  - (i) to provide an industrial relations service to members including:
    - (i) representing the interests of members in industrial matters before courts and tribunals;

OBJECTS

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- (ii) assisting in negotiations relating to the settlement of disputes between members and their employees;

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 9 of 37 Pages

Page 9 of 55 Pages

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**POWERS**


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- (iii) representing the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
- (iv) promoting training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

**POWERS**

5. The Association is empowered:
- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
  - (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
  - (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
  - (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
  - (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
  - (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
  - (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the

POWERS

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Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 11 of 37 Pages

Page 11 of 55 Pages

MEMBERSHIP

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- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

**MEMBERSHIP**

- 6. (a) Membership of the Association shall be open to Councils, County councils in the State of New South Wales, the ALC, the LHIB, the NIRC and RLGB's.
- (b) Membership of the Association shall be limited to:
  - (i) Ordinary members; and
  - (ii) Associate members.
- (c) Any Council shall be eligible for Ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
- (d) County councils and the ALC (each of which is referred to in this sub rule as an "entity") shall be eligible for Ordinary membership or Associate membership of the Association, at the election of the entity concerned, provided that:
  - (i) the original application for membership made by such entity complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
  - (ii) the election as to the category of membership that such entity wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
  - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
  - (iv) where an entity that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that entity's existing category of membership.

MEMBERSHIP

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- (e) RLGB's, the LHIB and the NIRC shall be eligible for Associate membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions. Where a RLGB covers or relates to a geographic area that falls within one or more Metropolitan/Urban councils and one or more Rural/Regional councils, that RLGB shall be included in the category of councils that is most appropriate by reason of the area of the State or the population of the State or of the category of councils it covers, or any combination of those factors, as determined by the Board. A RLGB may at not less than three (3) yearly intervals following commencement of its membership apply to the Board for reconsideration of its category allocation.
  - (f) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the Act.
8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
    - (i) on the day on which the notice is received by the Association; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

MEMBERSHIP

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 14 of 37 Pages

Page 14 of 55 Pages

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**ANNUAL SUBSCRIPTIONS**

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whichever is the later; or

(b) in any other case:

(i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or

(ii) on the day specified in the notice;

whichever is the later.

9. A member shall cease to be a member in the following circumstances:

(c) the member resigns in accordance with Rule 8;

(d) the member is a council that is dissolved;

(e) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;

(f) by order of a court in accordance with the Act.

10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

**REGISTER OF MEMBERS**

11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the Act.

12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

**ANNUAL SUBSCRIPTIONS**

13 (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.

(b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.

(c) The Chief Executive must give written notice to each member specifying the amount of its subscription.

ANNUAL SUBSCRIPTIONS

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 16 of 37 Pages

Page 16 of 55 Pages

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 SPECIAL LEVIES
 

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- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate or councillor stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.
- (g) Notwithstanding the above, the payment by a member or applicant for membership to the Local Government and Shires Association of New South Wales being an organisation registered under the *Industrial Relations Act 1996* (NSW) (the "State organisation") of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.

**SPECIAL LEVIES**

- 14. (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
  - (i) the amount of the special levy payable by it; and
  - (ii) the purpose for which such special levy is made.
- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

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**CONTROL AND GOVERNANCE OF THE ASSOCIATION**

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**DISBURSEMENT OF MONIES RAISED BY LEVY**

15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

**CONTROL AND GOVERNANCE OF THE ASSOCIATION**

17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
  - (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
  - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
  - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
  - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution for the purpose of carrying out any such resolution;
  - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
  - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.
19. The Board is the Committee of Management of the Association for the purposes of the Act, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of

CONTROL AND GOVERNANCE OF THE ASSOCIATION

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the objects of the Association in accordance with these Rules, provided that any such action or decision:

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 19 of 37 Pages

Page 19 of 55 Pages

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CONTROL AND GOVERNANCE OF THE ASSOCIATION

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- (a) is consistent with any relevant policy decision of the members at a Conference; and
- (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 70), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

- 20. (a) The Senior Executive Group shall consist of :
  - (i) the President, the Immediate Past President (if applicable) the two Vice Presidents and the Treasurer,
  - (ii) two directors chosen by and from the seven (7) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
  - (iii) two directors chosen by and from the seven (7) directors representing Rural/Regional members of the Association elected in the immediately preceding elections
- (b) The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (20(a)(ii) and 20(a)(iii)) from which they are to be chosen.
- (c) No business shall be transacted at any meeting of the Senior Executive Group unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Senior Executive Group shall be fifty percent of the total number of Senior Executive Group members, plus one.
- (d) The Senior Executive Group shall have the following functions:
  - (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
  - (ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
  - (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;

CONTROL AND GOVERNANCE OF THE ASSOCIATION

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- (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 21 of 37 Pages

Page 21 of 55 Pages

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**CONFERENCES**

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- (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
  - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
  - (vii) to recommend to the Board any expenses policies for the Association;
  - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
- (e) A member of the Senior Executive Group shall attend at all meetings of the Senior Executive Group unless granted leave of absence by or having reasonable excuse acceptable to the Senior Executive Group. A failure by a director to attend three consecutive meetings of the Board, the Senior Executive Group or a combination of both without leave shall be deemed to constitute a breach of the duties of a director under these Rules.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
  - (b) are for the purpose of carrying out the objects of the Association,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

**CONFERENCES**

## General

- 22 A Conference shall consist of Delegates from all Members of the Association provided that the Member must be financial on both the calculation date and on the date that the roll of voters closes as provided for in Schedule B. Where an Annual Conference does not involve elections for the Board, the roll of voters (for voting on motions) shall be deemed to close eight weeks prior to the first business day of the Annual Conference.

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 CONFERENCES
 

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23. The voting delegation to which any Member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

## STEP 1

Determine the number of delegates for each member (other than the ALC), by applying the latest population statistics for each council area either published by the Australian Bureau of Statistics (ABS) in ABS publication 3218.0 entitled 'Regional Population Growth Australia' or, where that publication does not contain population statistics for a Member, the latest such statistics as can be obtained from the ABS for that Member (even if on an estimate basis only) as at the calculation date for those Members that were financial on the calculation date, using the following scale:

Group No. (Councils other than County councils)	Population	Delegates
(1)	Up to 10,000	1
(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
County councils		
	each Metropolitan/ Urban County council	2
	each Rural/ Regional County council	1
LHIB		1
NIRC		1
Related local government bodies	Each RLGB	1

## STEP 2

- (a) If the ALC is a member of the Association at a time when the formula in this Rule is to be applied, allocate the ALC 9 delegates.
- (b) The 9 delegates from the ALC shall consist of one delegate from each of the 9 ALC Regions constituted under the Aboriginal Land Rights Act 1983 (NSW), each such delegate being a member of the Board of the ALC.

CONFERENCES

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 24 of 37 Pages

Page 24 of 55 Pages

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## CONFERENCES

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- (c) Treat each such ALC Region as being a Rural/Regional council for the purpose of the Table in Step 1 above, except for the Region for Sydney/Newcastle, which Region shall be treated as a Metropolitan/Urban council for the purpose of that Table.
- (d) The ALC shall notify the Association in writing not later than 28 days prior to the relevant Conference as to allocation of the nine ALC Regions between the nine members of the ALC Board, identifying which ALC Region is to be represented by which ALC Board member.

### STEP 3

Determine the total voting strength of the Metropolitan/Urban Councils and the Rural/Regional councils as follows.

1. Determine the total number of delegates from Metropolitan/Urban councils and County councils and the total number of delegates from Rural/Regional councils and County councils resulting from the application of Steps 1 and (if applicable) 2.
2. Then add to the total number of delegates from Metropolitan/Urban councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30 and add to the total number of delegates from Rural/Regional councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30.
3. Then add to the total number of delegates from Metropolitan/Urban councils so determined the number of delegates from any RLG B covering the geographic area of Metropolitan/Urban councils (if applicable), and add to the total number of delegates from Rural/Regional councils so determined the number of delegates from any RLG B covering the geographic area of Rural/Regional councils (if applicable).
4. Then add to the total number of delegates from Rural/Regional councils a vote for the delegate from the LHIB and NIRC (if applicable).

### STEP 4

If as a result of Steps 1 – 3 there is a greater number of delegates from the Rural/Regional category than the Metropolitan/Urban category, increase the total number of delegates from the Metropolitan/Urban category, so that that total number is the same as the total number of delegates from the Rural/Regional category, then distribute that additional number of delegates among the Metropolitan/Urban councils (except for the Sydney/Newcastle ALC Region and any RLG B), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

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## CONFERENCES

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If as a result of Steps 1 – 3 there is a greater number of delegates from the Metropolitan/Urban category than the Rural/Regional category, increase the total number of delegates from the Rural/Regional category, so that that total number is the same as the total number of delegates from the Metropolitan/Urban category, then distribute that additional number of delegates among the Rural/Regional councils (except for the ALC, the LHIB, the NIRC and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

### STEP 5

If the adjustment required to be undertaken in Step 4 results arithmetically in a Metropolitan/Urban council or Rural/Regional council being entitled to more than 15 delegates, that council's delegation is capped at 15 delegates.

### STEP 6

Except in the case of the ALC, where any member that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, the Council affected shall nominate the delegate (or delegates if applicable) who shall be allocated an extra vote. In the case of the ALC, the formula in Step 2 only shall apply.

Example: If a member is entitled to 10 votes but has only 8 councillors holding office, the Council affected will nominate in writing which 2 of those 8 councillors will have an extra vote each, the ultimate outcome being that 6 of the councillors will have 1 vote each and 2 of the councillors nominated by the Council will have 2 votes each.

### STEP 7

On each anniversary of the amalgamation date, carry out steps 1, 3 4, and 5 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present. In the event of the Conference not having a quorum:
  - (a) A record of the names of voting delegates that are present at the time be taken on return of the electronic handset and voting card.

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 CONFERENCES
 

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- (b) Each constituent council be provided with advice on which of their voting delegates were present and which were not at the time the meeting became inquorate.
  - (c) That all constituent councils be provided with a report detailing which councils had voting delegates who were not present at the time the meeting became inquorate.
26. Subject to Rule 73 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27. (a) A Conference shall be conducted in accordance with Standing Orders.
- (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.
- (b) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
- (c) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (d) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;
- PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.
29. Subject to these Rules:
- (a) each Delegate shall be entitled to one vote only;
  - (b) except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

CONFERENCES

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 28 of 37 Pages

Page 28 of 55 Pages

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**DELEGATES TO A CONFERENCE**

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30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a Delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

**ANNUAL CONFERENCES**

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.
32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

**SPECIAL CONFERENCES**

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
  - (ii) by resolution of the Board; or
  - (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

**DELEGATES TO A CONFERENCE**

34. (a) Each member shall nominate its Delegate(s) to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) If it is desired to change the nomination of a delegate prior to the first day of the Conference written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor or the General Manager of the Council, or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.

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 BOARD OF DIRECTORS
 

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- (c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge is issued to the incoming delegate.
35. (a) Subject to clause 16 of Schedule B, a Delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

**BOARD OF DIRECTORS**

36. (a) The Board of the Association (which may be referred to as "the Board of Directors") is the Committee of Management of the Association and shall consist of a President, the Immediate Past President (where applicable under Sub Rules(b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 14 Committee members (7 from Metropolitan/Urban councils and 7 from Regional/Rural councils).
- (b) Upon the election of a new President of the Association, the person who immediately preceded in office as the President shall assume the office of "Immediate Past president", provided that a President who resigns or is removed during his term shall not assume the office of Immediate Past President.

A person who assumes the office of Immediate Past President in accordance with this Sub Rule shall continue in that office for a maximum period of two (2) years. If after that period there is no new Immediate Past President (ie because the successor President is elected as President to serve an additional 2-year term), then the office of Immediate Past President shall lapse until a different person is eligible to assume the office of Immediate Past President.

- (c) All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the Act or any other law.
  - (d) Without limiting the foregoing provisions of this Rule, a Director, whether an office bearer or not, is under a duty to the Association to comply with the provisions of the Association's "Code of Conduct – members of the Board" as such Code provides from time to time.
37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person who is suspended from

BOARD OF DIRECTORS

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office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, shall not be eligible.

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 31 of 37 Pages

Page 31 of 55 Pages

BOARD OF DIRECTORS

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- (b) An Administrator of a Council that is an Ordinary member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
  - (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23, and to avoid doubt each of the 9 delegates from the ALC Regions shall be entitled to cast only one vote each.
  - (d) In addition to the foregoing, a Director (whether an office bearer or not) shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.
38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
39. (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between eligible candidates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
- (b) Subject to the limitations provided in the following provisions of this Rule, all Councillors for Ordinary members, or members of the Board of the ALC if it is an Ordinary member, are eligible to nominate for any election for the office of President. In this Rule, such person(s) shall be referred to as “eligible candidates” or “eligible candidate”.
  - (c) The electorate for the election of the President shall be Delegates of Ordinary members who are entitled to vote at a Conference.
  - (d) The term of office for the office of President shall be two years, commencing at the conclusion of the annual Conference in each alternate year, and concluding at the conclusion of the annual Conference in each alternate year thereafter. To avoid doubt, if such conferences should be more than two (2) years apart due to conference scheduling or venue arrangements, the President shall, subject to these rules, continue to hold office until the conclusion of the conference in the relevant alternate year.
  - (e) The eligible candidate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that eligible candidate standing again for the office of President at a subsequent election for that office, if otherwise eligible.

BOARD OF DIRECTORS

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- (f) If an eligible candidate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
- (g) If an eligible candidate from a Rural/Regional council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Rural/Regional council is eligible to nominate for the office of President at such election.
- (h) If an eligible candidate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only eligible candidates eligible to nominate for the next election for President are eligible candidates from the other category of councils to that from which the retiring President was an eligible candidate.
- (i) If an eligible candidate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 44 and (if applicable) Rule 49. In such a case, the eligible candidate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (e), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40 (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC Region. The persons entitled to stand for such office are Councillors from Metropolitan/Urban Councils that are Ordinary members and, where the ALC is an Ordinary member, the member of the board of the ALC for the Sydney/Newcastle Metropolitan Region.
- (b) The office of Vice President (Rural/Regional) shall be filled by election by an electorate that shall consist of those Delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members and, if the ALC is an Ordinary member, the members of the Board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23.
- (c) The electorate for the election of the Treasurer shall be those delegates of Ordinary members who are entitled to vote at Conferences, together with the members of the board of the ALC if the ALC is an Ordinary member. The persons entitled to stand for

BOARD OF DIRECTORS

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such office are Councillors from Councils that are Ordinary members together with members of the Board of the ALC if it is an Ordinary member.

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 34 of 37 Pages

Page 34 of 55 Pages

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**CASUAL VACANCIES**


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- (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region. The persons entitled to stand for such offices are Councillors of Metropolitan/Urban Councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region.
- (e) The various offices of other Directors (Rural/Regional) shall be filled by an electorate that shall consist of those delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members, and, if the ALC is an Ordinary member, the members of the board of the ALC who are the delegates from those ALC Regions that are treated as Rural/Regional councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of rule 23.
- (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (d), mutatis mutandis. All delegates holding these offices are eligible for re-election without limitation.

**ELECTION PROCESS FOR MEMBERS OF THE BOARD**

**GENERAL**

- 41. Elections for Directors (including the Office Bearers) (hereafter "the elections") shall be conducted by a Returning Officer appointed or authorised under the Act.

**ELECTION ARRANGEMENTS**

- 42. The elections shall be conducted in accordance with the requirements of Schedule B.

**CASUAL VACANCIES**

- 43. A casual vacancy on the Board of the Association occurs when a Director
  - (a) dies;
  - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
  - (c) is removed from office as a Director in the manner provided for in Rule 50; or
  - (d) ceases to be eligible under the Rules to hold office as a Director.

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**SUSPENSION FROM OFFICE**

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44. Subject to Rule 48, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
  - (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.

If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.

45. Subject to Rules 48 and 48A, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
46. (a) Subject to Rule 48, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

47. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
48. Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

**SUSPENSION FROM OFFICE**

- 48A. Notwithstanding any other provision of these Rules, where a casual vacancy occurs more than six months after the commencement of the term of the office concerned because a Director ceases to hold office by reason only of being suspended from office under the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, that vacancy shall not be filled unless that person subsequently becomes eligible to be elected a director by reason of the said suspension ceasing during the balance of the term of the relevant office. In such event the person so removed shall fill the vacancy, provided that person is otherwise eligible for such appointment. No other person will be eligible to fill that vacancy.

SUSPENSION FROM OFFICE

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 37 of 37 Pages

Page 37 of 55 Pages

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**REMOVAL FROM THE BOARD**

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**REMOVAL FROM THE BOARD**

49. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
  - (ii) a substantial breach of the rules of the Association; or
  - (iii) gross misbehaviour or gross neglect of duty.
- [Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]
- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
- (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
- (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
- (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
- (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.
50. A person ceases to be a Director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.

BOARD MEETINGS

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**BOARD MEETINGS**

51. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
52. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
  - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
53. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
54. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
55. (a) No business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Board shall be fifty percent of the total number of Board members then holding office, plus one.

## AUDITOR

- (b) Subject to sub-rule (c), no business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time.
- (c) Where in the opinion of the President a matter requires the urgent consideration of the Board before a scheduled Board meeting, the Board may be consulted in writing (including electronic means) by flying minute. A motion put before the members of the Board by way of flying minute shall become a resolution of the Board as at the date set for return of responses, provided that the motion is supported by at least fifty percent of the total number of Board members, plus one. A resolution passed by way of flying minute shall be reported to the next Board meeting.
56. (Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
57. (a) The Directors must cause minutes to be made of:
- (i) all appointments of Directors and officers;
  - (ii) the names of the Directors present at each meeting of the Directors;
  - (iii) all orders made by the Directors;
  - (iv) all declarations made or notices given by any Director (either generally or specifically) of their interest in any contract or proposed contract or of their holding of any office or property whereby any conflict of duty or interest may arise; and
  - (v) all resolutions and proceedings or all general meetings and meetings of Directors and retain the minutes in a minute book.
- (b) The minutes of a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting.
- (c) In the absence of evidence to the contrary, contents of the minute book that is recorded and signed in accordance with this Sub Rule (d) is evidence of the matters shown in the minute.
58. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

## AUDITOR

59. (a) The Board shall appoint one or more auditors. Any person appointed as an auditor by the Board must be a registered auditor under the Act.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or

## FINANCE

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- (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
    - A. the service is executed to an unprofessional standard; or
    - B. the auditor's costs are considered excessive; or
    - C. if the person ceases to be a registered company auditor.
  - (iii) at the expiration of the term of appointment.
60. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

## FINANCE

61. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
  - (b) interest, rents or dividends derived from investments of the Association's funds;
  - (c) the proceeds of any disposal of parts of the funds;
  - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
62. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.
- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
- (i) that the making of the loan, grant or donation would be in accordance with these Rules; and

FINANCE

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- (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 42 of 37 Pages

Page 42 of 55 Pages

FINANCE

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63. The Board shall have management of the Association's property and investment of funds.
64. The Association's funds shall only be expended on the objects of the Association.
65. The Association shall develop and implement policies and procedures relating to the expenditure of the Association.
66. (Contents of Rule 66 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
69. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the Act, and without limiting the generality of the foregoing:
- (a) as soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
  - (b) as soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
  - (c) the Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
  - (d) the Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the Act;

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 43 of 37 Pages

Page 43 of 55 Pages

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**PATRON OF THE ASSOCIATION**


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- (e) the Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
- (f) the Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the Act;
- (g) a copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

**CHIEF EXECUTIVE**

70. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by, but not bound by any relevant recommendations of the Senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the Senior Executive Group or the President, as the case may be. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

**ACCESS TO RECORDS**

71. (a) Except as provided under Rule 62, all records, books, documents, and securities relating to the management and governance of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the Act.

**PATRON OF THE ASSOCIATION**

72. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.

PATRON OF THE ASSOCIATION

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 45 of 37 Pages

Page 45 of 55 Pages

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 DISSOLUTION
 

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- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.
- (c) In the case of former Presidents, the Board shall determine such appointment(s).

**AMENDMENT**

73. (a) Subject to sub-rules (b) and (c) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) The Board may make such amendments to the Rules of the Association as it deems fit, on the recommendation of the Fair Work Commission or the advice of the Association's legal advisors, for the following purposes:
- (i) to ensure that the Rules comply with the Act or any other law; or
  - (ii) to ensure that the Rules remain consistent with the Rules of the industrial organisation of the same name registered under the *Industrial Relations Act 1996* (NSW),
- and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.
- (c) The Board may make such amendments to Schedule A of the Rules as it deems necessary to remove the names of councils and county councils that have been dissolved and to include the names of new councils and county councils that have been established as a result of the amalgamation of councils/county councils and/or the alteration of council/county council boundaries and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.

**NOTIFICATION OF DISPUTES**

74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

**DISSOLUTION**

75. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and

DISSOLUTION

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 47 of 37 Pages

Page 47 of 55 Pages

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**CALCULATION DATE FOR ELECTION OF OFFICES IN 2017 – SPECIAL RULE**

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- (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

**CALCULATION DATE FOR ELECTION OF OFFICES IN 2017 – SPECIAL RULE**

- 76. (a) This Rule shall apply notwithstanding any other provisions of these Rules, but shall only apply to the annual conference of the Association for 2017 and the elections for offices in the Association at that conference (“the 2017 elections”), and shall cease to apply upon the conclusion of the annual conference for 2017.
- (b) The calculation date for the purpose of calculating the voting entitlement of each member of the Association at the 2017 annual conference and in the 2017 elections shall be 9 October 2017, unless the Board determines by 30 April 2017 that all of the councils then in existence in the State of New South Wales had become financial members of the Association as at 1 March 2017, in which case the calculation date for the 2017 elections shall be 1 March 2017.
- (c) Any decision by the Board pursuant to sub-rule (b) of this Rule shall be communicated in writing to all members not later than seven (7) days after such decision is made.
- (d) To avoid doubt, the reference to “councils” in sub-rule (b) of this Rule includes any council that is subject to administration under the *Local Government Act 1993* (NSW) but does not include either the ALC or any county council.

SCHEDULE A

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**SCHEDULE A**

METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS

See Definition in Rule 3

Metropolitan/Urban councils

Bayside; Blacktown; Burwood; Camden; Campbelltown; Canada Bay; Canterbury-Bankstown; City of Parramatta; City of Sydney; Cumberland; Fairfield; Georges River; Hawkesbury City; Hornsby; Hunters Hill; Inner West; Ku-ring-gai; Lane Cove; Liverpool; Mosman; Northern Beaches; North Sydney; Penrith; Randwick; Ryde; Strathfield; Sutherland Shire; The Hills Shire; Waverley; Willoughby; and Woollahra.

NOTE: The Sydney/Newcastle region of the ALC is treated under the Rules as being a Metropolitan/Urban Council – see Rule 23, Step 2, paragraph (c).

Metropolitan/Urban County councils

Hawkesbury River

End of Schedule A

## SCHEDULE B

**SCHEDULE B**RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK  
COMMISSION/ INDUSTRIAL REGISTRAR

## General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the Act.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each Ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
  - (b) Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

SCHEDULE B

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8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations that have been accepted shall be placed before constituent councils before the Annual Conference.
12. Material (e.g. pamphlets, brochures, notices) which is intended or likely to affect voting in an election may not be distributed unless it contains the name and address of the person who authorised it and the name of the relevant political party.
13.
  - (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
  - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

## Conduct of Elections at the Annual Conference

14.
  - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference by way of a secret ballot using the standard preferential system of voting. Voters must mark a preference for all candidates.

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

SCHEDULE B

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(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

SCHEDULE B

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To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

- 15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
  - (i) the Returning Officer's initials;
  - (ii) the name of each candidate for the office/position to be filled, including the candidates declared current registered political party membership;
  - (iii) such other information as the Returning Officer deems appropriate.
- 16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer before 5pm on the business day immediately prior to the first business day of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
- 17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
  - (a) the ballot for the office of President shall be conducted first;
  - (b) after the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;

SCHEDULE B

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[142N: Incorporates alterations of 23/04/2018 in matter R2018/5

Page 54 of 37 Pages

Page 54 of 55 Pages

SCHEDULE B

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- (c) the ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;
- (d) the ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

- 18. Each candidate at any election shall have the right, if he or she so desires, to appoint before the closing of the ballot a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
- 19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
  - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
  - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
- 20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the Act, be final.
- 21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

\*\*\*END OF RULES\*\*

**Robert Maginnity**

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**From:** Debra Law <Debra.Law@lgnsw.org.au>  
**Sent:** Wednesday, 20 June 2018 3:19 PM  
**To:** Adam Dansie  
**Cc:** Lillian Tiddy; Elizabeth Rooke  
**Subject:** Members are invited to provide comments/feedback on the proposed Variations to the LGNSW rules  
**Attachments:** LGNSW\_Rule\_Review\_Proposed\_Amendments.pdf

**Attention: Mayors and General Managers**

A number of amendments are proposed to be made to the registered rules of the Local Government and Shires Association of New South Wales ("LGNSW rules"). The proposed amendments are set out in the attached document.

A full copy of the LGNSW (Federal) rules is available here: <https://www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new>

Members are invited to provide comments/feedback on the proposed rule amendments by **12 noon on 4 July 2018**. Please provide any comments/feedback to Elizabeth Rooke (Industrial Officer) by email to: [elizabeth.rooke@lgnsw.org.au](mailto:elizabeth.rooke@lgnsw.org.au)

Comments/feedback received will be considered when framing motions to the 2019 LGNSW Annual Conference to amend the LGNSW rules.

For further information, please contact Elizabeth Rooke (Industrial Officer) on (02) 9242 4158.

Yours sincerely

ADAM DANSIE  
**SENIOR MANAGER – INDUSTRIAL RELATIONS  
LOCAL GOVERNMENT NSW**

**Local Government Human Resources Conference**

**14 to 16 November 2018**

**Rydges World Square, Sydney**

<http://www.lgnsw.org.au/events-training/local-government-human-resources-conference>

**Personal and Executive Assistants Conference**

**10 August 2018**

**Swissotel – 68 Market Street, Sydney**

<http://www.lgnsw.org.au/events-training/personal-and-executive-assistants-annual-conference>

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Integrity, Respect, Teamwork, Accountability and Excellence

# Cessnock City Council Procurement Policy

Date Adopted XX/XX/18 Revision: 5

## Contents

1. Policy Objectives .....	2
2. Policy Scope .....	2
3. Policy Statement .....	2
4. Principles For Procurement .....	2
4.1. Responsible Financial Management .....	2
4.2. Probity .....	2
4.3. Value For Money .....	3
4.4. Sustainability Principles .....	3
5. Key Responsibilities .....	4
6. Procurement Requirements .....	5
6.1. Quotations .....	5
6.2. Tendering .....	5
6.3. Purchasing Methods .....	6
7. Probity .....	7
7.1. Conflict Of Interest .....	7
7.2. Prohibition Of 'Bid Shopping' .....	7
7.3. Business Ethics .....	7
7.4. Improper Advantage And Anti-Competitive Practices .....	7
7.5. Inhouse Tendering .....	7
8. Record Keeping .....	8
9. Delegations .....	8
10. Policy Definitions .....	8
11. Policy Administration .....	9
12. Policy History .....	9



## 1. Policy Objectives

The objective of this policy is to;

- Establish principles to ensure the most cost effective and efficient methods are used in the procurement of goods, works and services.
- To ensure Council Officials are aware of their responsibilities when undertaking procurement activities.
- To ensure that Council is conducting its procurement activities in a socially, economic and environmentally sustainable way that provides value for money and the best possible outcomes for the community and the environment in accordance with the Community Strategic Plan.

## 2. Policy Scope

The policy applies to all procurement processes and activities undertaken by Council, including purchasing, ordering, obtaining quotations, tendering and contracting.

This policy also applies to entering into a contract or quotation, whether through a contract or quotation agreement and/or a purchase order. The process for entering into an agreement to procure goods, works or services and the subsequent purchasing activity is covered under the Procurement Guideline and Procurement Procedures.

## 3. Policy Statement

Council is committed to providing a procurement system that complies with the requirements of the *Local Government Act (NSW) 1993* (in particular Section 55), the *Local Government (General) Regulation 2005*, industry and internal performance standards, and codes of practice. This Policy and associated procedures will commit to the following:

- Ensure the process is open, fair, transparent and consistent and in accordance with Council's Code of Conduct and all appropriate policies and procedures.
- Ensure audit advice and relevant Independent Commission Against Corruption recommendations (ICAC) are considered.
- Encourage competitive procurement of goods, works and services and maximise community value.
- Ensure that funds are spent effectively and economically by taking into account price and non-price factors.
- Ensure records are maintained of the procurement process to demonstrate value for money, probity and transparency.
- Ensure segregation of duties in the requisitioning, approval and payment functions.

## 4. Principles for Procurement

Throughout the procurement process, Council commits to the following principles;

### 4.1. RESPONSIBLE FINANCIAL MANAGEMENT

The principle of responsible financial management is to be applied to all procurement activities. Council funds are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the cost of the procurement process without compromising any of the procurement principles set out in this policy.

### 4.2. PROBITY

Council expects suppliers to conduct their business with Council in an ethical manner. Suppliers should be aware that they may be subject to public scrutiny by such bodies as



ICAC, and equally be afforded protections under the *Public Interest Disclosure Act 1994* (PID Act).

Information in tenders and quotations, including the price, may be contained in the Council Agenda Paper, as well as on Council's website and therefore be a public record in accordance with the *Government Information (Public Access) Act (GIPA)*. Information relating to the actual assessment will be regarded as Commercial in Confidence and will be treated as confidential. However, the information may still be available for release.

#### 4.3. VALUE FOR MONEY

Procurement activities are to be carried out on the basis of obtaining value for money. This means minimising the total cost of ownership over the lifetime of the good or service consistent with acceptable quality, reliability, safety and delivery considerations.

Contracts will be sized and packaged with a view to maximising the economies available through the quotation/tender process whilst ensuring the scale is reflective of the needs of Council. This will ensure Council can receive the benefits of scale, enhance competition due to a more attractive proposition, whilst ensuring Council procures only what is required.

Council is committed to ensuring funds are spent effectively and economically by taking into account both cost and non-cost factors including:

- Contribution to the Community Strategic Plan and Councils objectives.
- Non-cost factors such as fit for purpose, quality, after sales service and support, sustainability principles, safety, availability and delivery time.
- Cost-related factors including whole-of-life costs and transaction costs associated with the purchase, utilisation, maintaining and disposal of the goods, services and materials.
- Council may elect not to accept any tenders and consider not proceeding, re-tendering or negotiating if it is in the best interest of Council.

#### 4.4. SUSTAINABILITY PRINCIPLES

Council will apply the principles of quadruple bottom line, including the principles of Ecologically Sustainable Development (ESD) and good governance through sustainable purchasing. Relevant quadruple bottom line criteria will be reflected as part of the evaluation criteria. By making sustainable purchasing decisions, Council is operating in accordance with the Council's charter as defined in Chapter 3 Section 8 of the *Local Government Act 1993*.

##### 4.4.1. Economic Considerations

Council will incorporate 'whole of life' costing into procurement decisions, looking beyond purchase to maintenance, operation and disposal costs. It will minimise the number of purchase orders raised, taking into account choice of products, packaging, handling, spoilage, quality control, sustainable materials, availability for recycling and disposal.

##### 4.4.2. Local Preference

Best value for money does not always mean lowest price. Council's functions contribute to the economic success of the Local Government Area and Council expends considerable amounts annually on local economic development. Council prefers to buy from local suppliers and contractors where possible, as this supports Council's local economic development initiatives.

##### 4.4.3. Aboriginal and Torres Strait Islander Suppliers

Council will provide direct and indirect procurement opportunities to Aboriginal and Torres Strait Islander Suppliers of goods and services locally. This commitment is aligned with current Commonwealth and State Government legislation to increase the use of Aboriginal and Torres Strait Islander Suppliers which has a direct positive impact on Aboriginal and



Torres Strait Islander business growth and employment. Council has access to a database of eligible Aboriginal and Torres Strait Islander suppliers through Mandurah Hunter Indigenous Business Chamber and the NSW Indigenous Chamber of Commerce. Council will explore opportunities to add Aboriginal and Torres Strait Islander Suppliers to Councils panel contracts and explore opportunities to support the capacity of Aboriginal and Torres Strait Islander Suppliers.

#### 4.4.4. Environmental Considerations

Council will identify the environmental opportunities, risks and impacts of Council's procurement decisions.

Where appropriate procurement decisions should incorporate principles of environmental sustainability, such as:

- Eliminate inefficiency and unnecessary expenditure
- minimise waste
- save water and energy
- further stimulate the demand for sustainable products; and
- play a leadership role in advancing long term social and environmental sustainability.

#### 4.4.5. Governance Considerations

Council will actively seek efficiency and effectiveness in the procurement process, minimising costs to Council, suppliers and service providers. Council will act in the public interest by ensuring payments are made on time, in accordance with agreements or Council Policy.

#### 4.4.6. Work Health and Safety and Risk Management

Council's Risk Management Framework provides the foundation for integration of risk management into all Council's policies, processes and activities and is based on the Australian and International Risk Management Standard AS/NZS ISO 31000:2009.

Procurement practices will be subject to periodic review and assessment by the respective risk owner and by Council's internal auditor.

Procurement decisions and controls should be guided by an assessment of the risk-weighted consequences of various options.

### 5. Key Responsibilities

#### 5.1. COUNCIL OFFICIALS

##### 5.1.1. Employees and Volunteers

- To ensure any procurement activities for which Council is responsible for are undertaken in accordance with this policy and associated procedures.
- Only participate in the tendering process if you have delegated authority to do so.
- To report any suspected breaches of the policy.
- To set an example by complying with this policy and associated procedures in relation to all procurement activities.

##### 5.1.2. General Manager

- To lead Council in their understanding of and compliance with this policy and associated procedures and principles.
- To provide resources to develop, implement and review this Policy and Procedures.
- To communicate and enforce the principles of the policy and associated guideline and procedures.



**5.1.3. Mayor**

- To lead Councillors in their understanding of and compliance with this policy and associated guidelines and procedures.

**5.2. SUPPLIERS**

- Conduct business with Council in an ethical manner.
- Comply with all work health and safety requirements.
- Must not lobby Council or seek favour/advantage during procurement activities.

**6. PROCUREMENT REQUIREMENTS**

The table below outlines the appropriate procurement thresholds based on the approximate value of the contract or goods, works or services required.

Purchase Value (Inc. GST)	Process	Quotation Type
\$0.to \$5,000	1 x Quote	Preferably written quotation, verbal accepted
\$5,000 to \$10,000	1 x Formal quote	Written quotation
\$10,000 to \$20,000	2 x Formal quotes with specification	Written quotation
\$20,000 to \$150,000	3 x Formal quotes with specification (Selected or EOI)	Select - written quotation EOI - written quotation, as specified in the document.
\$150,001 and above	Prescribed agency purchase or Tender in accordance with the Act and Regulations	Formal Tender Process - as specified in the document.

**6.1. QUOTATIONS**

The assessment of quotations will be objective, consistent, documented, transparent and undertaken in accordance with Council's Procurement Procedures.

Council will only accept one quotation from each supplier; suppliers will not be given an opportunity to re-quote for the supply of goods and services unless the scope of work changes.

**6.2. TENDERING**

Tenders will be called in accordance with Section 55 of *The Local Government Act 1993*, *The Local Government (General) Regulation 2005*, the NSW Office of Local Government Tendering Guidelines and Procedures approved by the General Manager.

Whilst a formal tendering process is not required for purchases under \$150,000, a formal tendering process can be utilised for any purchase under the threshold. This is advisable in the following situations:

- The purchasing amount is close to \$150,000.
- The goods or services are of significant public interest.
- The purchase may be considered to be controversial or contentious.
- The procurement process is complex.
- The expected price of procurement is unknown.



#### 6.2.1. Prescribed Agencies

Section 55 of the Local Government Act provides Council with an exemption from the requirement to call tenders for the provision of goods, materials and services worth more than \$150,000 where such items are available under contract by prescribed authorities. Council will support the use of prescribed agency contracts where considered appropriate.

#### 6.2.2. Local Government Supplier Contracts

Local Government Procurement undertakes group tenders on behalf of NSW Councils to obtain competitive contracts. Council may utilise these supply arrangements to procure goods and services.

#### 6.2.3. Regional Procurement Incentives

Council will support the use of regional tenders and agreements for the acquisition/or sale of goods, and services under the Regional Procurement Initiative® a division of Strategic Services Australia Pty Ltd where considered appropriate.

#### 6.2.4. Australian Procurement

Council will support the use of Australian Procurement tenders and agreements for the acquisition or sale of goods, and services where considered appropriate.

### 6.3. PURCHASING METHODS

#### 6.3.1. Purchase Orders

Council will always issue a purchase order number for approved purchases. Suppliers are expected to cooperate by quoting the purchase order number on invoices. Council may not pay invoices where an approved purchase order number is absent.

Purchase order variations will need to be approved by Council Official with the appropriate delegated authority.

Invoices which exceed the goods receipt by more than 10% will be returned to the appropriate Council Official for further approvals under their sub delegations.

Goods and/or Services that may be exempt from requiring a purchase order include, but not limited to;

- Statutory Payments
- payments of utilities
- employee Reimbursements
- loans and investments
- payments relating to mayoral donations, fundraising payments and grants; and
- maintenance activities for buildings and / or facilities owned by Council as there is a current contract in place for building maintenance and the works are generated by Councils Customer Request Management System

#### 6.3.2. Petty Cash

Petty cash will be used to meet the need for the procurement of small incidental goods and urgent situations. Payment method of petty cash purchases shall be by Cash or Electronic Funds Transfer and will be at the discretion of the Finance Team.

#### 6.3.3. Credit Cards

The use of corporate credit cards must be done in accordance with the terms and conditions of Council's Corporate Credit Card Protocol.



#### 6.3.4. Fuel Cards

The use of Council fuel cards will only be used for the purchase of fuel for Council vehicles.

#### 6.3.5. Fleet, Plant and Equipment

The procurement of plant and equipment is based on a plant replacement program and is to be undertaken in accordance with this Policy and in accordance with Council's plant and equipment procedures.

The procurement of passenger vehicles will be undertaken in accordance with this Procurement Policy.

### 7. Probity

#### 7.1. CONFLICT OF INTEREST

Under the Code of Conduct, all Council Officials have an obligation to disclose potential or actual conflict of interests.

Any declared potential or actual conflict of interest in a contract, must be declared and managed in accordance with the *Code of Conduct*. Individuals and advisors may be removed from involvement in the process where the conflict cannot be otherwise managed.

#### 7.2. PROHIBITION OF 'BID SHOPPING'

Council shall not use quotation solicitation/negotiations as an opportunity to trade-off tenderer or quotation prices against other suppliers prices in order to obtain lower prices. This practice, known as 'bid shopping', is prohibited. Council can however negotiate solely with the vendor that provided the strongest bid.

Council may elect via resolution to reject all the submissions and negotiate with the preferred tenderer should Council deem it appropriate.

#### 7.3. BUSINESS ETHICS

Council shall at all times follow the key principles and requirements set out in Council's Statement of Business Ethics.

#### 7.4. IMPROPER ADVANTAGE AND ANTI-COMPETITIVE PRACTICES

Canvassing of Council Officials (other than Council's nominated contact Project Officer specified for the tender process) at any stage of the tender process will be deemed an unacceptable practice and will result in the applicant being disqualified.

Tenderers cannot be involved in defining the need, specifications, evaluation criteria or estimates of the contract or quotation.

#### 7.5. INHOUSE TENDERING

In the event of a Council business unit lodging an in-house tender submission, as part of an open tender process, the relevant Business Unit Manager and Director shall, prior to the commencement of the tender process;

- Separate and clearly define the roles of Council undertaking the tender submission from those undertaking the tender preparation and assessment;
- establish separate chains of management decision-making and reporting for those involved; and
- The in-house tender will be treated as if it is an external tender to ensure all tenders are treated consistently. The policy will be applied accordingly.



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### 8. Record Keeping

Council Officials must ensure that appropriate procurement records are kept and maintained in accordance with the Council's Records Management Policy.

### 9. Delegations

All Council Officials must only undertake procurement responsibilities within their limits of Financial Authorisation as delegated by the General Manager.

If the official is unsure as to whether a financial commitment or expenditure is appropriate for their Financial Authorisation, the commitment or expenditure should be escalated to their Business Unit Manager/Director for approval.

Procurement must not involve order splitting (or job splitting) to avoid legislative or procurement process requirements.

### 10. Policy Definitions

<b>Council</b>	Cessnock City Council
<b>Council Officials</b>	General Manager, Mayor, Councillors, employees, and volunteers.
<b>Consultant</b>	A person or entity engaged to provide advice and or designs where Council relies on the advice or designs in its decision making and where Council might incur a loss if the advice or design contains errors or omissions or where the consultant is otherwise negligent.
<b>Contract</b>	A legally binding agreement between two or more parties that creates obligations on each party that is enforceable by law
<b>Financial Authorisation</b>	Council's <i>Register of Financial Authorisations</i> , which lists the relevant financial authority limits delegated to each individual.
<b>Procurement</b>	The act of obtaining or purchasing goods, works or services. Procurement activities include tendering (quoting), tender assessment, requisitioning/ordering, contract management, as well as the end receipt and approval of payment.
<b>Project Officer</b>	The Council Official responsible for the project.
<b>Purchase Order</b>	The authority to the supplier to supply and invoice items called for at the prices shown under Council's purchase conditions imposed. The purchase order is a legal and binding contractual agreement.
<b>Quotation</b>	Any offer including verbal pricing, bids and consultant proposals for projects under \$150,000 and containing any requested information and accompanying documentation.
<b>Tender</b>	A formal offer received via tender process to provide goods, works or services for or on behalf of Council in response to a Council Request For Tender (RFT) for values >\$150,000 (including GST).



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## 11. Policy Administration

<b>Business Group:</b>	Finance and Administration
<b>Responsible Officer:</b>	Finance and Administration Manager
<b>Policy Review Date:</b>	2021
<b>Document Number:</b>	DOC2013/047731
<b>Policy Number:</b>	
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Local Government (General) Regulations 2005</li> <li>• Public Interest Disclosure Act 1994</li> <li>• NSW Government – Code of Practice for Procurement 2005</li> <li>• Work Health and Safety Management Systems and Auditing Guidelines 2013</li> <li>• NSW Government Environmental Management System Guidelines 2013</li> <li>• Government Information (Public Access) Act (NSW) 2009</li> <li>• Competition &amp; Consumer Act 2010</li> <li>• ISO 9001:2015 – Quality Management Systems</li> <li>• ISO 14001:2015 – Environment Management System</li> <li>• ISO 45001:2018 – Occupational Health and Safety Management Systems.</li> <li>• AS 4801:2001 WH&amp;S Management Systems</li> <li>• AS/NZS ISO 31000:2009 – Risk Management</li> </ul>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Statement of Business Ethics</li> <li>• Risk Management Policy</li> <li>• CCC Fraud and Corruption Control Strategy</li> <li>• Procurement Guideline and Procedures</li> <li>• Disposal Procedures</li> <li>• Corporate Credit Card Protocol</li> <li>• SP 3.8 WH&amp;S Procurement</li> <li>• Public Information Access Policy (GIPA)</li> <li>• Records Management Policy</li> </ul>

## 12. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	24 March 2010 (OR2/2010)	New policy adopted
2	18 September 2013 (PM91/2013 – 581)	Periodic review
3	6 November 2013 (PM114/2013 – 654)	Periodic review
4	August 2015 (P51.0)	Periodic review
5	16 January 2018	Periodic review

Submission received verbally via discussion at its Ordinary Council Meeting 2 May 2018 by Councillor Allan Stapleford:

1. **Procurement Requirements Table:** Change the value of goods required for a verbal quote regarding to have the following:
  - 0 - \$4000 – 1 verbal quote
  - \$4000 - \$8000 – 1 written quote
2. **Section 6.3.1. Purchase order:** In regard to the section that refers to purchase orders not being required for the some types of payments including building maintenance, can an additional sentence be added to include:

*“there is a current contract in place for building maintenance and the works are generated by Councils Customer Request Management System.”*

**From:** Rachael O'Hara  
**Sent:** Thursday, 24 May 2018 3:07 PM  
**To:** Kelly McGowan <Kelly.McGowan@cessnock.nsw.gov.au>  
**Subject:** My Submission for Procurement Policy  
**Importance:** High

Change word 'process' to 'threshold'

Accountability and Excellence



**5.1.3. Mayor**

- To lead Councillors in their understanding of and compliance with this policy and associated guidelines and procedures.

**5.2. SUPPLIERS**

- Conduct business with Council in an ethical manner.
- Comply with all work health and safety requirements.
- Must not lobby Council or seek favour/advantage during procurement activities.

**6. PROCUREMENT REQUIREMENTS**

The table below outlines the appropriate procurement process based on the approximate value of the contract or goods, works or services required.

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\$20,000 to \$150,000	3 x Formal quotes with specification (Selected or EOI)	Select - written quotation EOI - written quotation, as specified in the document.
\$150,001 and above	Prescribed agency purchase or Tender in accordance with the Act and Regulations	Formal Tender Process - as specified in the document.

**6.1. QUOTATIONS**



## Cessnock City Council Statement of Business Ethics Policy

<b>Policy Owner:</b>	General Manager
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Local Government (General) Regulations</li> <li>• Tendering and Procurement guidelines</li> <li>• Occupational Health and Safety Regulations</li> <li>• ICAC Guidelines</li> <li>• Privacy Act</li> <li>• Public Interest Disclosures Act</li> <li>• Compliance with Council values and policies, and particularly including:</li> <li>• Code of Conduct</li> <li>• Procurement Policy</li> <li>• Risk Management</li> </ul>
<b>Related Policy:</b>	Not Applicable
<b>Policy Adoption/Amended Date:</b>	Adopted: 16 March 2005 (Minute No: 220 (16/03/05)) Amended: 4 April 2012 (Minute No: 1964 (04/04/12))
<b>Policy Reviewed/History:</b>	18 September 2013 (PM91/2013 – 581) 2013 (within 12 months of an election) or as otherwise required

Policy Review Date:	Policy Number:	Document Number:

### 1. Objective:

Outline the moral standards which will guide decision making of staff and representatives of Council, and applies concurrently with the legislative, regulatory and other policy requirements which mandate or otherwise affect the business of Council.

### 2. Policy Statement

This policy statement applies to all staff, councillors, committee members, volunteers, contractors, suppliers, and any organisations, companies and individuals who may represent the council from time to time.

Council is committed to applying the principles of accountability, fairness, probity, sustainability and transparency in its business dealings.

This commitment will be demonstrated through:

- Accountability to rate payers
- Applying best practice and best value principles based on "whole of life" costs, social, environmental, economic, and financial considerations
- Supporting local business within the context of achieving value for money and maintaining legislative/statutory/policy compliance
- Compliance with relevant statutory and legislative requirements, and associated guidelines, including (but not limited to):
  - Local Government Act 1993
  - Local Government (General) Regulations
  - Tendering and Procurement guidelines
  - Occupational Health and Safety Regulations
  - ICAC Guidelines
  - Privacy Act
  - Public Interest Disclosures Act
- Compliance with Council values and policies, and particularly including:
  - Code of Conduct
  - Procurement Policy
  - Risk Management



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# Cessnock City Council Statement of Business Ethics

Date Adopted XX/XX/XX Revision: 3

## 1. Statement Objectives

This Statement of Business Ethics articulates what to expect and how to behave when conducting business with Cessnock City Council.

Cessnock City Council is committed to the principles in this Statement of Business Ethics, they reflect the high standards of ethical conduct expected by our community. These principles are expressed in our Code of Conduct, which all Council officials must adhere. Similarly the community expects high standards of ethical conduct from all suppliers, organisations, service providers, small businesses and individuals that have dealings with Council.

## 2. Statement Scope

Cessnock expects all parties – Council officials, contractors, sub-contractors, suppliers and other business associates - to perform their duties with integrity, honesty, fairness and transparency.

## 3. Statement

### 3.1. BUSINESS PRINCIPLES

Council has four key principles which guide its dealings on procurement/business matters:

*Fairness:* Council treats all parties involved in an even-handed manner. Potential suppliers or contractors will be given equal access to information and opportunities to submit bids. Tenders will not be called unless there is the intention to award a contract, subject to being in the best interest of Council.

*Prevention of Corruption:* Council is committed to high ethical standards and it is the responsibility of Councillors and staff, as well as Council suppliers and contractors, to not only act honestly but also report any instances of possible corruption, maladministration or illegal activities.

*Value-for-Money:* Council considers all factors which are relevant to a particular procurement of goods or services. These include initial and ongoing costs; quality and reliability; customer service; WH&S; technical expertise; environmental sustainability and other legislative compliance. Value for money does not necessarily mean 'lowest price'. However, the lowest price might represent best value for money if it satisfies the other criteria.

*Objectivity:* Council establishes a procurement criteria and objectively assesses all tenders and quotes against the nominated criteria. All procurement decisions are based on merit, and take into account all relevant information and circumstances that apply to a given procurement requirement.

### 3.2. EXPECTATIONS AND RESPONSIBILITIES

Suppliers and contractors shall be aware of the following requirements when dealing with Council.



### 3.3. CONFLICT OF INTEREST

Conflicts of interest include both pecuniary and non-pecuniary interests. (A pecuniary interest is an interest that a person has in a matter because of the reasonable likelihood or expectation of appreciable financial gain to the person. A non-pecuniary interest may include family relationships, friendships or other interests that do not involve a direct financial gain.) Council staff are required to disclose any potential conflicts of interest. Suppliers and contractors to Council are asked to do the same.

### 3.4. USE OF INFORMATION

Any confidential Council information should not be revealed to persons other than those with a genuine need and authority. Private, confidential, commercial-in-confidence or proprietary information obtained as result of doing business with Council, should never be given to competing interests or unauthorised persons. Suppliers and contractors handling private and personal information are expected to adhere to Council's Privacy Management Plan.

### 3.5. GIFTS AND BENEFITS

Council only permits the acceptance of gifts if they are a nominal or token value and do not create a sense of obligation.

Public officials are required to declare any offers of gifts or benefits (including hospitality), even when refused, no matter what the value. All gifts and benefits received by Council officials will be published in accordance with the 'Gifts and Benefits Declaration Procedure'.

Failure to comply with this requirement will result in Council ceasing to do business with the supplier.

### 3.6. USE OF COUNCIL'S RESOURCES

Contractors, subcontractors, suppliers and business associates may only use Council resources and equipment if it is in accordance with specific conditions of a formal contract. Council resources include material, equipment, vehicles, documents, records, data and information.

### 3.7. EMPLOYMENT OF COUNCIL STAFF

All suppliers and contractors who deal with Council are not permitted to offer Council staff outside employment or business proposals of any kind. Council staff have a duty to maintain public trust and confidence, and not use commercially sensitive information to facilitate future employment opportunities in the private sector. Under Council's Code of Conduct, all staff are required to seek approval from the General Manager prior to undertaking a second job. Approval will not be given if the second job is likely to result in unmanageable conflict or the appearance of conflict with their Council duties.

### 3.8. PUBLIC COMMENTS

You must not make any public comments or statements that would lead anyone to believe that are representing Council, or expressing its views or policies.

This includes comments or statements made at public and community meetings, via the media including social media, or when it is reasonably foreseeable that the comments or statements will become known to the public at large.

### 3.9. CANVASSING SUPPORT

During a tender process, any prospective supplier or contractor shall not directly or indirectly discuss their tender bid with a Councillor, or canvass support from an employee of Council, at any time. Any supplier or contractor involved in such activity will result in their tender being rejected.



Integrity, Respect, Teamwork, Accountability and Excellence

**3.10. ALCOHOL AND DRUGS**

No contractor, subcontractor, supplier or business associate should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

**3.11. COMPLYING WITH THE STATEMENT**

By complying with the principles and standards of behaviour outlined in this Statement, all parties will be able to advance their objectives and interests in a fair and ethical manner.

Failure to comply with this Statement may be deemed as a breach of contract. Council may terminate its contract or take other actions considered appropriate.

**3.12. REPORTING**

To report any unethical behaviour in doing business with Council, write to:

Post: General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325  
Email: council@cessnock.nsw.gov.au

**4. Statement Definitions**

<b>Council</b>	Cessnock City Council
<b>Council Officials</b>	General Manager, Mayor, Councillors, employees, and volunteers.
<b>Consultant / Supplier</b>	A person or entity engaged to provide advice and or designs where Council relies on the advice or designs in its decision making and where Council might incur a loss if the advice or design contains errors or omissions or where the consultant is otherwise negligent.
<b>Contract</b>	A legally binding agreement between two or more parties that creates obligations on each party that is enforceable by law
<b>Procurement</b>	The act of obtaining or purchasing goods, works or services. Procurement activities include tendering (quoting), tender assessment, requisitioning/ordering, contract management, as well as the end receipt and approval of payment.
<b>Tender</b>	A formal offer received via tender process to provide goods, works or services for or on behalf of Council in response to a Council Request For Tender (RFT) for values >\$150,000 (including GST).



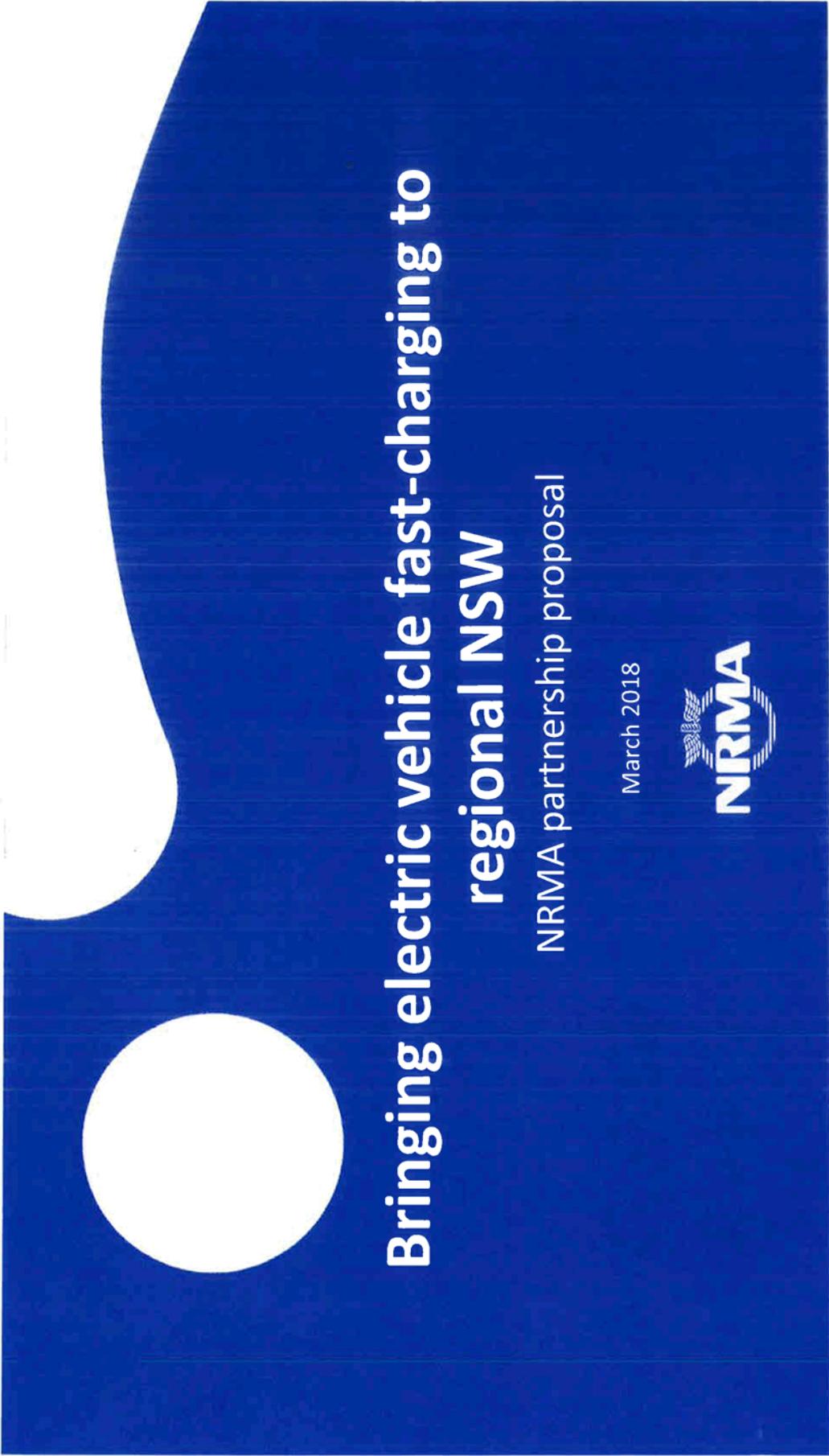
Integrity, Respect, Teamwork, Accountability and Excellence

## 5. Statement Administration

<b>Business Group:</b>	Finance and Administration
<b>Responsible Official:</b>	Finance and Administration Manager
<b>Guideline Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number:</b>	DOC2014/005361
<b>Relevant Legislation / Australian Standards:</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Local Government (General) Regulations 2005</li> <li>• Public Interest Disclosure Act 1994</li> <li>• NSW Government – Code of Practice for Procurement 2005</li> <li>• Work Health and Safety Management Systems and Auditing Guidelines 2013</li> <li>• NSW Government Environmental Management System Guidelines 2013</li> <li>• Government Information (Public Access) Act (NSW) 2009</li> <li>• Competition &amp; Consumer Act 2010</li> <li>• ISO 9001:2015 – Quality Management Systems</li> <li>• ISO 14001:2015 – Environment Management System</li> <li>• ISO 45001:2018 – Occupational Health and Safety Management Systems.</li> <li>• AS 4801:2001 WH&amp;S Management Systems</li> <li>• AS/NZS ISO 31000:2009 – Risk Management</li> </ul>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Risk Management Policy</li> <li>• CCC Fraud and Corruption Control Strategy</li> <li>• Procurement Guideline and Procedures</li> <li>• Disposal Procedures</li> <li>• Corporate Credit Card Protocol</li> <li>• SP 3.8 WH&amp;S Procurement</li> <li>• Public Information Access Policy (GIPA)</li> <li>• Records Management Policy</li> <li>• Gifts and Benefits Procedure</li> </ul>

## 6. Statement History

Revision	Date Approved / Authority	Description Of Changes
1	16 March 2005 (Minute No: 220 (16/03/05))	New Statement adopted
2	4 April 2012 (Minute No: 1964 (04/04/12))	Amended
3	18 September 2013 (PM91/2013 – 581)	Amended Statement adopted
4	4 July 2018	Draft Statement reviewed and proposed



# Bringing electric vehicle fast-charging to regional NSW

NRMA partnership proposal

March 2018



# The NRMA: 97 years of innovation for Members and communities



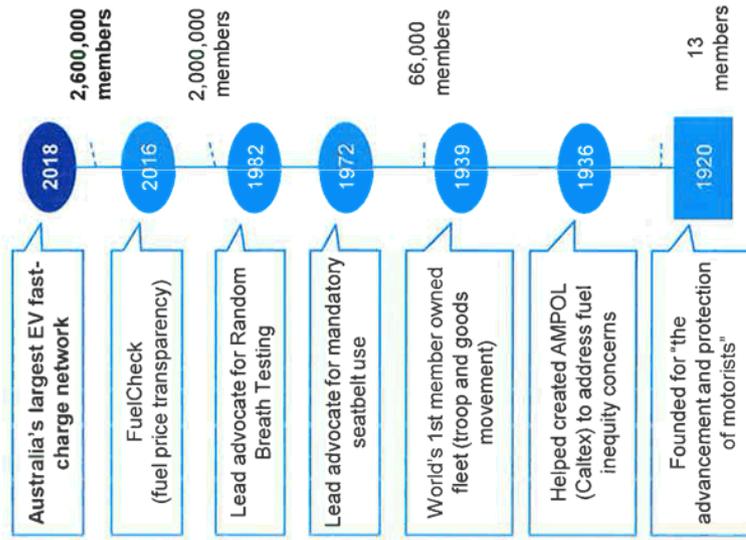
The NRMA is Australia's largest Member-owned organisation with over 2.6 million members

We represent one in every two households in NSW and the ACT.

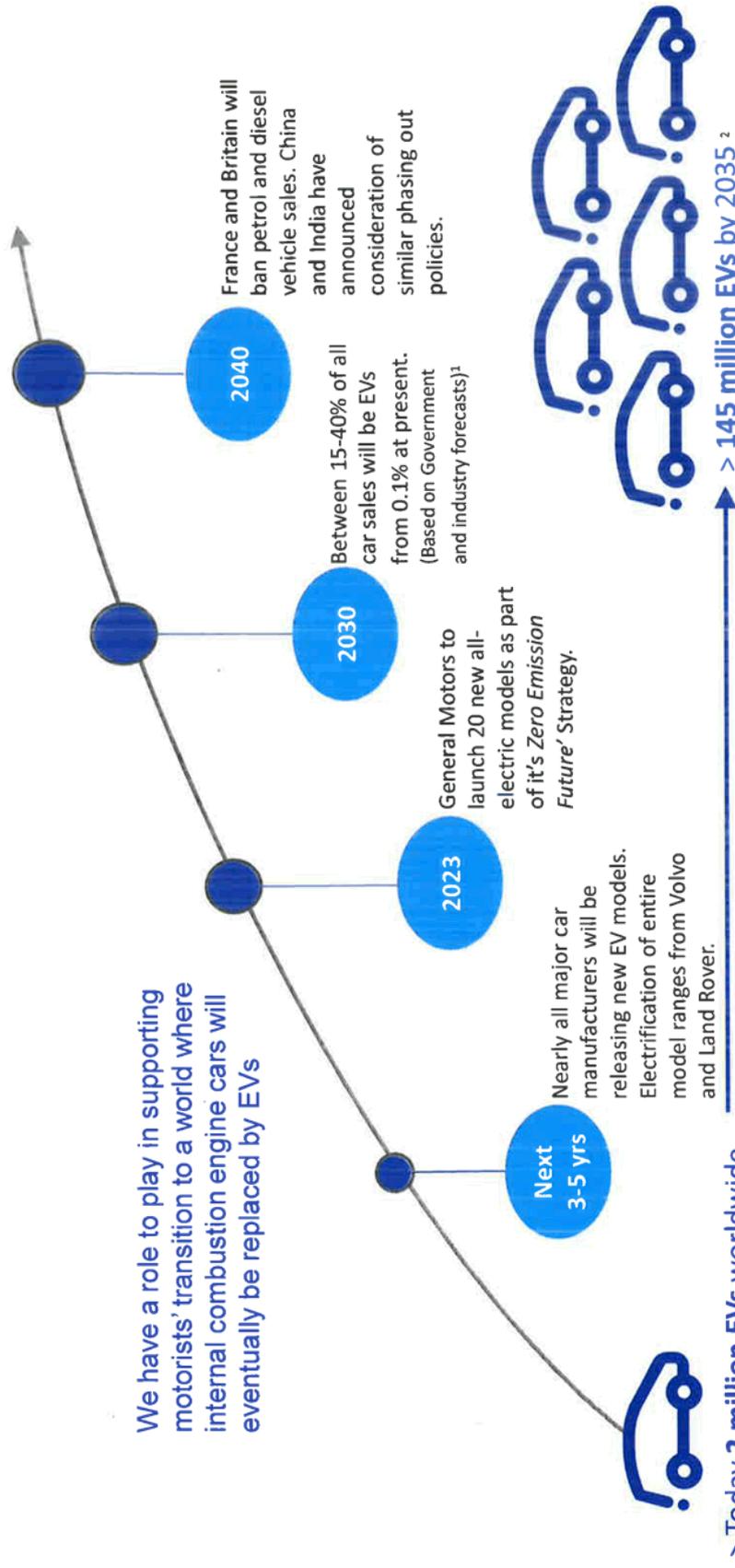
As a mutual, we are committed to adding value to our Members and the communities they live, work and visit

Our profits are channeled in ways that allow us to deliver real benefits in the spaces and places that matter most to our community of Members

As Australia's largest motoring organisation we believe we have a key role to play in creating the infrastructure needed to support the transition to electric vehicles in Australia



# Change is coming - Electric Vehicles (EVs) are the future



1. Elective Vehicle Council: State of EVs in Australia report June 2017  
 2. NRMA commissioned research (Sep 2017)

# Now is a unique opportunity to create the infrastructure needed to unlock Australia for electric vehicles, and electric vehicles for all Australians

Lack of EV charging infrastructure is a major barrier to the adoption of electric vehicles in Australia



59% of consumers say the absence of publically accessible charge stations to recharge or 'range anxiety' is a significant concern

- 65% of motorists are more likely to consider purchasing an EV if a network of public fast charging stations was available across NSW and the ACT
- 94% of existing EV owners are more likely to take road trips if fast charging is available
- 73% of motorists indicated they would be more likely to use an EV for long distance travel
- 61% expect fast charging stations to be located in regional towns, close to amenities and services

Source: NRMA commissioned research (Sep 2017)

19/03/2018 4

## We are creating Australia's largest fast-charger network



As part of the NRMA's *Social Dividend Investment Strategy*, we are investing

**\$10m** to build Australia's largest fast-charger network across NSW and the ACT

The investment will deliver over **40** fast-charger stations suitable for all electric vehicles to support both daily commuting and destination travel

We need your help to make this Australian first a reality

## Our vision for Australia's largest EV fast-charger network

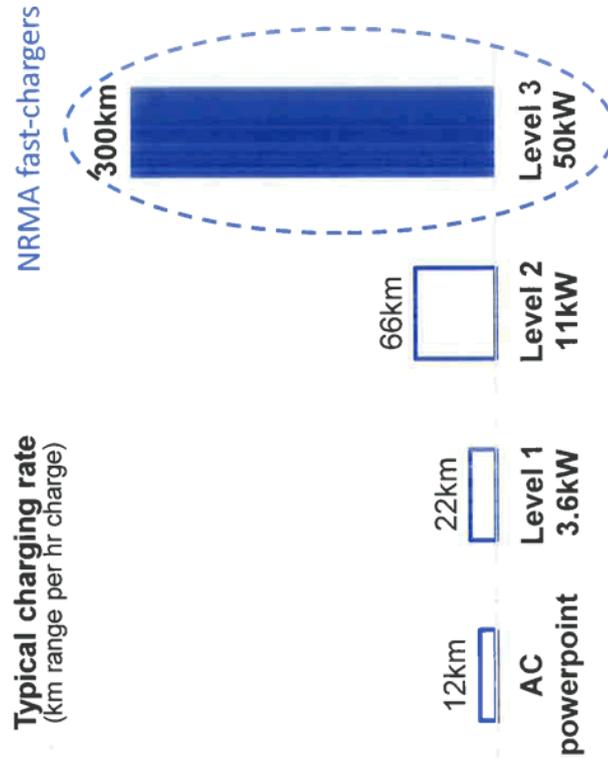


19/03/2018

- Delivers around 40+ sites ensuring motorists are never more than 200km from a fast charge
- Covers 95% of NRMA Member road trips with a focus on major highway routes
- Is universally accessible – adopting both CHAdeMO and CCS standards which is suitable for a range of electric vehicles
- Will charge most electric vehicles to 80% battery capacity within 30 min
- Connects key tourism routes to help drive business in local communities across NSW, the ACT and beyond
- Is delivered in partnership with local communities and the industry
- Is free to use for Members and available at a reasonable cost for non-members

# Fast-charging – the game changer for enabling EV journeys

- Level 3, DC fast chargers with minimum 50kW capacity
- Will charge most electric vehicles to 80% in around 30 min
- Provides universal access for most EV models
- Majority of the 40+ sites will be single charger sites with some pre-provisioned for dual chargers



## Partnering to identify preferred sites that enable EV journeys

Sites that build for complete journeys along major routes (max 200km between sites).

Our preference is for sites that :

1. are located within towns, close to services and amenities
2. offer 24hr access, with good signage, lighting and safety features
3. are consistently available when EV owners need to charge, enabled by exclusive parking
4. offer efficient build costs to spread the Social Dividend investment e.g. sites with existing power are preferred
5. create an attraction within a regional community acting as a catalyst for visitation and economic activity
6. can expand in footprint as demand increases - pre-allocation of additional space and power

# Proposed responsibilities and working relationship between Councils and NRMA



## Local Councils

*perpetual lease not possible*

- Allocation of parking bays on a peppercorn lease
- Option to expand to further bays, if required (usage metrics to be agreed)
- Preference for exclusive use for EV charging (flexible alternatives possible if required)
- Support in promotion of the site and the network to the local community
- Co-contribution in the form of site improvements and fee waivers eg. lighting, safety, power connection, civils, landscaping

*access to site*

- Site design, equipment supply and installation of at least one 50kW charger at each location
- Network owned, operated and maintained by NRMA (minimum ongoing financial or operational obligations for council)
- Promotion to NRMA's 2.6m members
- Potential for enhanced partnership through additional co-contribution eg. more charging sites, co-branding, data insights

*- Power cost (NRMA members)  
- Free to council  
- Call to*

19/03/2018 9

# Benefits for Partners



Accruing benefits over time

- Promotion of the site to NRMA's 2.6m Members and the local community
- Opportunity to boost the local economy by positioning chargers near local businesses and town hubs
- Fully-funded EV fast-charge station (installation, maintenance and operating costs) installed in your LGA
- Unique opportunity to make your region a viable destination for EV motorists
- Future-proofing your community for EVs at minimal cost to Council and the local community







## NRMA Electric Vehicle fast charger network



Leading the charge: Partnership opportunities



### The Opportunity

As a mutual the NRMA exists to add value to our Members and the communities they live, work and visit. Our profits and investment returns are channelled in ways that allow us to deliver real, on the ground benefits in the spaces and places that matter most to our community of Members.

As part of our Social Dividend Investment Strategy, the NRMA will deliver Australia's largest Electric Vehicle (EV) fast-charge network.

This \$10 million investment over three years will see around 47 fast-charge stations, more than double the size of the current network, across NSW and ACT.

The network will account for more than 95 per cent of road trips taken by Members and is our way of ensuring regional communities have the infrastructure required to meet the needs of tomorrow's motorists.

While the EV market is in its infancy, there is a unique opportunity to act now and create the infrastructure needed to support the adoption and rollout of EVs in Australia. The automobile industry is changing and, as Australia's largest motoring organisation, we believe we have a responsibility to help make this change seamless as possible for our Members while adding value to the communities they live, work and visit.

However, we can't do it alone and we need local communities to help make this Australian first a reality.

### About the NRMA

The NRMA is one of Australia's largest Member-owned organisations with more than 2.6 million Members.

We represent one in every two households across NSW and the ACT.

With 97 years of experience in motoring and travel, keeping people moving and ensuring Members get the most from every moment on their journey is simply part of our DNA.

Doing what's right for our Members also means ensuring we support the communities and places our Members live and visit. As such, we believe we have a critical role to play in the long-term sustainability of regional communities.

### Change is coming and we want the community to be ready

The humble car is undergoing a major transformation. The world's major automotive markets have made it clear – electric vehicles are the future and this change is coming soon.

As trends point to increasing numbers of EVs, countries around the world have also begun phasing out petrol and diesel propulsion.

Even major industry players are supporting an EV future, marking a historic end to cars that rely solely on an internal combustion engine, for example:

- Every Volvo from 2019 will have an electric motor.



- Every new model line from Jaguar Land Rover will be electric from 2020.
- Dyson will launch an electric car by 2020.
- Volkswagen, Daimler & BMW Groups have committed \$75 billion to further develop electric cars.
- General Motors will launch at least 20 new all-electric models by 2023 as part of its “Zero Emissions Future” strategy.
- Ford is shifting capital investment away from internal combustion engines to electric cars.

In Australia the number of EVs continues to increase with 16 new models now available. Globally, the number of electric vehicles sold each year is also rapidly growing, with a 40 per cent increase from 2015 to 2016. There are now more than two million electric cars on the road, with BHP suggesting this could rise to 140 million by 2035.

### Why is investment needed?

The absence of sufficient, conveniently -located, safe and time efficient charging stations remains a major barrier to consumer adoption in Australia.

There are simply not enough chargers in public places to make electric vehicles a viable option for longer journeys.

The NRMA wants to change this and to ensure that we have the infrastructure in place to connect the city limits to regional centres and towns across NSW, the ACT and beyond as more electric cars take to the roads.

### Our vision for Australia’s largest EV fast-charge network

#### *A fast-charge network that unlocks NSW, the ACT and beyond for electric vehicle motorists*

The NRMA believes this significant infrastructure investment will open up Australia for electric vehicles, enabling stress-free journeys whether motorists are doing the daily city commute, or visiting beaches on the South Coast, weekend getaways to our world-class wine regions or snow trips to the mountains.

#### *A network that connects key tourism routes to drive business in local communities*

We'll prioritise sites where lots of NRMA Members live, where electric vehicles are embraced and supported, and areas of high tourism demand, striking the balance between infrastructure delivery for both metropolitan and regional communities.

#### *A network that ensures motorists are never more than 200km from a charge*

The network will grow through a phased approach, ensuring EV drivers are never more than 200km from a charging station. We are wanting to co-locate stations at convenient locations, such as holiday driving routes, tourism or transport hubs or visitor information desks. Ensuring the charge stations are located near existing infrastructure will unlock opportunities for local businesses.

#### *Charge stations that provide universal access for most EV models that are free for NRMA Members*

Unlike many existing charging stations, NRMA’s network will provide universal access for the most popular EV models and will be powered by renewable energy. Charges will be free for NRMA 2.6 million members and available at cost to other motorists.



#### *A phased approach to make sure we get it right first time*

The first charger is already in place in Western Sydney, outside our new office at Sydney Olympic Park. We hope to have our first charging stations operational in early 2018 and will take a phased approach to the roll out of the network.

#### *A network that is built on strong and lasting partnerships with local communities*

We can only achieve this ambitious program by working in partnership with local councils, community groups our Members and the community. We need your help to identify the locations that best meet the needs and expectations of the community, local businesses motorists. We also want to work with you to find innovative ways to ensure our charge stations are powered by 100 per cent renewable energy. We want to add value and opportunity for local businesses who stand to benefit from the increasing numbers of EV motorists.

### Benefits to Partners

- A fully funded (installation and operating costs) EV charge station that will ensure your community has the infrastructure needed to meet the growing number of EV motorists.
- Opportunity to attract NRMA's 2.6 million Members to your area (charging is free to NRMA Members and the network will be promoted by the NRMA Group)
- Opportunity to prepare your community for the inevitable transition to electric vehicles at low cost to Council.
- Unique opportunity to make your region a viable destination for current and future electric vehicle owners
- Opportunity to boost your local economy by positioning a charger near small businesses or tourist attractions

### What we are looking for from our Partners

- **Help in identifying the best locations** – we want to work in close collaboration with local councils, community groups and the local community to identify the best locations for the EV fast-charge stations.
- **Unique local experiences** – how can the charging experience be enhanced in your area? This could include specific parking for EVs in your area, proximity to tourist attractions etc.
- **Innovative lease arrangements which help us deliver more** - we are keen to explore lease arrangements which secure the rights to install and maintain the EV charge stations for a nominal fee (e.g. such as Peppercorn/ \$1 per annum lease arrangements)
- **A time-efficient approval process** – we want to ensure we can deploy the network quickly and effectively so communities that have EV charge stations can experience the benefits as soon as possible.

We are committed to working with local councils to ensure we have clarity on what is needed to support a timely assessment and approval process. We are seeking formal endorsement to proceed from potential partners within a month of receiving the documents.



### Requirements and timing

Over the coming weeks, we are meeting with local councils in the following identified regions as part of the initial roll-out of the EV fast-charge network (Sydney, the Blue Mountains, the ACT, Illawarra, Newcastle and Mid North Coast)

Expressions of interest are also being received via our [online submission form](#). These will be assessed by the project team alongside the targeted engagement program that is underway.

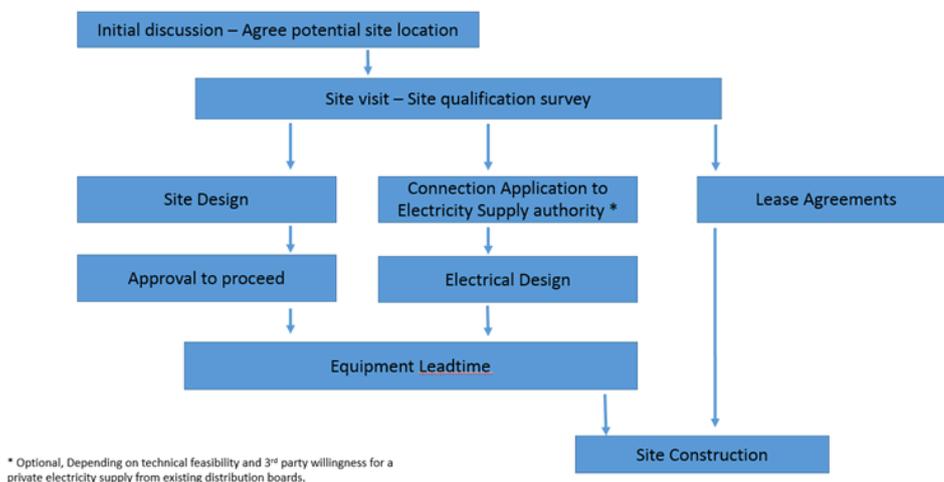
47 sites planned for first phase: 17 with dual chargers (or pre-provisioned for dual chargers); 30 with single charger sites.

We are aiming to have all sites operational by the later part of 2018.

Final sites will be selected based on a range of factors, including community support, planning policies, land use, environmental factors and electricity supply. The position of the chargers will consider a vehicle range of around 200km from point-to-point. Other desirable criteria for site selection include:

- Availability of parking spaces (charger bays reserved for electric vehicles)
- Electrical supply (proximity, supply agreement)
- Traffic arrangements/site access
- Solar presence/capability
- Site amenity (adjacent to restrooms/shopping/food/parks/playgrounds)
- Communications network coverage

### Site development process



Australian Labor Party

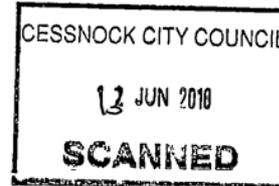
# Clayton Barr, MP

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref CB2-CessnockCityCouncil-Roa180525-1060  
Council's ref MOU7/2018, DOC2018/041009

25 May 2018

Mr Stephen Glen  
General Manger  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



Dear ~~Mr Glen~~ *Stephen*

Thank you for Council's recent letter, seeking support to enable the Council to secure funding to immediately resolve the safety concerns at the intersection of Gingers Lane and Hart, Government and Sawyers Gully Roads at Loxford/Weston

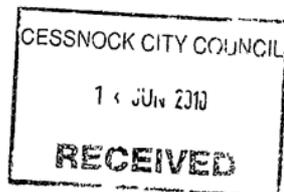
I support Council in their quest to secure funding, as I am aware that there have been and continue to be a number of motor vehicles accidents at this site

Accordingly, representations have been made on behalf of Council to the NSW Minister for Roads, Maritime and Freight, the Hon Melinda Pavey, MP.

I shall contact Council once I have received a response to my representations.

Yours sincerely

**CLAYTON BARR, MP**  
State Member for the  
Electorate of Cessnock  
Shadow Minister for Finance,  
Services and Property



Country Labor - Thinking outside of the City



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

118 Vincent Street (PO Box 242)  
Cessnock NSW 2325  
P (02) 4991 1466 | 1300 550 114  
F (02) 4991 1103  
E [cessnock@parliament.nsw.gov.au](mailto:cessnock@parliament.nsw.gov.au)

Australian Labor Party

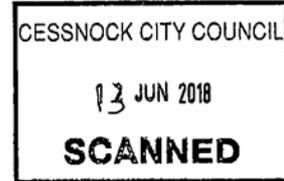
# Clayton Barr, MP

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref CB2-CessnockCityCouncil-Roa180528-1046  
Council's Ref BN7/2018

28 May 2018

Mr Stephen Glen  
General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



Dear <sup>Stephen</sup>Mr Glen

Thank you for Council's recent letter, requesting an urgent solution to the traffic and safety problems on Wine Country Drive.

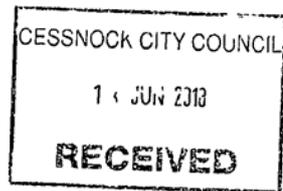
I note Council's concerns regarding the need for an urgent solution to the traffic and safety problems experienced by motorist and residents of Nulkaba, in particular during pick up and drop off times at schools in close proximity to the State Road – Wine Country Drive

Accordingly, representations have been made on behalf of Council to the NSW Minister for Roads, Maritime and Freight, the Hon Melinda Pavey, MP.

I shall contact Council once I have received a response to my representations.

Yours sincerely

**CLAYTON BARR, MP**  
State Member for the  
Electorate of Cessnock  
Shadow Minister for Finance,  
Services and Property



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Country Labor - Thinking outside of the City



**The Hon. Melinda Pavey MP**  
Minister for Roads, Maritime and Freight

Our Ref: 00531279

The Hon Scot MacDonald MLC  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr MacDonald,

Thank you for your correspondence on behalf of Mr Stephen Glen, General Manager of Cessnock City Council, about Council's request for funding to construct commuter carparks along the Hunter Expressway, Heddon Greta. Mr Glen also wrote to me directly about this matter and I trust he will accept this as a response to both approaches.

I appreciate Council's concerns and asked Roads and Maritime Services to look into the matter.

Roads and Maritime acknowledges the changes in travel behaviours caused by the Hunter Expressway's opening. These include commuter parking and carpooling around the expressway and the M1 Pacific Motorway.

I am pleased to advise Roads and Maritime is in preliminary discussions with the NSW Department of Planning and Environment to consider planning and funding arrangements for commuter parking. These form part of the Hunter Significant Infrastructure Contribution Plan and the Draft Greater Newcastle Metropolitan Plan 2036. I understand Heddon Greta was raised as a key location during these discussions.

Transport for NSW is developing regional parking strategies as part of its *Future Transport Strategy 2056*. These aim to help local government and State infrastructure providers on parking matters, including the provision of commuter parking. More information is available online at [future.transport.nsw.gov.au](http://future.transport.nsw.gov.au).

If Mr Glen has any further questions, Ms Anna Zycki, Director Hunter Region at Roads and Maritime, would be pleased to take his call on (02) 4908 7777.

I hope this has been of assistance.

Yours sincerely,

**The Hon. Melinda Pavey MP**  
Minister for Roads, Maritime and Freight

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7300 ■ [nsw.gov.au/ministerpavey](http://nsw.gov.au/ministerpavey)



**The Hon Troy Grant MP**

Minister for Police  
Minister for Emergency Services

Mr Bob Pynsent  
Mayor  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

IM18/14171  
MIN18/001151  
OtherRef/DOC2018/18/036378

22 JUN 2018

Via email to: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

  
Dear Mayor

I refer to your letter to the Premier of NSW, the Hon Gladys Berejiklian MP regarding regional infrastructure projects. The Premier forwarded your letter to me to respond to your request about a new Cessnock police station.

I am sure you will be extremely pleased to hear that on 16 June the NSW Liberals & Nationals Government announced the community of Cessnock will receive a new state-of-the-art \$13.5 million police station, as part of the 2018/19 State Budget. The 2018/19 budget allocation will allow the final planning and development approvals to occur.

Once built the new station will further boost the capability of local hard-working police officers, and provide the modern facilities and equipment they need to prevent and disrupt crime, and keep the community safe.

Police in the Hunter Valley Police District do outstanding work right across the region, as evidenced by the most recent quarterly BOCSAR report, which show that 15 of 17 major crime categories in the state remained stable or down in the 24 months to March 2018.

The NSW Government is absolutely committed to providing police throughout the state with the support and resources they need to do their job and keep NSW safe and secure.

As Minister, I am pleased to be able to support your local community and provide funding to kick-start the development of the new multi-million dollar policing facility. I worked out of the Cessnock police station during my own time in the NSW Police Force and I'm very proud the NSW Government is making this investment in policing in the Hunter.

The Cessnock community can be assured the NSW Government will continue to ensure our men and women in blue are equipped and resourced to continue the amazing work they do.

In terms of police numbers, this Government has added an extra 1000 officers to the NSW Police Force since 2011 and exceeded its target of increasing the authorised strength of the Police Force to a record 16,795 officers.

In addition, one hundred new police officers, funded as part of this year's record State Budget for Police, will be deployed later this year.

The re-engineering of the NSW Police Force is designed to bring additional focus to frontline policing and crime prevention across NSW, to put more police on the streets targeting and disrupting crime and preventing new and emerging crimes.

The Commissioner of Police allocates police officers based on operational requirements.

Thank you for taking the time to write to me.

Yours sincerely



**TROY GRANT MP**  
**Minister for Police**