



# **MINUTES**

## **Extraordinary Council Meeting Tuesday 8 October 2024**

**Date: Tuesday, 8 October 2024**

**Time: 4:00pm**

**Location: Council Chambers  
Cnr Camp & Weddin Streets  
GRENFELL NSW 2810**

**ORDER OF BUSINESS**

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**MINUTES OF WEDDIN SHIRE COUNCIL  
EXTRAORDINARY MEETING  
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS,  
GRENFELL NSW 2810  
ON TUESDAY 8 OCTOBER 2024 AT 4:00PM**

## **1 OPENING**

In accordance with the WSC Code of Meeting Practice, this meeting will be recorded for the purposes of audio-visual livestreaming via Council's website and Facebook page. Those in attendance are asked to refrain from making any defamatory statements and comply with all relevant WSC codes, policies and procedures at all times.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

## **3 ACKNOWLEDGEMENT OF SERVICE**

We honour our service personnel who have sacrificed their lives in the defence of our freedom, peace and prosperity.

We acknowledge all of our frontline workers and volunteers who each day provide our essential and non-essential services, especially those within our Weddin Shire Local Government Area.

## **4 ATTENDANCE**

### **ATTENDANCE**

#### **PRESENT:**

Cr Paul Best, Cr Colleen Gorman, Cr John Niven, Cr Jeanne Montgomery, Cr Simon Rolls, Cr Michael Neill, Cr Chad White, Cr Jan Parlett, Cr Wezley Makin (virtual)

### **MOTION**

#### **RESOLUTION 193/24**

Moved: Cr Parlett

Seconded: Cr Gorman

That the request from Cr Makin to attend the Extraordinary Council Meeting on 8 October 2024 virtually via Microsoft Teams be accepted.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**IN ATTENDANCE:**

Ms Noreen Vu (General Manager), Mr Luke Sheehan (Director Environmental Services), Mr Anthony Prpic (Acting Director Infrastructure Services), Mr John Thompson (Director Corporate Services).

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**5 DISCLOSURES OF INTEREST**

Nil

**6 GENERAL MANAGER REPORTS****6.1 OATH OR AFFIRMATION OF OFFICE****File Number:**

**Author:** Executive Assistant to the General Manager

**Authoriser:** General Manager

**Attachments:** 1. ATT 1 | OATH / AFFIRMATION OF OFFICE FORM

**CSP Objective:** Democratic and engaged community supported by efficient internal systems

**Precis:** The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected

**Budget:** Nil

**RECOMMENDATION**

That

1. each elected Councillor take an oath or affirmation of office in accordance with section 233A of the *Local Government Act 1993*
2. each elected Councillor complete the form at Attachment 1 for inclusion in the Minutes.

**RESOLUTION 194/24**

Moved: Cr White

Seconded: Cr Parlett

That

1. each elected Councillor take an oath or affirmation of office in accordance with section 233A of the *Local Government Act 1993*
2. each elected Councillor complete the form at Attachment 1 for inclusion in the Minutes.

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**THE MOTION WAS CARRIED UNANIMOUSLY**

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**PURPOSE**

The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected.

**BACKGROUND**

In accordance with section 233A of the *Local Government Act 1993* Councillors are now required to take an oath or affirmation of office. The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected.

The General Manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each Councillor in the minutes of the Council meeting.

A Councillor who fails, without a reasonable excuse, to take the oath or affirmation of office will not be entitled to attend Council meetings until they do so and will be taken to be absent without leave. If a Councillor is absent without leave for three (3) consecutive Ordinary Council meetings, their office is automatically declared vacant and a by-election must be held. The oath or affirmation Councillors are required to take are listed below. Councillors may choose one of the options which will be duly recorded in the minutes of the Council meeting.

**ISSUES AND COMMENTS**

Councillors have the two options below to take an oath or to affirm:

**OATH:**

I [*name of Councillor*] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I [*name of Councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**POLICY/LEGAL IMPLICATIONS**

A Councillor who fails, without a reasonable excuse, to take the oath or affirmation of office will not be entitled to attend Council meetings until they do so and will be taken to be absent without leave.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resource implications arising from this report.

**INTERNAL/EXTERNAL CONSULTATION**

There was no internal/external consultation undertaken.

**CONCLUSION**

The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected.



## OATH OR AFFIRMATION OF OFFICE

In accordance with section 233A of the *Local Government Act 1993*, Councillors are now required to take an oath or affirmation of office. The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected.

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*Please tick either Oath or Affirmation*

**OATH:**

I Michael Neill [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed: \_\_\_\_\_

Date: 8/10/2024



**OATH OR AFFIRMATION OF OFFICE**

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Please tick either Oath or Affirmation

**OATH:**

I ..... [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I Cheel White ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signed: 

Date: 8/10/24





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Please tick either Oath or Affirmation

**OATH:**

I ..... [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I JOHN NIYAN ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed: [REDACTED]

Date: [REDACTED]

8/10/24



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*Please tick either Oath or Affirmation*

**OATH:**

I ..... [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I PAUL BEST ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed: \_\_\_\_\_

Date: 8-10-2024 .



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Please tick either Oath or Affirmation

OATH:

I ..... [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

AFFIRMATION:

I Simon Wells ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed: \_\_\_\_\_

Date: 08/10/2024



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Please tick either Oath or Affirmation



**OATH:**

I Colleen Mary Gorman [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.



**AFFIRMATION:**

I ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed: 

Date: 8 / 10 / 24



## OATH OR AFFIRMATION OF OFFICE

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*Please tick either Oath or Affirmation*

**OATH:**

I Jeanne Montgomery [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed

Date: 09/10/2024





## OATH OR AFFIRMATION OF OFFICE

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*Please tick either Oath or Affirmation*

**OATH:**

I Jan Parlett..... [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

**AFFIRMATION:**

I ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Signed \_\_\_\_\_

Date: 5/10/2024



## OATH OR AFFIRMATION OF OFFICE

In accordance with section 233A of the *Local Government Act 1993*, Councillors are now required to take an oath or affirmation of office. The oath or affirmation of office must be taken by each Councillor at or before their first meeting of Council after being elected.

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*Please tick either Oath or Affirmation*



**OATH:**

I WEZLEY THOMAS MAKIN [insert councillor name] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.



**AFFIRMATION:**

I ..... [insert councillor name] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Weddin Shire and the Weddin Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Signed:

Date: 8/10/2024

**6.2 ELECTION OF MAYOR AND DEPUTY MAYOR****File Number:****Author:** Executive Assistant to the General Manager**Authoriser:** General Manager**Attachments:** Nil**CSP Objective:** Democratic and engaged community supported by efficient internal systems**Precis:** To seek Council's endorsement to elect the Mayor and Deputy Mayor a ballot determined by Council**Budget:** Nil**RECOMMENDATION**

That Council:

1. Note the information contained in this report.
2. Resolve that the method of voting for the position of Mayor and Deputy Mayor to be determined by \_\_\_\_\_ ballot.

**RESOLUTION 195/24**

Moved: Cr White

Seconded: Cr Parlett

That Council:

1. Note the information contained in this report.
2. Resolve that the method of voting for the position of Mayor and Deputy Mayor to be determined by open ballot.

**THE MOTION WAS CARRIED****PURPOSE**

To seek Council's endorsement to elect the Mayor and Deputy Mayor to be determined by ballot instructed by Council.

**BACKGROUND**

In accordance with section 290 of the *Local Government Act 1993*

- (1) The election of the mayor by the councillors is to be held
  - (a) if it is the first election after an ordinary election of councillors—within 3 weeks after the ordinary election, or



- (b) if it is not that first election or an election to fill a casual vacancy—during the month of September, or
  - (c) if it is the first election after the constitution of an area—within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or
  - (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors—within 14 days after the appointment or election of the councillors.
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.
- (3) For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.

### **ISSUES AND COMMENTS**

Councillors are now requested to elect the Mayor and Deputy Mayor by a ballot process determined by Council.

Councillors may also elect a Deputy Mayor.

The election of Mayor and Deputy Mayor must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*. Schedule 7 prescribes three (3) methods of election of mayors:

1. open ballot
2. ordinary ballot
3. preferential ballot

Council must determine by resolution the method of voting for the position of Mayor and Deputy Mayor.

Schedule 7 of the *Local Government (General) Regulation 2021*:

#### **(2) Nomination**

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

#### **(3) Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this section-

*"ballot"* has its normal meaning of secret ballot.

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

## **POLICY/LEGAL IMPLICATIONS**

Part 2 - Ordinary ballot or open voting

### **(4) Application of Part**

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

### **(5) Marking of ballot-papers**

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with [section 345](#) of this Regulation as if it were a ballot-paper referred to in that section.

(3) An informal ballot-paper must be rejected at the count.

### **(6) Count--2 candidates**

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### **(7) Count--3 or more candidates**

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resource implications arising from this report.

## **INTERNAL/EXTERNAL CONSULTATION**

There are no direct financial or resource implication arising from this report.

## CONCLUSION

The election of the Mayor and Deputy Mayor may occur with three types of ballots being open, ordinary and preferential. Council is requested to resolve the method of voting for the position of Mayor and Deputy Mayor to be determined by open ballot.

### 6.3 ELECTION OF MAYOR

<b>File Number:</b>	<b>C2.1.3</b>
<b>Author:</b>	<b>Executive Assistant to the General Manager</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Attachments:</b>	<b>Nil</b>
<b>CSP Objective:</b>	<b>Democratic and engaged community supported by efficient internal systems</b>
<b>Precis:</b>	The Mayor is to be elected by the Councillors in a method of ballot by the choice of Council
<b>Budget:</b>	<b>Nil</b>

## RECOMMENDATION

That:

1. Following the Local Government Elections, Council elect the Mayor for a two year term of Council to September 2026.
2. The method of ballot for the position of Mayor be by \_\_\_\_\_ ballot pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2021*.

## RESOLUTION 196/24

Moved: Cr White

Seconded: Cr Neill

That:

1. Following the Local Government Elections, Council elect the Mayor for a two year term of Council to September 2026.
2. The method of ballot for the position of Mayor be by open ballot pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2021*.

**THE MOTION WAS CARRIED UNANIMOUSLY**

Two (2) x nominations were received for the position of Mayor; nominations were received as follows:

- two (2) x Cr Paul Best

An Open Ballot was held with Cr Paul Best declared Mayor (Uncontested).

## PURPOSE

To elect the Mayor of Weddin Shire Council who will be elected by Councillors in October 2024 to serve and hold office for the first two (2) years of this Council term to September 2026.

## BACKGROUND

Nominations for the position of Mayor of Weddin Shire Council are now invited. In accordance with the *Local Government (General) Regulation, 2021* two (2) or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Mayor. Nominations must be in writing of the approved form and the nominee must consent to their nomination in writing. A Councillor may be nominated without notice for election as Mayor.

As per section 226 of the *Local Government Act 1993*, the role of the Mayor is follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

Schedule 7 prescribes three (3) methods of election of Mayors:

- Open Ballot (show of hands)
- Ordinary Ballot, or
- Preferential Ballot.

Open Ballots can be undertaken remotely where a Council is conducting its meeting by audio visual link.

Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

Traditionally Council has undertaken an ordinary ballot for the position of Mayor.

In deciding which voting method to use for the Mayoral Election, Council's should consider the personal circumstances of their Councillors to ensure that all Councillors can participate in the Mayoral Election.

As per section 226 of the *Local Government Act 1993*, for what period is a mayor elected?

- (1) A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.
- (2) A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.
- (3) The office of mayor—
  - (a) commences on the day the person elected to the office is declared to be so elected, and
  - (b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.
- (4) A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.

## **ISSUES AND COMMENTS**

### **Nominations**

Clause 2 of Schedule 7 of the *Local Government (General) Regulation 2021* provides that a Councillor may be nominated without notice as mayor. The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee indicated consent to the nomination in writing. The nomination is to be delivered or sent to the returning officer.

The returning officer is to announce the names of the nominees at the council meeting at which the elections is to be held.

### **Returning officer**

Clause 1 of Schedule 7 of the *Local Government (General) Regulation 2021* provides that the General Manager or their delegate is the returning officer for the election of Mayor.

### **Mayoral Term**

A mid-term Mayoral Election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

### **POLICY/LLEGAL IMPLICATIONS**

The election of the Weddin Shire Council Mayor is being conducted in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

### **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resource implications arising from this report.

### **INTERNAL/EXTERNAL CONSULTATION**

Following the declarations of Councillors, all Councillors were sent an email with the nomination forms for Mayor and Deputy Mayor.

### **CONCLUSION**

That Council elect the Mayor for the first two (2) years of this Council Term by the ballot determined by Council under the separate report. It is recommended that the same electoral process for the Mayoral position be followed for the Deputy Mayor.

## **6.4 ELECTION OF DEPUTY MAYOR**

<b>File Number:</b>	<b>C2.1.3</b>
<b>Author:</b>	<b>Executive Assistant to the General Manager</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Attachments:</b>	<b>Nil</b>
<b>CSP Objective:</b>	<b>Democratic and engaged community supported by efficient internal systems</b>
<b>Precis:</b>	The Deputy Mayor is to be elected by the Councillors in a method of ballot by the choice of Council
<b>Budget:</b>	<b>Nil</b>

### **RECOMMENDATION**

That:

1. Following the Local Government Elections, Council elect the Deputy Mayor for a two year term of Council to September 2026.
2. The method of ballot for the position of Deputy Mayor be by \_\_\_\_\_ ballot pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2021*.

### **RESOLUTION 197/24**

Moved: Cr White

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Seconded: Cr Best

That:

1. Following the Local Government Elections, Council elect the Deputy Mayor for a two year term of Council to September 2026.
2. The method of ballot for the position of Deputy Mayor be by open ballot pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2021*.

**THE MOTION WAS CARRIED UNANIMOUSLY**

---

Three (3) x nominations were received for the position of Deputy Mayor; nominations were received as follows:

- two (2) x Cr Colleen Gorman
- one (1) x Cr Chad White.

An Open Ballot was held with Cr Colleen Gorman declared Deputy Mayor (Open vote = 6 votes to 3 votes).

## PURPOSE

To elect the Deputy Mayor of Weddin Shire Council who will be elected by Councillors in October 2024 to serve and hold office for the first two (2) years of this Council term, in line with the mayoral term.

## BACKGROUND

As per section 231 of the *Local Government Act, 1993* the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may be elected for the Mayoral term or a shorter term. Usually, the Deputy Mayor of Weddin Shire Council holds office for the same term as that of the Mayor.

Nominations for the position of Deputy Mayor of Weddin Shire Council are now invited. In accordance with the *Local Government (General) Regulation, 2021* two (2) or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Deputy Mayor. Nominations must be in writing of the approved form and the nominee must consent to their nomination in writing. A Councillor may be nominated without notice for election as Deputy Mayor.

### 231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

(4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

A mid-term Mayoral Election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

As per the Office of Local Government Circular to Councils '21-24 / 13 August 2021 / A784280' – Attachment 1; Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2005* (as amended under the *Local Government (General) Regulation 2021*).

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

- Open Ballot (show of hands)
- Ordinary Ballot, or
- Preferential Ballot.

Open Ballots can be undertaken remotely where a Council is conducting its meeting by audio visual link.

Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

Traditionally Council has undertaken an ordinary ballot.

In deciding which voting method to use for the Deputy Mayoral Election, Council's should consider the personal circumstances of their Councillors to ensure that all Councillors can participate in the Deputy Mayoral Election. It is recommended that the same electoral process for the Mayoral position be followed for the Deputy Mayor.

## **ISSUES AND COMMENTS**

### **Nominations**

Clause 2 of Schedule 7 of the *Local Government (General) Regulation 2021* provides that a Councillor may be nominated without notice as deputy mayor. The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee indicated consent to the nomination in writing. The nomination is to be delivered or sent to the returning officer.

The returning officer is to announce the names of the nominees at the council meeting at which the elections is to be held.

### **Returning officer**

Clause 1 of Schedule 7 of the *Local Government (General) Regulation 2021* provides that the General Manager or their delegate is the returning officer for the election of Deputy Mayor.

### **Mayoral Term**

A mid-term Mayoral Election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment. At the mid-term Mayoral Election, the position of Deputy Mayor will also be elected.



**POLICY/LEGAL IMPLICATIONS**

The election of the Weddin Shire Council Deputy Mayor is being conducted in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resource implications arising from this report.

**INTERNAL/EXTERNAL CONSULTATION**

Following the declarations of Councillors, all Councillors were sent an email with the nomination forms for Mayor and Deputy Mayor.

**CONCLUSION**

That Council elect the Mayor for the first two (2) years of this Council Term by the ballot determined by Council under the separate report. It is recommended that the same electoral process for the Mayoral position be followed for the Deputy Mayor.

**6.5 ELECTION OF CENTRAL TABLELANDS COUNTY COUNCIL BOARD MEMBERS****File Number:****Author:** Executive Assistant to the General Manager**Authoriser:** General Manager**Attachments:** 1. ATT 1 | Central Tablelands Water - Board Member Information Sheet**CSP Objective:** Sustainable natural, agricultural and built environments**Precis:** To seek nominations for two (2) Board members to represent Weddin Shire Council on the Central Tablelands County Council.**Budget:** Nil**RECOMMENDATION**

That Council:

1. Note the information contained in this report.
2. Seeks nominations for two (2) Board Members to represent Weddin Shire Council on the Central Tablelands Water Board.
3. Endorse that Cr \_\_\_\_\_ and Cr \_\_\_\_\_ will represent Weddin Shire council on the Central Tablelands Water Board for a period of four years.

**RESOLUTION 198/24**

Moved: Cr Gorman

Seconded: Cr White

That Council:

1. Note the information contained in this report.
2. Seeks nominations for two (2) Board Members to represent Weddin Shire Council on the Central Tablelands Water Board.
3. Endorse that Cr Parlett and Cr Best will represent Weddin Shire council on the Central Tablelands Water Board for a period of four years.

**THE MOTION WAS CARRIED UNANIMOUSLY**

Nine (9) x nominations were received for the position of Board Member with Central Tablelands Water; nominations were received as follows:

- one (1) x Cr Chad White
- one (1) x Cr Colleen Gorman
- four (4) x Cr Jan Parlett
- three (3) x Cr Paul Best

An Open Ballot was held with Crs Paul Best and Jan Parlett elected Board Members on Central Tablelands Water County Council.

## **PURPOSE**

To seek nominations and Council endorsement of two (2) Weddin Shire Councillors to stand as Board Members on the Central Tablelands Water County Council.

## **BACKGROUND**

Central Tablelands Water (CTW) is a single-purpose county council responsible for providing water supply services on behalf of its constituent councils; Blayney, Cabonne and Weddin.

The CTW Board is the governing body responsible for managing the affairs of CTW County Council. The Board comprises two (2) elected representatives from each of the three (3) constituent councils.

Ordinary meetings of the CTW Board are currently held six (6) times a year on the third Wednesday of every second month. The next meeting is to be held on **Wednesday 16 October 2024**.

All CTW Board members are paid an annual fee that is determined for county councils by the Local Government Remuneration Tribunal. The current CTW Board member fee for 2024 is \$11,280 plus superannuation.

Council's most recent representatives were Cr Paul Best and Ms Michelle Cook.

Further information is available in the attached Information Sheet.

## **ISSUES AND COMMENTS**

Nominations for the two (2) positions of CTW Board member are now invited. In accordance with the *Local Government (General) Regulation, 2021* two (2) or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of CTW Board member. Nominations must be in writing of the approved form and the nominee must consent to their nomination in writing. Schedule 9 of the *Local Government (General) Regulation, 2021* stipulates that, if the number of candidates is greater than the number of vacancies, a preferential ballot is to be held.

## **POLICY/LEGAL IMPLICATIONS**

Once elected, the two councillors will remain on the Central Tablelands Water board for the council term.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial implications arising for Council, noting that the two Councillors will receive a member fee.

## **INTERNAL/EXTERNAL CONSULTATION**

Central Tablelands Water have provided a Board Member Information sheet for Councillors consideration.

**CONCLUSION**

Weddin Shire Council requires two councillors to stand as Board Members on the Central Tablelands Water County Council.

**6.6 ELECTION OF COUNCIL COMMITTEE DELEGATES**

<b>File Number:</b>	<b>C2.1.3</b>
<b>Author:</b>	<b>Executive Assistant to the General Manager</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Attachments:</b>	<b>1. Council Committees List and Preliminary Review</b>
<b>CSP Objective:</b>	<b>Democratic and engaged community supported by efficient internal systems</b>
<b>Precis:</b>	<b>To vote Councillor committee delegates for Council Committees/Boards</b>
<b>Budget:</b>	<b>Nil</b>

**RECOMMENDATION**

That Council:

- 1) Note the information contained in this report.
- 2) Appoint the Council Committee Councillor positions outlined in this report in Table One and Table Two.
- 3) Appoint the Council Committee Councillor positions outlined in this report in Table One and Table Two for a period of four years.
- 4) Note the General Manager will seek nominations for the Community Members positions for the Bogolong Dam Precinct Committee and will table to the November 2024 Ordinary Council Meeting for Council's endorsement.
- 5) Instruct the General Manager to undertake a review of committees that have been deferred for decision and table a report to Council to the November or December 2024 Ordinary Meeting for Council's consideration.

**RESOLUTION 199/24**

Moved: Cr Neill

Seconded: Cr White

That Council:

- 1) Note the information contained in this report.
- 2) Appoint the Council Committee Councillor positions outlined in this report in Table One and Table Two.
- 3) Appoint the Council Committee Councillor positions outlined in this report in Table One and Table Two for a period of four years.
- 4) Note the General Manager will seek nominations for the Community Members positions for the Bogolong Dam Precinct Committee and will table to the November 2024 Ordinary Council Meeting for Council's endorsement.
- 5) Instruct the General Manager to undertake a review of committees that have been deferred for decision and table a report to Council to the November or December 2024 Ordinary Meeting for Council's consideration.

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**THE MOTION WAS CARRIED UNANIMOUSLY**

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Two (2) x nominations were received for the position on Audit , Risk & Improvement Committee; nominations were received as follows:

- Cr Jeanne Montgomery
- Cr Simon Rolls as an alternate

The Nominations were put and carried unanimously.

Nine (9) x nominations were received for the position on Central Tablelands Water County Council; nominations were received as follows:

- one (1) x Cr Chad White.
- one (1) x Cr Colleen Gorman
- four (4) x Cr Jan Parlett
- three (3) x Cr Paul Best

An Open Ballot was held with Crs Paul Best and Jan Parlett elected Board Members on Central Tablelands Water County Council; as per resolution 198/24.

Two (2) x nominations were received for the position on Floodplains Advisory Committee; nominations were received as follows:

- Cr John Niven
- Cr Simon Rolls

The Nominations were put and carried unanimously.

Four (4) x nominations were received for the position on the General Manager's Performance Management Committee; nominations were received as follows:

- Cr Chad White
- Cr John Niven
- Cr Simon Rolls
- Cr Jan Parlett

An Open Ballot was held with Cr Rolls receiving five (5) votes, Cr Parlett two (2) votes, Cr White one (1) vote and Cr Niven one (1) vote.

One (1) x nomination was received for the position on the NSW Public Libraries Association; nominations were received as follows:

- Cr Michael Neill

The Nomination was put and carried unanimously.

Two (2) x nomination was received for the position on the Weddin Local Traffic Committee; nominations were received as follows:

- Cr Colleen Gorman
- Cr Wezley Makin

An Open Ballot was held with Cr Makin receiving six (6) votes, and Cr Gorman receiving three (3) votes.

Three (3) x nominations were received for the position on the Bogolong Dam Precinct Committee; nominations were received as follows:

- Cr Simon Rolls
- Cr Michael Neill
- Cr Colleen Gorman

The Nominations was put and carried unanimously.

Two (2) x nominations were received for the position on the Henry Lawson Festival of Arts Committee; nominations were received as follows:

- Cr Jan Parlett
- Cr Wezley Makin

The Nominations was put and carried unanimously.

## **PURPOSE**

To provide Council a list of Committee Delegates positions that require Councillor appointment.

## **BACKGROUND**

In alignment with the Local Government 2024 election and the new term of Council. Delegates are now sought for the different Council Committees, for the four years of the new Council term.

It has previously been resolved in 2016 by Council, that Council and Community representatives be elected for a term of two years.

With the opportunity of a newly elected Council, Council last took a review of its council committees in 2020. A further review and analysis have been undertaken of the Council committees.

## **ISSUES AND COMMENTS**

### **Council Committees**

Attachment One outlines the various Council Committees which include:

- Statutory (legislative requirement for them to operate).
- Legislated (defined under the Local Government Act 1993, e.g. Central NSW Joint Organisation and Central Tablelands Water).

- Section 355 committees (under s. 355 of the Local Government Act 1993).
- Peak body memberships
- Community.

A review and analysis have been undertaken by Council's Executive team, and with some guidance from the consultant who previously conducted the Section 355 committee reviews in 2020. As a result, the following committees are recommended to be dealt with today for membership because of their statutory and legislated requirements.

The information relating to the following committees including charters, terms of reference or flyers has been provided to Council under separate cover and link prior to the Council meeting.

<b>TABLE ONE: Legislated/Statutory Committees</b>		
<b>Committee</b>	<b>Type</b>	<b>Councillor</b>
Audit, Risk and Improvement Committee (ARIC)	Statutory	1 x Councillor <a href="#">Cr Montgomery (Alternative Cr Rolls)</a>
Central NSW Joint Organisation (CNSWJO)	Legislated	1 x Mayor (Alternative Deputy Mayor)
Central Tablelands Water	Legislated	2 x Councillors to become Board members (member fees plus super) <a href="#">Cr Parlett</a> <a href="#">Cr Best</a>
Country Mayors Association	Peak Body	Mayor
Floodplains Advisory Committee	Statutory	2 x Councillors <a href="#">Cr Niven</a> <a href="#">Cr Rolls</a>
General Manager's Performance Management Committee	Advisory Statutory	Mayor Deputy 1 x Cr (elected by Council) 1 x Cr (chosen by General Manager) <a href="#">Cr Rolls</a> (elected by Council)
NSW Public Libraries Association	Peak Body	1 x Councillor <a href="#">Cr Neill</a>
Weddin Local Traffic Committee	Statutory	1 x Councillor <a href="#">Cr Makin</a>

In undertaking a preliminary review of the other various committees, a number of committees have been flagged for further review. The preliminary review determined the need for a number of these committees and sentiments expressed included that the committees were meeting for the sake of meeting with no purpose, budget or projects to manage. For example, the formation of the s. 355 Tourism Committee was to assist in developing the



Destination Management Plan and therefore questions on the need for a committee or at least in part, the meeting frequency to be reduced have been raised.

Council's team have been directed to undertake ways to look at the committee's charters and governance. In consultation with Council's consultant who undertook the section 355 review, it was noted that a number of community committees that have councillor delegates did not form part of the 2020 review. The consultant recommended that Council's membership on these committees should be resolved by way of new resolution and for Councillor delegates to provide delegate reports for attending these meetings, which could include meeting minutes or a report to Council.

The following Section 355 committees, under the Local Government Act 1993, will also need Councillor delegates which have clear purpose and direction. The information relating to the following committees including charters have been provided to Council under separate cover and link prior to the Council meeting.

<b>TABLE TWO: Section 355 Committees</b>			
<b>Committee</b>	<b>Type</b>	<b>Councillor</b>	<b>Review and Recommendation</b>
Bogolong Dam Precinct Committee	s. 355	3 x Councillors Cr Rolls Cr Neill Cr Gorman	Overseeing the decommissioning/ Dam Safety studies funded through Stronger Country Communities Fund Required Reduce meeting frequency to Feb, June, October
The Henry Lawson Festival of Arts	s. 355	2 x Councillors Cr Parlett Cr Makin	Required No change

In addition to the above, Council should also put an expression of interest to the membership of the Bogolong Dam Precinct Committee out to allow the formation of members for a four (4) year period. The current membership includes three community members.

### **Section 355 Committees to be deferred**

Attachment One provides a breakdown of Council Section 355 Committees that require further review and analysis due to the purpose and lack of direction of these meetings. Councillors, staff and community members should avoid meeting, for the sake of having a meeting. This allows for a new opportunity to look at the efficacy of these committees, their requirements and if they remain, how to operate them efficiently and purposefully.

The following Section 355 Committees require further review:

- Heritage Committee
- Quandialla Pool Committee
- Tourism Committee
- Weeds Committee.

### **Community committees to be deferred**

A number of community committees where it is unclear about Council's membership has been flagged. This can be resolved with a new resolution for Council's membership. Delegates will be required to table a report to Council on the meeting attended. This will form part of a further review process.

This includes:

- Lachlan Regional Transport
- Weddin Health Council
- Weddin Landcare Steering Committee

### **Staff delegated Committees**

A number of committees also have staff only delegates and no Councillors. These are listed for Councillors awareness only. However, noting that previously, Council had membership of Councillors on two RFS committees, being the Mid Lachlan Valley Team Bushfire Management Committee and Weddin Rural Fire Service Management Team. Consultation with the RFS has informed that Councillors should not be attending these meetings and as a result, attendance will be staff only.

### **POLICY/LEGAL IMPLICATIONS**

There are no direct policy or legal implications arising from this report. However, noting that historically, membership was for a period of two years. It is recommended that in moving forward, memberships and commitment to committees is for the council term, of four years. Councillors may request to be removed off a committee for other reasons at a later date.

### **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resource implications arising from this report. A review will be undertaken by Council's Executive Team.

### **INTERNAL/EXTERNAL CONSULTATION**

A preliminary review was undertaken by Council's Executive team of committee memberships. A number of committees have been flagged for deferral until a review is undertaken. There is opportunity now for Council to endorse and approve councillor memberships for:

- Audit, Risk and Improvement Committee (ARIC)
- Central NSW Joint Organisation (CNSWJO)
- Central Tablelands Water
- Country Mayors Association
- Floodplains Advisory Committee
- General Manager's Performance Management Committee
- NSW Public Libraries Association
- Weddin Local Traffic Committee
- Bogolong Dam Precinct Committee
- The Henry Lawson Festival of Arts

The General Manager will now seek nominations for community membership for the Boolong Dam Precinct Committee and will table a paper to the November 2024 Ordinary Council Meeting for Council's endorsement.

The Henry Lawson Festival of Arts Committee community membership is managed by the community members.

The General Manager will provide a further review of committees that have been deferred for delegates until a review is undertaken to the November or December 2024 Council meeting.

## **CONCLUSION**

The report provides a list of committees that require Councillor delegates. A number of committees have been deferred until a review is undertaken by staff which will be tabled in November or December 2024.

**6.7 POLITICAL DONATIONS & ELECTION EXPENDITURE DISCLOSURES**

**File Number:**

**Author:** Executive Assistant to the General Manager

**Authoriser:** General Manager

**Attachments:** Nil

**CSP Objective:** Democratic and engaged community supported by efficient internal systems

**Precis:** To provide Councillors with information regarding obligations of disclosure of political donations and electoral expenditure.

**Budget:** NIL

**RECOMMENDATION**

That Council

1. Note the information contained in this report.
2. Note Councillors obligations regarding disclosure of political donations and electoral expenditure to the NSW Electoral Commission.
3. Note the key timelines for submitting disclosures to the NSW Electoral Commission.

**RESOLUTION 200/24**

Moved: Cr Gorman

Seconded: Cr Rolls

That Council

1. Note the information contained in this report.
2. Note Councillors obligations regarding disclosure of political donations and electoral expenditure to the NSW Electoral Commission.
3. Note the key timelines for submitting disclosures to the NSW Electoral Commission.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**PURPOSE**

To provide Councillors with information of their obligations and the reporting timelines for political donations and electoral expenditure disclosures.

**BACKGROUND**

All Councillors must submit political donations and electoral expenditure disclosures to the NSW Electoral Commission periodically during their term of office.

There are three (3) types of disclosures to submit each year: two (2) half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

Councillors must also submit disclosures in relation to their capacity as a candidate in the 2024 local government elections. These being two (2) half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

All political donations made and received (except those disclosed in a pre-election period disclosure) must be disclosed every six (6) months in a half-yearly donation disclosure. Half-yearly donation disclosures are published on the NSW Electoral Commission website.

## ISSUES AND COMMENTS

The two half-yearly disclosure periods are:

- first half-yearly donations disclosure period: 1 July to 31 December due by 11 February 2025.
- second half-yearly donations disclosure period: 1 January to 30 June due by 12 August 2025.

You can submit a disclosure online using Funding and Disclosure Online - <https://elections.nsw.gov.au/funding-and-disclosure/funding-and-disclosure-online>. For more information and instructions on how to use Funding and Disclosure Online, please visit the NSW Electoral Commission's website - <https://elections.nsw.gov.au/funding-and-disclosure/funding-and-disclosure-online/how-to-guides>.

The annual electoral expenditure disclosure period:

- starts on 1 July
- ends on 30 June.

A 'nil' disclosure form must be submitted in no electoral expenditure is incurred within the annual period.

All electoral expenditure incurred must be disclosed within 12 weeks after the end of the annual period and is due by 22 September.

Detailed information about political donations and electoral expenditure disclosures is available on the [NSW Electoral Commission website](#).

Section 328A of the *Local Government Act 1993* stipulates that the General Manager must keep a register of copies of current declarations of disclosures of political donations lodged with the NSW Electoral Commission by or on behalf of Councillors. Council will provide Councillors a link on its website to the NSW Electoral Commission's website, which facilitates access to declarations of disclosures. The link satisfies the requirements of the aforementioned section of the Act.

Under separate item to this report, Councillors must note that they have obligations to submit other forms to Council for our own legislated purposes. This includes the Related Party Disclosures and the Written Returns of Interest. These processes should not be confused as the same.

## POLICY/LEGAL IMPLICATIONS

A disclosure is the reporting of political donations and electoral expenditure to the NSW Electoral Commission. Penalties apply for non-compliance. The NSW Electoral Commission may issue warnings, penalties or prosecute offences including failure to lodge by the due date.

**FINANCIAL/RESOURCE IMPLICATIONS**

The NSW Electoral Commission may issue warnings, penalties or prosecute offences including failure to lodge by the due date.

**INTERNAL/EXTERNAL CONSULTATION**

Councillors are obligated to provide their own submissions directly to the NSW Electoral Commission. Council staff will not be sending reminders regarding the NSW Electoral Commission's requirements. This will be the first and last reminder of Councillors' obligations outside of Weddin Shire Council processes.

**CONCLUSION**

That Councillors note their obligations and due dates for submitting the disclosures to the NSW Electoral Commission. Under separate item to this report, Councillors must note that they have obligations to submit other forms to Council for our own legislated purposes.

**6.8 WRITTEN RETURN OF INTERESTS AND RELATED PARTY DISCLOSURES**

**File Number:** C2.2.2  
**Author:** Executive Assistant to the General Manager  
**Authoriser:** General Manager  
**Attachments:** 1. ATT 1 | 1.1.8\_Written Return of Interests 2024 - 2025  
2. ATT 2 | Completing Returns of Interest Forms  
3. ATT 3 | 1.1.7\_ Councillors\_Designated Staff - Related Party Disclosure Form\_2024 - 2025  
**CSP Objective:** Shire assets and services delivered effectively and efficiently  
**Precis:** Written Return of Interests and Related Party Disclosures following Council elections  
**Budget:** \$ Nil.

**RECOMMENDATION**

That Council:

1. Note the information contained in this report.
2. Note the requirement to lodge Written Return of Interest form within three (3) months of being an elected Councillor.
3. Note that Key Management Personnel review their personal circumstances and determine if they are required to lodge a Related Party Transaction Notification within 30 days of being elected.

**RESOLUTION 201/24**

Moved: Cr Parlett  
Seconded: Cr Montgomery

That Council:

1. Note the information contained in this report.
2. Note the requirement to lodge Written Return of Interest form within three (3) months of being an elected Councillor.
3. Note that Key Management Personnel review their personal circumstances and determine if they are required to lodge a Related Party Transaction Notification within 30 days of being elected.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**PURPOSE**

The purpose of this report is to provide Councillors and Designated persons a formal reminder on their requirement to lodge a Written Return of Interest within three months of being an elected Councillor and a Related Party Disclosures within 30 days of being an elected Councillor.

## BACKGROUND

### Written Returns of Interest

Under the 'Model Code of Conduct for Local Councils in NSW' (the Model Code of Conduct), all Councillors and Designated persons are required to disclose their personal interests in publically available returns of interests. These operate as a key transparency mechanism for promoting community confidence in Council decision-making.

Councillors must make and lodge with the General Manager a return in the attached form, disclosing their interests within three (3) months after:

- (a) becoming a Councillor; and
- (b) 30 June each year; and
- (c) becoming aware of an interest they are required to disclose under schedule 1 of the Model Code of Conduct that has not been previously disclosed in a return lodged under (a) or (b).

The Office of Local Government (OLG) has released its Post Election Guide, an external website that assists Councillors with their post-election life. This includes the information pertaining to the Written Returns of Interest. As per the OLG Audit, Weddin Shire Councillors need to ensure that all questions are answered, if the question is not applicable to the individual Councillor then please write 'not applicable' or 'does not apply'. In addition, Councillors must provide their place of residence in question 1; this applies to all Councillors.

### Related Party Disclosures

The Related Party Disclosure Policy requires Weddin Shire Council's financial statements to contain disclosures necessary to comply with the Australian Accounting Standards AASB 124 – Related Party Disclosure.

Related party relationships are a normal feature of commerce and business. A related party relationship could have an effect on the profit or loss and financial position of Council. Related parties may enter into transactions that unrelated parties would not. For example, an entity that sells goods to its parent at cost might not sell on those terms to another customer.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

Council is committed to responsible corporate governance, including compliance with the laws and regulations governing related party transactions.

In accordance with Council's Related Party Disclosures Policy, Councillors are required to submit this form within 30 days of being elected (declaration date).

## ISSUES AND COMMENTS

### Written Returns of Interest

Council must make all returns of interests publically available in accordance with the requirements of the *Government Information (Public Access) Act, 2009*, the *Government Information (Public Access) Regulation, 2018* and relevant guidelines issued by the NSW Information Commissioner.

Information Access Guideline 1 states that Councillors' returns of interests must be made publicly available free of charge on Council's website, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose



unreasonable additional costs on Council. It is open to Council to redact information from returns of interests (e.g. a person's signature and residential address) when publishing returns on its website where there is an overriding public interest against the disclosure that information.

The returns specifically referenced in this Council report is for Councillors must make and lodge with the General Manager a return in the attached form, disclosing their interests within three (3) months after becoming a Councillor.

As such the Written Return of Interest form (Attachment 1) is due to be lodged by 8 January 2025 for tabling at the Ordinary Council Meeting in February 2025.

Councillors also have obligations regarding political donations and electoral expenditure to the NSW Electoral Commission and provided under a separate report. These processes should not be confused as the same.

### **Related Party Disclosure**

The Related Party Disclosure Notifications must be submitted by key management personnel within 30 days of being elected. Key Management Personnel must proactively notify of any new or potential related party transactions that the person knows of, or any changes to previously notified related party relationships or transactions, relevant to the subject financial year by providing this to the General Manager.

The Related Party Disclosure Notification in this Council report is for the period of the financial year (i.e. since 1 July 2024 to the declaration date).

A copy of the form can be found in Attachment 3.

### **POLICY/LEGAL IMPLICATIONS**

There is no direct policy or legal implication with this report. However, failure to submit the Written Return of Interests within the three (3) months of becoming an elected official of Council – 8 January 2025, will be in breach of the Model Code of Conduct and breaches of these requirements are to be referred to the Office of Local Government.

Failure to lodge the Related Party Disclosure Notification will result in a breach of the Related Party Disclosure Policy and the Australian Accounting Standards AASB 124 – Related Party Disclosures.

### **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial or resourcing implications arising from this report.

### **INTERNAL/EXTERNAL CONSULTATION**

This report is being brought to Council for information and does not require consultation. Councillors may also visit the OLG Website for post-election information: <https://www.olg.nsw.gov.au/public/local-government-elections/>

In relation to the Written Returns of Interest Forms and the Related Party Disclosure, Council staff will send reminders to Councillors to ensure they lodge it with Council by the required date.

Council Officers are unable to fill these forms out for Councillors.

### **CONCLUSION**

Under the 'Model Code of Conduct for Local Councils in NSW' (the Model Code of Conduct), all Councillors and Designated persons are required to disclose their personal interests in

publically available returns of interests. These operate as a key transparency mechanism for promoting community confidence in Council decision making.

Under Council's Related Party Disclosure Policy and in accordance with Australian Accounting Standards AASB 124 – Related Party Disclosures, key management personnel are required to submit their Related Party Disclosure Notification.

**6.9 FILLING CASUAL VACANCIES OCCURRING IN THE OFFICES OF COUNCILLORS****File Number:****Author:** General Manager**Authoriser:** General Manager**Attachments:** Nil**CSP Objective:** Democratic and engaged community supported by efficient internal systems**Precis:** Filling of casual vacancies in the offices of Councillors by by-election or countback.**Budget:****RECOMMENDATION**

## That Council:

1. Note the information contained in this report.

## Option 1

2. Pursuant to section 291A(1)(b) of the *Local Government Act 1993* Weddin Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Election Manager of the Council's decision within 7 days of the decision.

## Option 2

2. Pursuant to section 291 of the *Local Government Act 1993* Weddin Shire Council declares that if a casual vacancy occurs in civic office, the office is to be filled by a by-election.

**RESOLUTION 202/24**

Moved: Cr Montgomery

Seconded: Cr Rolls

## That Council:

1. Note the information contained in this report.

## Option 2

2. Pursuant to section 291 of the *Local Government Act 1993* Weddin Shire Council declares that if a casual vacancy occurs in civic office, the office is to be filled by a by-election.

**THE MOTION WAS CARRIED****MOTION**

Moved: Cr Niven  
Seconded: Cr Parlett  
That Council select Option 1.

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## THE MOTION WAS PUT AND DEFEATED

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### PURPOSE

To seek Council's direction on a by-election or a countback process to fill casual vacancies occurring in the first 18 months.

### BACKGROUND

A casual vacancy can occur when a Councillor cannot complete their term. To fill the vacancy, a by-election or countback process can occur.

A countback is held when a vacating councillor was elected by proportional representation. All candidates who were not elected at the original election (14 September 2024) and who are eligible to still be a councillor are automatically participants in the countback within the specified time period.

A by election is where people vote to elect a new councillor within the specified time period.

Section 291A of the *Local Government Act 1993* provides an opportunity for Council to consider a countback of votes cast at the last ordinary election to be used instead of a by-election should a casual vacancy occur in the office of a Councillor if: -

- the casual vacancy occurs within eighteen (18) months after the date of the last ordinary election of the Councillors for the area; and
- Council has at its first meeting following that ordinary election of Councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

### ISSUES AND COMMENTS

If Council resolves that a countback election is to be held to fill any casual vacancies, the General Manager is required under the Local Government (General) Regulation, 2021 to notify the election manager of the ordinary election within seven (7) days of the resolution.

### POLICY/LEGAL IMPLICATIONS

Council is required to consider the process of casual vacancies by countback at its first meeting.

### FINANCIAL/RESOURCE IMPLICATIONS

Casual vacancies filled by countback process can be lower in costs than holding a by-election. The cost of the election was approximately \$52,000. Council's prior countback election on 26 April 2022 was charged at \$16,000. A dispute was lodged and subsequently the revised cost was reduced to \$4,150. A by-election cost would be similar to the full election cost. In considering this matter, the Council must consider the option of allowing electors to vote for a new councillor or to go to a countback process.

### INTERNAL/EXTERNAL CONSULTATION

This is currently a matter for the Council to decide at its first meeting.

## CONCLUSION

A casual vacancy can occur when a Councillor cannot complete their term. To fill the vacancy, a by-election or countback process can occur. Council will now have to consider the options under section 291A of the Local Government Act 1993 at its first meeting.

### 6.10 COUNCILLOR INDUCTION PROGRAM AND CAPABILITY PLAN

**File Number:****Author:** General Manager**Authoriser:** General Manager**Attachments:** Nil**CSP Objective:** Democratic and engaged community supported by efficient internal systems**Precis:** The following provides information on the Councillor Induction processes.**Budget:** Approximately \$4,750.00 (GST exclusive) plus travel costs and disbursements

## RECOMMENDATION

**That Council:**

1. Note the information contained in this report.
2. Note the Councillor induction on the Weddin Shire Council – Councillor WHS Induction and Councillor Arrangement Handbook occurred on 4 October 2024.
3. Note the Councillor induction (two-day program) with an independent facilitator will occur on 31 October and 1 November 2024.
4. Note and action the Councillor Capability Plan.
5. Note the Councillor induction programs are mandatory under the Local Government (General) Regulation 2021.

## RESOLUTION 203/24

**Moved:** Cr Montgomery**Seconded:** Cr Neill**That Council:**

1. Note the information contained in this report.
2. Note the Councillor induction on the Weddin Shire Council – Councillor WHS Induction and Councillor Arrangement Handbook occurred on 4 October 2024.
3. Note the Councillor induction (two-day program) with an independent facilitator will occur on 31 October and 1 November 2024.
4. Note and action the Councillor Capability Plan.

- 
5. Note the Councillor induction programs are mandatory under the Local Government (General) Regulation 2021.
- 

### THE MOTION AS CARRIED UNANIMOUSLY

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#### PURPOSE

To provide Council a formal notification of the Councillor Induction processes and Capability Plan.

#### BACKGROUND

An induction program is a process used within many businesses, government agencies and non-government bodies to welcome new people to an organisation and to prepare them for their new roles. In the local government context, a good councillor induction program can build early positive relationships and teamwork between councillors, increase productivity and provide essential knowledge from the moment a mayor or councillor is elected. This can ensure newly elected mayors and councillors become more productive in a shorter period of time. Councillor induction programs are mandatory under the *Local Government (General) Regulation 2021*.

This report provides Councillors an understanding of the Councillor Induction Program which incorporates a number of activities to induct Councillors in over the next six months.

Councillors were inducted into the Weddin Shire Council – Councillor WHS Induction and Councillor Arrangement Handbook ('Handbook') on 4 October 2024 and circulated to Councillors. The Handbook is intended to be an introduction to the work, health and safety processes of Council. The Councillor Arrangement section gives a brief overview of the Weddin Shire Council arrangements we make, to assist Councillors in carrying out your role. It provides an understanding and oversight of how Council operates and the role of a Councillor within it, key policies, protocols and expectations as a Councillor.

It is important to note that the Councillor WHS Induction and Councillor Arrangement Handbook is not intended to be a complete list of requirements as the Councillor role but as a broad snapshot of Weddin Shire Council's processes. **The Office of Local Government (OLG) has released the [Councillor Handbook](#) (September 2024) and this is the 'go-to' handbook.**

The Councillor's Capability Plan assist our Weddin Shire Councillors with their learning and development in their role as a Councillor for the 2024-2028 period. The Plan was developed utilising the Office of Local Government's Councillor Induction and Professional Development Guidelines (2018). In 2016, an amendment to the Local Government Act 1993 saw an additional responsibility added to the role of Councillors to include "*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor*".

#### ISSUES AND COMMENTS

##### **Councillor Induction (4 October) – Councillor WHS Induction and Councillor Arrangement Handbook**

The Handbook is intended to be an introduction to the work, health and safety processes of Council. The Councillor Arrangement section gives a brief overview of the Weddin Shire Council arrangements we make, to assist Councillors in carrying out your role. It provides

an understanding and oversight of how Council operates and your role as a Councillor within it, key policies, protocols and expectations as a Councillor.

Section 8A(1)(i) of the *Local Government Act 1993* (LG Act) provides as a guiding principle that Councils 'should be responsible employers and provide a consultative and supporting work environment for staff.' This reflects the importance of obtaining robust advice from staff to support collective decision making by Councillors, as well as the legal duty of care under other legislation. Councillors should be mindful of the duties they have under Section 4 of the *Work Health and Safety Act 2011* (WHS Act), to 'take reasonable care that his or her act or omissions do not adversely affect the health and safety of other persons.'

This duty is reflected in the Model Code of Conduct for Local Councils in NSW (Model Code), and by extension, the Council's own adopted code of conduct. The Model Code also places obligations on Councillors not to engage in conduct that causes, comprises or involves intimidation or verbal abuse, or that constitutes harassment or bullying behaviour, or is unlawfully discriminatory.

The OLG and SafeWork NSW have released a video relating to [Local Government Councillor Work Health and Safety Duties and Behaviours](#).

The Arrangements section included information on a number of administration information like the use of the Councillor laptops, the council vehicle, how to contact staff etc. The Arrangements section clearly states that:

Councillors are entitled to make claims for reimbursement of expenses that are in accordance with the [Councillor Expenses and Facilities Policy](#).

Forms will be available on LG Hub or at the back of the [Councillor Expenses and Facilities Policy](#).

**Expenses claimed outside of the adopted policy of Council and/or the *Local Government Act 1993* will not be processed and reported through the appropriate avenues.**

### **Councillor Induction (Two-day program)**

A two-day councillor induction will occur on 31 October and 1 November 2024 by an independent facilitator. The program will include:

- What is local government?
- Local government in NSW
- NSW councils
- Principles of local government
- Roles and responsibilities
- The importance and dynamics of councillor relationships
- Code of Conduct
- Code of Meeting Practice
- Integrated Planning and Reporting (IP&R) Framework
- Town planning
- Financial management oversight

- Specifics on Weddin Shire Council's governance and key planning and policy documents.
- 'Line in the sand' on the policy/operational distinction
- Appointment and oversight of the General Manager
- Joint organisations and regional context of local government
- Media and communications
- The realism of local government
- The art of the effective Mayor and the art of the effective Councillor
- Support for Councillors

### **Councillor Capability Plan**

The Councillor's Capability Plan assist Weddin Shire Councillors with their learning and development in their role as a Councillor for the 2024-2028 period. The Plan was developed utilising the Office of Local Government's Councillor Induction and Professional Development Guidelines (2018). In 2016, an amendment to the Local Government Act 1993 saw an additional responsibility added to the role of Councillors to include *"to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor"*.

To ensure that Councillors get the best opportunities with capability development within our allocated operating budget, Councillors are asked to read through the OLG's guidelines and through this plan. Please also visit websites that provide training for Councillors such as the LGNSW training portal and other service providers and come up with some ideas.

Once Councillors have completed a copy of the initial assessment, Councillors are asked to meet with the General Manager and the Mayor to go through the initial assessment. The plan is for the rest of Council term, there is opportunity to go back and amend the plan, however bearing in mind, that any expenditure will require approval from the General Manager.

Delegations to conferences or seminars representing Weddin Shire Council, requires Council approval prior to registration and attendance. Failure to do so will render the Councillor responsible to cover their own expenses.

The underpinnings to make this Capability Plan a success also includes complying with the provisions set out in the Councillors Expenses and Facilities Policy.

The process is to allow Councillors to develop their plans and work together as a team to share resources wherever possible.

The Capability Plan also outlines indicative workshops which will be carried out over the next 12 months. For transparency, the document has been online since 2 July 2024 to allow candidates and the public to understand the Councillors training and development needs and the intended workshops that are not livestreamed.

The Capability Plan also outlines training and learning opportunities that will be undertaken by the CNSWJO that will invite member councillors to attend their various workshops. This



allows cost effective approaches to training and development and networking opportunities for our Council.

A folder of print out with documents mentioned as well as additional policies and copies of forms was provided to Councillors on 4 October 2024.

### **POLICY/LLEGAL IMPLICATIONS**

The information complies with the Local Government Act 1993 and the information provided in the relevant guidelines from the OLG.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The Councillor Two-day induction process will cost approximately \$4,750.00 (GST exclusive) plus travelling costs and disbursements. This will come out of the Councillor vote for training and development. Councillors have a training and development budget of \$15,000 for FY2025. The Mayor has a separate training budget of \$5,000 to cover such costs like Country Mayors and the CNSWJO Board meetings. This has been partly utilised for this financial year with the previous council term.

### **INTERNAL/EXTERNAL CONSULTATION**

In developing the resources for Councillors, consultation was undertaken with the Central NSW Joint Organisation member councils. The Weddin Shire Council – Councillor WHS Induction and Councillor Arrangement Handbook and the Weddin Shire Capability Plan will be used as a model template by the CNSWJO and other councils.

### **CONCLUSION**

Councillors were formally inducted into the Weddin Shire Council – Councillor WHS Induction and Councillor Arrangement Handbook on 4 October 2024. This included the sharing of a number of resources, an induction on work, health and safety and the inclusion of a number of tools for Councillors in undertaking their role. The comprehensive two-day induction process has been booked for the new Council on 31 October 2024 and 1 November 2024. Councillors will also be supported to fill out their Councillor Capability Plan. A folder of print out with documents mentioned as well as additional policies and copies of forms was provided to Councillors on 4 October 2024.

## 7 CORPORATE SERVICES REPORTS

### 7.1 PRESENTATION OF DRAFT 2023-2024 ANNUAL FINANCIAL STATEMENTS

**File Number:**

**Author:** General Manager

**Authoriser:** General Manager

**Attachments:**

1. ATT 1 | Weddin Shire Council General Purpose Financial Statements
2. ATT 2 | Weddin Shire Council Special Purpose Financial Statements

**CSP Objective:** Shire assets and services delivered effectively and efficiently

**Precis:** To present the Draft 2023-2024 Annual Financial Statements to the Council for adoption to refer to the Auditors

**Budget:** Nil

### RECOMMENDATION

That the Council:

1. Note the information contained in this report.
2. Note that statement in accordance with Section 413(2)(c) of the *Local Government Act 1993*, Clause 215 of the Local Government (General) Regulation 2021, for the General Purpose Financial Statements for the year ending 30 June 2024 be made.
3. Note the statement in requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2024 be made.
4. Note the statement to be signed by the Mayor, Deputy Mayor, General Manager, and Responsible Accounting Officer.
5. Approve for the Draft General Purpose Financial Statements, Special Purpose Financial Statements, and Special Schedules be referred for audit.
6. Note the Council's reaffirmation on its position on the non-recognition of Rural Fire Service assets in the Financial Statements.
7. Note that the audit opinion to be issue by the Audit Office of NSW will likely be a qualified opinion for the non-recognition of Rural Fire Service assets in the Financial Statements;
8. Endorse that all statements present fairly the operating result and the financial position for the year and Council is not aware of any matter that would render the statements false or misleading in any way.
9. Note that the Audit Risk and Improvement Committee (ARIC) at a Special Meeting on 23 September 2024 reviewed the working Draft Annual Financial Statements noting some minor adjustments (to be made prior to council's review) which have now been made.

10. Note that following the audit, that the Audited Draft Financial Statements, will be placed on public exhibition for a period of 7 days for the purpose of inviting submissions from the community.
  11. Note that following endorsement or noting the above 10 points that Council will provide these draft financial statements to Crowe as our contract Auditors for the NSW Audit Office for auditing.
  12. Note that Crowe will be commencing their audit on site from Tuesday 8 October 2024.
  13. Note that following the declaration of the Weddin Shire Council, that the Council will consider the draft 2023-2024 Draft Annual Financial Statements at its 8 October 2024 Extraordinary Meeting of Council.
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## RESOLUTION 204/24

Moved: Cr Parlett

Seconded: Cr Montgomery

That the Council:

1. Note the information contained in this report.
  2. Note that statement in accordance with Section 413(2)(c) of the *Local Government Act 1993*, Clause 215 of the Local Government (General) Regulation 2021, for the General Purpose Financial Statements for the year ending 30 June 2024 be made.
  3. Note the statement in requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2024 be made.
  4. Note the statement to be signed by the Mayor, Deputy Mayor, General Manager, and Responsible Accounting Officer.
  5. Approve for the Draft General Purpose Financial Statements, Special Purpose Financial Statements, and Special Schedules be referred for audit.
  6. Note the Council's reaffirmation on its position on the non-recognition of Rural Fire Service assets in the Financial Statements.
  7. Note that the audit opinion to be issue by the Audit Office of NSW will likely be a qualified opinion for the non-recognition of Rural Fire Service assets in the Financial Statements;
  8. Endorse that all statements present fairly the operating result and the financial position for the year and Council is not aware of any matter that would render the statements false or misleading in any way.
  9. Note that the Audit Risk and Improvement Committee (ARIC) at a Special Meeting on 23 September 2024 reviewed the working Draft Annual Financial Statements noting some minor adjustments (to be made prior to council's review) which have now been made.
  10. Note that following the audit, that the Audited Draft Financial Statements, will be placed on public exhibition for a period of 7 days for the purpose of inviting submissions from the community.
-

11. Note that following endorsement or noting the above 10 points that Council will provide these draft financial statements to Crowe as our contract Auditors for the NSW Audit Office for auditing.
12. Note that Crowe will be commencing their audit on site from Tuesday 8 October 2024.
13. Note that following the declaration of the Weddin Shire Council, that the Council will consider the draft 2023-2024 Draft Annual Financial Statements at its 8 October 2024 Extraordinary Meeting of Council.

**THE MOTION WAS CARRIED UNANIMOUSLY**

## MOTION

### RESOLUTION 205/24

Moved: Cr Parlett

Seconded: Cr Montgomery

That Council note the reaffirmation on its position on the non-recognition of Rural Fire Service assets in the Financial Statements.

**THE MOTION WAS CARRIED UNANIMOUSLY**

## PURPOSE

The purpose of this report is to provide the Council the Draft Annual Financial Statements for the year ended 30 June 2024 and for the Council to refer all accounts to the Audit Office of NSW for the 2023-2024 period. *The report also provides the Council an overview of the likely situation that Council may receive a Qualified Audit.*

## BACKGROUND

In accordance with Part 4 of the *Local Government Act 1993*, under s. 428, within five months after the end of year financial year, a Council must prepare an annual report highlighting its achievements for implementing its deliver program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

Under s. 428 (4), an annual report must contain:

- (a) a copy of the council's audited financial reports prepared in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* published by the Department, as in force from time to time,
- (b) such other information or material as the regulations or the guidelines under section 406 may require,
- (c) a statement of the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue,
- (d) a statement of steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.

The presentation relates to the Draft Annual Financial Statements for the period of 2023-2024. The Draft Annual Report will be provided to the Council with the Audited Financial Statements following the audit.

A working draft of the 2023 Annual Financial Statements was prepared and presented to Council's Audit, Risk and Improvement Committee (ARIC) on 23 September 2024. A presentation of the working draft statements was provided by Council's external contractor, Luka Group.

## **ISSUES AND COMMENTS**

Weddin Shire Council would like to thank Luka Group, the Director of Corporate Services and the Management Accountant for their assistance in preparation of the 2023-2024 Annual Financial Statements. Please note the following information from the Draft Annual Financial Statements.

### **'Red Fleet' Rural Fire Service**

At the July 2022 Ordinary Meeting, Council resolved not to recognise the "Red Fleet", the Rural Fire Service (RFS) assets on the balance sheet. The Council are asked to reconfirm this position at its 8 October 2024 Extraordinary Council Meeting. This position will likely result in a 'qualified audit opinion' for the non-recognition of the RFS assets. A position paper has been written to justify our position however, it is likely to still result in a 'qualified audit opinion'. A summary on the 'red fleet' issue can be found here:

[https://www.centraljo.nsw.gov.au/content/uploads/221111\\_Red-Fleet-Assets\\_Final.pdf](https://www.centraljo.nsw.gov.au/content/uploads/221111_Red-Fleet-Assets_Final.pdf)

### **2023/2024 Comments**

Council will be provided a pre-briefing summary on 4 October 2024 including a printed copy of the Draft 2023-2024 Financial Statements. A page-turn will also occur on 8 October 2024 with Council's contractor – Luka Group.

In preparing the draft Annual Financial Statements, Council is likely to receive a qualified audit opinion. This includes the position on the "Red Fleet" of the Rural Fire Service.

Other main highlights to comment on are as follows:

- Our net operating surplus was approximately \$1.072 Million and excluding capital grants it was a deficit of \$1.392 Million (capital grants being \$2.464 Mil).
- Rates, Interest Income, and net gain from Capital Proceeds were similar to last year.
- User Charges and Fees were significantly less. Last year included a significantly higher amount from RMCC revenue which was not received this year. This amount is entirely dependent upon what Transport for NSW deems it will spend on highways across the Shire by council and does vary from year to year.
- The main differences from last year were firstly Operating Grant revenue (up by up by about \$1.901 Million from last year to \$14.499 Million this year), Capital Grants for capital purposes on the other hand were lower by about \$7.654 Million to \$2.464 Mil. Most of the grant funding received this year was for operational purposes only (disaster recovery flood repairs) and not for capital purposes.
- Other Revenue was \$1.039 Million (up by about \$0.566 Million due in most part to the unrealised increase in council's third share in the value of Central Tablelands Water).

- Employee expenses has increased to \$7.0 Million this year and this increase is mainly due to increased casuals due to road grant funded activities. Last year we outsourced a lot more of our road and traffic controller functions while this year we did these in house with additional casual staff. However in line with Award increases and Superannuation increases that Council is obligated to do under the law, this was also part of this consideration.
- Materials and services of \$13.889 Million was commensurate with the increase in the Operating Grants received.
- Depreciation increased by \$0.568 Million due in the main to the increase in the revaluation of IPP&E.
- Other expenses and Borrowing expenses were both similar to last year.

In terms of the Position Statement, we note the following:

- Total cash this year is a lot higher than last year due mainly to the receipt of 85% up front on the 2024-2025 Financial Assistance Grant (\$3.376 Mil), as well as a 205 Tri-Partite flood repair funds (\$4.571 Mil).
- External Restrictions are about \$9.646 Mil, and Internal Allocations are \$7.762 Million and these can be seen in detail at Note C1-2. Unrestricted cash is about \$1.081K.
- Total IPP&E is \$265.935 Million which is up by about \$10 Million from last year (a combination of an increase in Indexation and also a decline in value from Depreciation). There were no notable asset increases this year as most road works were operational (not capital). Work in Progress (WIP) is \$7.257 Mil. Most of this related to the Main Street which was largely but still not fully completed (some lighting still to be completed) as at 30 June and as such has not yet been transferred to assets. Other WIP includes Greenethorpe to Koorawatha Road that remains in progress at 30 June 2024.

Contract Assets are notably less this year at about \$2.269 Million (down from \$11.258 Million last year). The unusually high figure last year was due to a lot of completed work not acquitted and converted to unrestricted cash, hence the breach in Restricted Cash last year. This year we have focused on acquitting as soon as grant works have been completed to avoid a recurrence of this incident.

In terms of ratios, please see the following:

- Own Performance Ratio is a NON-MET at -9.65%. This is expected given the net deficit before capital grants this year.
- Own source operating revenue is a NON-MET at 37.86% which is similar to the last 2 financial years. This means does not meet all its operational costs based on its own revenue. That is it relies on grants and contributions, namely the financial assistance grant.
- Unrestricted Current ratio is 2.83 X which is a HAS MET.
- Debt Services Cover ratio is 6.14 X which is a HAS MET
- Rates and Annual Charges Outstanding ratio has deteriorated from 10.51% to 12.15%. This needs to be below 10% and is a NON-MET. Focus needs to be on collecting old debts.
- Cash Expenses Cover Ratio is a HAS MET at 9.39 X however this will vary due to the actual cash balance in the account which is high as at year end.

The Audit Office's contractor will be on site to undertake an audit, week commencing Tuesday 8 October (after the October long weekend).

### **POLICY/LEGAL IMPLICATIONS**

The *Local Government Act 1993*, requires that Council must prepare and endorse an Annual Report within five months of the end of the financial year. The working Draft Annual Financial Statement was presented to the ARIC on 23 September 2024 who provided 'in-principle support' to refer to the Weddin Shire Council. The Annual Report's statutory reporting requirements will need to be presented on Council's website within five months of the end of the financial year. Council will finalise the draft Annual Report to place on the website with the audited financial statements to comply with the *Local Government Act 1993*.

### **FINANCIAL/RESOURCE IMPLICATIONS**

At 30 June 2024, Council had \$18.019 million in cash in the bank. There is no restricted cash breach this year. Refer to earlier commentary on the external cash restrictions and internal allocations. This year, the council has a very sound cash position as compared to the prior year. This demonstrates the actions completed by the staff at Weddin Shire Council in implementing the Self-Initiated Improvement Management Plan to return to a strong position.

### **INTERNAL/EXTERNAL CONSULTATION**

The audit report is expected to be issued on or around 29 or 30 October 2024. Once the Audit Office NSW has audited the Draft Financial Statements, the Annual Financial Statements will be placed on public exhibition for a period of 7 days for the purpose of inviting submissions from the community.

### **CONCLUSION**

The draft Annual Financial Statements for 2023-2024 period is now presented to Council for endorsement to refer to the Auditors for audit. Noting that Council had a very sound cash position when compared to the prior year.

**8 RETURN TO OPEN COUNCIL**

**NIL**

**9 REPORT ON CLOSED COUNCIL**

**NIL**

**10 CLOSURE**

**MOTION**

**RESOLUTION 206/24**

Moved: Cr Gorman

Seconded: Cr Neill

That the Council Meeting now be closed.

**THE MOTION WAS CARRIED**

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The Meeting closed at **4:56PM**.

The minutes of this meeting were confirmed at the Council held on 17 October 2024.

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**CHAIRPERSON**