

# Extraordinary Council Meeting

## 11 January 2022

### Attachments

	Page
Reports – General Manager	
6a.22.002 Election of a mayor for the period of January 2022 – September 2023	
Attachment A Nomination Form for Election of Mayor.....	2
Attachment B Role and Delegations of the Mayor.....	3
6a.22.003 Election of a deputy mayor for the period of January 2022 – September 2023	
Attachment A Nomination Form for Deputy Mayor Election.....	1
6a.22.008 Nomination of voting delegates for LGNSW Special Conference and formation of motions	
Attachment A LGNSW Motion Submissions Guide .....	2

**These attachments to be retained for Council Meeting**



**NOMINATION FOR ELECTION  
MAYOR**

WE, THE UNDERSIGNED HEREBY NOMINATE

COUNCILLOR \_\_\_\_\_

FOR ELECTION AS MAYOR

COUNCILLOR \_\_\_\_\_  
Name Signature

COUNCILLOR \_\_\_\_\_  
Name Signature

(Nomination form must be signed by two or more Councillors, one of whom may be the nominee)

I, Councillor \_\_\_\_\_ (name of nominee)

hereby consent to my nomination for the office of Mayor

\_\_\_\_\_  
Signature Date



# Role and Delegations of the Mayor

# CLARENCE VALLEY COUNCIL

## INTERPRETATION

This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.

References to policies of the Council are references to policies adopted by Council from time to time.

These delegations are not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Mayor under the Local Government Act 1993 or relevant local policies of Council.

## ROLE OF THE MAYOR

In accordance with the s226 of the Local Government Act 1993, the role of the Mayor is:

- a) to be the leader of the council and a leader in the local community,
- b) to advance community cohesion and promote civic awareness,
- c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) to preside at meetings of the council,
- f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) to promote partnerships between the council and key stakeholders,
- j) to advise, consult 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.



## Delegations of the Mayor

*Resolution of Council: 15 March 2016*

That, pursuant to Section 377 of the Local Government Act, 1993 Council delegate to the Mayor the authority to:

1. Appoint a person to the position of Acting General Manager temporarily whilst the General Manager is on leave of absence; or during such time as there is a vacancy in that position until a temporary appointment can be determined by the Council (s.351).
2. Approve the attendance of the General Manager at conferences, seminars and courses at Council's cost.
3. Approve leave of absence for the General Manager in accordance with his Contract of Employment.
4. Approve expenses incurred by the General Manager on Council's behalf.
  - b) That the General Manager's expense statements be reported to the governing body of Council on a bi-annual basis. This is to include credit cards, fuel cards, travel vouchers and other purchasing cards, petty cash and business related travel.
5. That the General Manager's motor vehicle dollar value be quantified so it can be accurately reflected in the General Manager's salary package in Schedule C to the Standard Contract.
6. Manage complaints about the General Manager.





**NOMINATION FOR ELECTION  
DEPUTY MAYOR**

WE, THE UNDERSIGNED HEREBY NOMINATE

COUNCILLOR \_\_\_\_\_

FOR ELECTION AS DEPUTY MAYOR

COUNCILLOR \_\_\_\_\_  
Name Signature

COUNCILLOR \_\_\_\_\_  
Name Signature

(Nomination form must be signed by two or more Councillors, one of whom may be the nominee)

I, Councillor \_\_\_\_\_ (name of nominee)

hereby consent to my nomination for the office of Deputy Mayor

\_\_\_\_\_  
Signature Date



# LGNSW Special Conference Motions Submission Guide

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## Contents

1.	Introduction .....	3
2.	Deadlines .....	3
3.	Criteria for motion submission.....	3
4.	How to write a motion .....	3
5.	Demonstrating evidence of council support for motion.....	4
6.	How to submit a motion .....	4
7.	How LGNSW manages incoming motions.....	4
8.	What happens to motions at the LGNSW Conference .....	5
9.	Post-conference: Updates to the LGNSW Policy Platform .....	5
10.	Post-conference: Determining LGNSW Advocacy Priorities.....	6
11.	Further information .....	6
	Frequently Asked Questions.....	7
	Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders .....	8

## Motions Submission Guide

### 1. Introduction

Each year, member councils across NSW submit a range of motions to an Annual Conference conducted by Local Government NSW (LGNSW). These motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions. They are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW's advocacy priorities for the year ahead.

However, stay-at-home orders and the postponement of local government elections have forced a truncated Annual Conference in 2021, with insufficient time for proper motion debate. To ensure motions are properly debated and resolved by members, LGNSW will hold an additional Special Conference from 28 February to 2 March 2022.

All LGNSW member councils are invited to submit motions to this Special Conference, with the following Guide outlining the Motion development and submission process.

### 2. Deadlines

Members are encouraged to submit motions [online](#) as early as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 30 January 2022** (28 days prior to Conference).

### 3. Criteria for motion submission

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of LGNSW (see Rule 4 of the Association's [rules](#)),
2. relate to local government in NSW and/or across Australia,
3. concern or are likely to concern local government as a sector,
4. seek to advance the local government policy agenda of LGNSW and/or improve governance of the Association,
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Council members are encouraged to review [Action Reports](#) (on the member only pages of the LGNSW website) from previous Conferences and the [LGNSW Policy Platform](#) before submitting motions for this year's Special Conference to ensure the proposed motion wording reflects any recent developments and does not duplicate existing positions..

### 4. How to write a motion

Motions adopted at Conferences inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference, so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

*Examples of clearly-worded Annual Conference motions:*

**Minister for Rural and Regional NSW**

That LGNSW lobbies the NSW State Government to appoint a Minister for Rural and Regional NSW with suitable resources to undertake meaningful representative activities.

**Natural Disaster Funding, Day Labour**

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

**Companion Animal Act matters**

That LGNSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- establish an integrated on-line statewide registration process as an improved service to companion animal owners;
- resolve difficulties with the *Companion Animals Act 1998* definition of an “Authorised Officer”, by using the definition contained in the *Impounding Act 1993* as the definition in both Acts, allowing councils choice in the business model for its area; and
- review the dismissal of charges under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in relation to offences under the *Companion Animals Act 1998*.

For more examples see Business Papers from [past Conferences](#) on the LGNSW website.

## 5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence may include an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

## 6. How to submit a motion

LGNSW members are invited to submit motions through an [online portal](#) from **12 July 2021**.

Each motion submission should include responses to the following fields:

1. **Council name**
2. **Contact details** of relevant officer
3. **Motion category** (e.g. *planning, economic, environment etc. This assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.*)
4. **Motion title** (a few words)
5. **Motion** (a sentence or two which includes the call to action)
6. **Background note** (a paragraph or two to explain the context and importance of the issue to the local government sector)
7. **Evidence of council support** for the motion (e.g. *extract of council meeting minutes*)

Once a motion has been submitted it cannot be edited without contacting LGNSW, so please review the content carefully before submission.

## 7. How LGNSW manages incoming motions

The LGNSW Board has established a committee and delegated the function of managing incoming motions for the Conference to this committee. The Chief Executive will refer motions to the committee and the committee will assess whether the motion meets or doesn't meet the criteria, or if

it is unclear whether it meets the criteria. This assessment forms the final decision on which motions are included in the Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held Fundamental [Principles](#), will be highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with existing LGNSW positions or current LGNSW actions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Conference.

## 8. What happens to motions at the LGNSW Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at the 2019 Conference can be found in **Attachment A**.

During debate on motions at Conference, the standing orders generally permit councillor delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and becomes a resolution of the Conference, or it is defeated.

## 9. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at Annual Conferences (or this year, at the Special Conference).
- **Position Statements** contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

### ***Changing Fundamental Principles***

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

### ***Changing Position Statements***

Following each Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement, to be endorsed by the LGNSW Board as part of the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

### **10. Post-conference: Determining LGNSW Advocacy Priorities**

Following the LGNSW Special Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy for the coming year. These areas of focus are also informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

LGNSW's Advocacy Priorities for the following year are then submitted for endorsement by the LGNSW Board, and communication to members via email.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be published in LGNSW's Action Report. ([Past Action reports](#) are available on the member only pages of the LGNSW website).

### **11. Further information**

For further information on the motion submission process, please contact Damian Thomas, Strategy Manager at [damian.thomas@lgnsw.org.au](mailto:damian.thomas@lgnsw.org.au).

## Frequently Asked Questions

### **How do I know if my proposed motion is consistent with existing LGNSW policy positions?**

The subject matter expert within council is best placed to identify this (for example, if the motion relates to a planning matter, this question should be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's [Policy Platform](#) to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

### **What is the deadline for submitting motions?**

Members are encouraged to submit motions [online](#) as soon as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 30 January 2022** (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

### **I'm unsure which motion category or sub-category I should select in the online portal**

If you are unsure, just select the category you think best fits. LGNSW can reallocate the motion if necessary.

### **What if my council will not meet to consider motions for the LGNSW Special Conference until after the 30 January 2022 deadline?**

LGNSW understands that some councils will not hold their first meeting of the new council term until after the 30 January 2022 deadline to submit motions for inclusion in the Business Paper.

The LGNSW Rules set the deadline of midnight on 30 January 2022 for motions to be submitted for potential inclusion in the Conference Business Paper. However, the LGNSW Rules do also allow for councils to submit motions with less than 28 days' notice and the LGNSW Board may allow these to be considered at Conference as **late items**.

If councils cannot meet the 30 January 2022 timeline, we encourage councils to submit motions as late items as soon as possible after the deadline.

### **Who should be the council contact for motions?**

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between the subject matter expert, your council and LGNSW. Some councils have identified the General Manager and others have identified the Governance Officer – it is a decision for each council.

### **Will the COVID-19 pandemic affect the motions process?**

The LGNSW Conference motions process is an important policy setting process for the local government sector. The Conference will follow government guidelines on safe events and social distancing. In 2020, the LGNSW conference was held online due to COVID-19 health and safety orders and delegates had the opportunity to debate motions during the conference. However, member feedback indicated an in-person conference is preferable, and LGNSW is seeking to do this with the Special Conference from 28 February to 2 March 2022.

### **How can I amend my council's motion that I've already submitted?**

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact Damian Thomas, Strategy Manager at [damian.thomas@lgnsw.org.au](mailto:damian.thomas@lgnsw.org.au). You may need to provide evidence of support for the change (see section 5).

## Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders

The 2020 Annual Conference was held wholly online and as such the standing orders differed substantially from past years. The 2019 standing orders are included below as a guide.

### **Manner of dealing with Conference Business**

11. Conference Business will be dealt with in any order at the discretion of the Chairperson.
12. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

### **In the case of motions**

13. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
14. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.
15. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
16. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
17. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
18. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
  - a. limit repetition of matters addressed by other speakers;
  - b. limit debate about matters or issues not genuinely disputed.
19. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.
20. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
  - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
  - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
21. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
22. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.

23. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
24. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

**New motions from the floor of Conference**

25. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).
26. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.
27. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

**Motions that reflect existing LGNSW policy**

28. Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.

**In the case of all other Conference Business**

29. All other Conference Business will be dealt with at the discretion of the Chairperson.

**Manner of voting**

30. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
31. Except as hereinafter provided voting on any matter shall be on the show of cards.
32. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.
33. After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:
- a. declare the question resolved in the affirmative or negative; or
  - b. if voting cards have been used, call for a new vote using electronic voting.
34. A Division may be called following a vote on the show of cards by no less than 10 Delegates.
35. A Division will be taken by use of electronic voting.

**Suspending Standing Orders**

36. Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.

**Outstanding business**

37. In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.