

DRAFT

MINUTES – 26 SEPTEMBER 2017



PORT STEPHENS C O U N C I L

Prior to the Council meeting the Mayor and Councillors were sworn in as elected officials, in the presence of the public gallery. The ceremony was officiated by the General Manager.

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 26 September 2017, commencing at 6.23pm.

PRESENT:

Mayor R. Palmer, Councillors J. Abbott, G. Arnott, C. Doohan, G. Dunkley, K. Jordan, P. Le Mottee, J. Nell, S. Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

216	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 1 August 2017 be confirmed, and that the Minutes of the Extraordinary Meeting of Port Stephens Council Ordinary Council held on 8 August 2017 be confirmed.</p>
	<p>There were no declarations of interest declared.</p>

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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 17/158740
TRIM REF NO: PSC2017-02425**

DEPUTY MAYOR ELECTION

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the term of the Deputy Mayor.
 - 2) Determine the method of voting to elect the Deputy Mayor.
 - 3) General Manager or his delegate to conduct the election of the Deputy Mayor.
-

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

217	Councillor John Nell Councillor Giacomo Arnott It was resolved that: <ol style="list-style-type: none">1) The term of the Deputy Mayor be for a period of one year.2) The method of voting to elect the Deputy Mayor be by ordinary ballot.3) General Manager or his delegate to conduct the election of the Deputy Mayor.
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The Mayor requested the General Manager conduct the election of the Deputy Mayor. The General Manager advised that the election would be conducted by the Governance Manager, as the Returning Officer.

At the close of nominations only one (1) nomination was received. The nomination was received from Cr Chris Doohan. Cr Chris Doohan was elected unopposed as Deputy Mayor for a term of one year.

BACKGROUND

The purpose of this report is to elect the Deputy Mayor.

The election of the Deputy Mayor is to be held in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the *Local Government Act 1993*.

The General Manager has appointed Council's Governance Manager as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is one (1) year. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is four (4) years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor, which is funded from the Mayoral allowance.

NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated an election will take place.

DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a) Preferential Ballot.
- b) Ordinary Ballot.
- c) Open Voting.

STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

A time limit of five minutes per candidate will apply in accordance with Council's Code of Meeting Practice.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement under the *Local Government Act 1993* to elect a deputy mayor.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of the Mayor Council would not have an elected representative to act as the Mayor.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 17/158857
RM8 REF NO: PSC2009-00965**

DELEGATIONS: MAYOR, GENERAL MANAGER AND ACTING GENERAL MANAGER

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Delegate the Functions in accordance with the Instrument of Delegation to the Mayor attached to this report as **(ATTACHMENT 1)**.
- 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as **(ATTACHMENT 2)**.
- 3) Delegate the Functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
 - a) at the request of the Mayor; or
 - b) if the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c) if there is a casual vacancy in the office of Mayor.
- 4) Appoint the three (3) Group Managers (Development Services, Facilities & Services and Corporate Services) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
- 5) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.
- 6) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

218	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Delegate the Functions in accordance with the Instrument of Delegation to the Mayor attached to this report as (ATTACHMENT 1) .
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	<ul style="list-style-type: none">2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as (ATTACHMENT 2).3) Delegate the Functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:<ul style="list-style-type: none">a) at the request of the Mayor; orb) if the Mayor is prevented by illness, absence or otherwise from exercising these Functions; orc) if there is a casual vacancy in the office of Mayor.4) Appoint the three (3) Group Managers (Development Services, Facilities & Services and Corporate Services) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.5) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.6) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
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BACKGROUND

The purpose of this report is to provide the Mayor, General Manager's and acting General Manager's delegations for Council's consideration and adoption.

Council is required to review and adopt all delegations by the elected Council within twelve (12) months of the election.

The Mayor's delegations have been reviewed and are shown at **(ATTACHMENT 1)**. The General Manager's delegations have been reviewed and are shown at **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to have appropriate delegations for the roles of Mayor, General Manager and acting General Manager, in accordance with the *Local Government Act 1993*. Without such delegations Council is at risk of breaching the law and individuals operating outside their limits of responsibility.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Mayor and General Manager do not hold the appropriate delegations.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

There is no requirement for consultation for this report as it is a legislative compliance process report.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Draft delegations - Mayor.
- 2) Draft delegations - General Manager.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PORT STEPHENS COUNCIL

INSTRUMENT OF DELEGATION TO Mayor

On Tuesday, 26 September 2017 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o '**Legislation**' means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o '**LG Act**' means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p>Mayor Functions – Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant To – section 226</p>	<p>The following items are to be included on the Instrument of Delegation to the Mayor.</p> <ol style="list-style-type: none"> 1. Authority to approve or refuse public access applications in accordance with the Council's policy and Code of Meeting Practice. 2. Authority in the cases of emergency, where it is not practical to wait for the next scheduled meeting of Council, to exercise such functions of the Council as necessary in the situation, except those functions listed under Section 377 of the Local Government Act (Act) and those regulatory functions under Chapter 7 of the Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under Section 335 of the Act. 3. To make community awards on the recommendation of the Port Stephens Community Awards Panel and after appropriate consultation with all Councillors. 4. Authority to affix the corporate seal of Port Stephens Council to all documents necessary for Port Stephens Council to enter into or be a party to any property or commercial transaction, provided that the transaction has already been authorised by specific

		resolution of Council.
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Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 26 September 2017,

Ryan Palmer

Mayor

Date: Tuesday, 26 September 2017

Review date: Saturday, 26 September 2020

Delegate Acknowledgement of Delegation

I Ryan Palmer do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation.

Mayor of Port Stephens Council

Date:

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PORT STEPHENS COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 26 September 2017 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Wayne Wallis, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:

- a.a the requirements of the relevant Legislation;
- a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
- a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

- o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- o **"LG Act"** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
NSW Government - Planning & Infrastructure	Making of Local Environmental Plans - Authority to exercise the functions of the Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 that are delegated to Port Stephens Council by instrument of delegation dated 14 October 2012, following receipt of a Written Authorisation to Exercise Delegation. In exercising the Minister's function under section 59, Council officers must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".	Sunday, 14 October 2012
Roads and Maritime Services (RMS)	Roads and Maritime Services delegations - Section 50 - The RMS delegates to councils constituted under the Local Government Act 1993 listed in Schedule 1 and 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.	Monday, 31 October 2011

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
CP014 - Media Policy	Authority to issue media releases and to provide supporting factual information and comment in accordance with the Media Policy and associated Management Directive.	N/A
CP017 - Annual leave	Authority to approve annual leave applications for staff within his/her section.	N/A
CP018 - Sick/carer's leave	Authority to approve staff applications for sick or carer's leave within his/her section.	N/A
CP019 - Other leave	Authority to approve staff applications for other leave including but not limited to: long service leave, parental leave, bereavement/compassionate leave or career break, in accordance with any corporate processes.	N/A
CP020 - Overtime/leave in lieu	Authority to approve the allocation and payment of overtime, leave in lieu and payment of meal allowances and travelling time to staff within his/her section.	N/A
CP021 - Authorise scheduled training	Authority to approve the attendance of staff within his/her section at scheduled training courses or seminars.	N/A
CP022 - Authorised scheduled training	Authority to approve attendance of staff within his/her Group to attend unscheduled training courses or seminars.	N/A
CP023 - Unscheduled training	Authority to approve attendance of staff within his/her Section to attend unscheduled training courses or seminars.	N/A
CP024 - Examination leave	Authority to approve examination and study leave for staff within his/her area of	N/A

	responsibility, in accordance with any corporate processes.	
CP025 - Approve timesheets	Authority to approve timesheets for staff within his/her area of responsibility.	N/A
CP026 - Approve flexi time	Authority to approve flexi time leave for staff within his/her area of responsibility.	N/A
CP028 - Rostered days off and rostering working times	Authority to approve variations to rostered day off patterns and rostered working times.	N/A
CP030 - Social Media Spokesperson	Authority to act as a social media spokesperson for the purpose of representing Council's position on matters of policy, and to provide information on Council's activities within their area or responsibility.	N/A
CP031 - Speak to the Media	Authority to act as a spokesperson for Council for the purposes of representing Council's position on matters of policy, and to provide factual background information on Council's administration and operations within their area of responsibility.	N/A
CP032 - Transfer of vote within a program maximum \$10,000	Authority to transfer a vote within a budget program up to a maximum of \$10,000.	N/A
CP033 - Write off bad debts up to \$5,000	Authority to write off bad debts to an amount of \$5,000 in any one instance.	N/A
CP034 - Appoint & replace Group Managers	Authority to appoint and replace Group Managers in accordance with the current structure and staff establishment numbers and after consultation with Council.	N/A
CP037 - Written and oral communications	Authority to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of the position.	N/A

CP038A - Authority to sign as landowner and/or applicant	Authority to sign as the land owner and/or applicant, applications for approval pursuant to Section 68 of the Local Government Act 1993, and for development consent pursuant to the Environmental Planning and Assessment Act 1979, in relation to land owned by Council.	N/A
CP041 - Authority to sign contracts for sale	Authority to sign contracts of sale in accordance with the Resolution of Council to buy or sell land.	N/A
CP043 - Authority to endorse cheques, bills and promissory notes	Authority to solely endorse cheques, bills and promissory notes payable to the Order of the Council in accordance with the duties and functions of the delegates position.	N/A
CP044 - Authority to enter into a contract	Authority to sign and enter into a contract on behalf of Council.	N/A
CP065 - Authority to use purchasing card	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget. Note: General Manager and Group Managers only.	N/A
CP069 - Authority to approve purchase orders	Authority to approve purchase orders within your area of responsibility and within the approved budget. Note: General Manager and Group Managers only.	N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 26 September 2017,

Ryan Palmer

Mayor

Date: Tuesday, 26 September 2017

Review date: Saturday, 26 September 2020

General Manager's acknowledgement of Delegations of Authority

I Wayne Wallis, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Port Stephens Council

Date:

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ITEM NO. 3**FILE NO: 17/158806
TRIM REF NO: A2004-0372****COUNCIL MEETING CYCLE**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the current meeting cycle in Option 1 for the term of this Council shown at **(ATTACHMENT 1)**.
-

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

	Councillor John Nell Councillor Jaimie Abbott That Council hold its meeting cycle as follows: Week 1 – no meetings or inspections; Week 2 – two way conversation program, followed by Council Committee meeting; Week 3 – two way conversation program; and Week 4 – two way conversation program, followed by Ordinary Council meeting.
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The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

219	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council continue with the current meeting cycle in Option 1 for the term of this Council shown at (ATTACHMENT 1) .
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BACKGROUND

The purpose of this report is to inform Council of the current Council meeting cycle and consider the future Council meeting cycle.

The previous Council held its meetings on the second and fourth Tuesday of each month commencing at 5.30pm.

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

The previous meeting and inspection cycle for each month is shown below:

1) Week 1

No meetings, inspections and/or two way conversations.

2) Week 2

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

3) Week 3

Inspections and/or two way conversations as required.

4) Week 4

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

5) Week 5

No meetings, inspections and/or two way conversations.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget, based on the current meeting cycle. A Council meeting currently costs approximately \$5,000 per meeting (includes business paper production and printing, staff costs to attend the meeting and catering).

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the *Local Government Act 1993* requires Council to meet at least **10 times** per year in different months. The *Local Government (General) Regulation 2005* provides for Council to establish such committees as it considers necessary. Council must specify the functions of such committees.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the <i>Local Government Act 1993</i> if it failed to meet at least 10 times a year.	Low	That Council hold at least 10 meetings per year.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) General Manager.

OPTIONS

- 1) Accept the recommendations.
- 2) Should Council amend the recommendation, the following will also need to be adopted;
 - i) Make the relevant changes to the Code of Meeting Practice, should Council elect to make changes to the meeting cycle and publicly exhibit for 28 days; and
 - ii) Should there be no submissions, the Code of Meeting Practice be adopted as exhibited without a further report back to Council.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Council meeting options.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

WEEK	OPTION 1 Current cycle	OPTION 2	OPTION 3
1	No meetings or inspections	4.30pm to 5.30pm 2-way conversation Program	4.30pm to 5.30pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting
2	4.30pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Ordinary Council Meeting (includes Committee)	4.30pm to 5.30pm 2-way conversation Program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30pm to 5.30pm 2-way conversation Program 5.30pm Ordinary Council Meeting
3	4.30pm to 6.30pm 2-way conversation Program Presentations and Workshops as required.	4.30pm to 5.30pm 2-way conversation Program	4.30pm to 5.30pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting
4	4.30pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Ordinary Council Meeting (includes Committee)	4.30pm to 5.30pm 2-way conversation Program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30pm to 5.30pm 2-way conversation Program 5.30pm Ordinary Council Meeting
5	No meetings or inspections	4.30pm to 5.30pm 2-way conversation Program 5.30pm Presentations and Workshops as required.	4.30pm to 5.30pm 2-way conversation Program 5.30pm Presentations and Workshops as required.

ITEM NO. 4

**FILE NO: 17/158765
TRIM REF NO: A2004-0373**

COUNCIL PRAYER AND ACKNOWLEDGEMENT OF COUNTRY AT COUNCIL MEETINGS

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the Acknowledgement of Country for the term of this Council; and
 - 2) Continue with the Council prayer at Council meetings for the term of this Council, and amend the wording to:
"We ask Almighty God to give us wisdom and courage so we can serve our community and uphold justice and equality in Port Stephens. Amen".
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**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

220	<p>Councillor Chris Doohan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Continue with the Acknowledgement of Country for the term of this Council; and2) Continue with the Council prayer at Council meetings for the term of this Council, and amend the wording to: <i>"We ask Almighty God to give us wisdom and courage so we can serve our community and uphold justice and equality in Port Stephens. Amen".</i>3) The Ode be included as part of the Council meeting procedure for Anzac Day and Remembrance Day.
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BACKGROUND

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and Acknowledgement of Country at Council meetings. Council's current Code of Meeting Practice makes provision for the prayer at the commencement of all Ordinary Meetings of Council.

The current Council prayer is as follows:

"We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus' name. Amen".

It is recommended that Council amended the Council prayer to be reflective of the community it serves. The recommended wording of the prayer should Council continue is:

"We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen".

The previous Council passed a resolution to include an Acknowledgement of Country at each Council meeting. The Acknowledgement of Country is to follow the Prayer at the commencement of each Council meeting.

The Acknowledgement of Country is as follows:

"Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow".

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be affected should the recommendations not be adopted.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Worimi Local Aboriginal Land Council.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5**FILE NO: 17/159027
RM8 REF NO: A2004-0266****MAYOR AND COUNCILLOR FEES**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the fees for the Mayor and Councillors in accordance with the annual Local Government Remuneration Tribunal fee structure.
-

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION****ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

221	Councillor John Nell Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Adopt the maximum allowance for the Mayor and Councillors in accordance with the Local Government Remuneration Tribunal determinations for the Regional Rural category council.2) The fees determined by Council remain in force until such time as the next ordinary local government election is held.
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BACKGROUND

The purpose of this report is to determine the fees payable to the Mayor and Councillors for the remainder of the 2017-2018 financial year and to provide Council with the Report and Determination made by the Remuneration Tribunal.

The Local Government Remuneration Tribunal is required by Section 239 of the *Local Government Act 1993* (the Act) to review the categories of all Councils. The categories are to be determined at least once every three years.

Pursuant to Section 241 of the Act, the annual fees to be paid in each of the categories determined under Section 234 of the Act to Councillors and Mayors of

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

Councils during the period 1 July 2017 to 30 June 2018 is shown at **(ATTACHMENT 1)**.

Council should note that the fees have been capped at 2.5% which is consistent with the NSW Wages Policy. In determining the increase the Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging.

The Tribunal does not set fees for the position of Deputy Mayor, nor Acting Mayor. The former Council at its meeting on 8 April 2014 adopted an acting Mayor fee payable to the Deputy Mayor when in the acting capacity. This fee is payable to the acting Mayor for periods greater than one week (7 days) on a pro-rata basis. The fee is deducted from the Mayoral allowance.

Port Stephens Council is currently classified as a Regional Rural category and the Tribunal has determined the range of fees payable as those in the following table.

	Minimum	Maximum		Minimum	Maximum
Councillor	\$8,750	\$19,310	Mayor	\$18,630	\$42,120

The Mayor receives the fee payable as a Councillor with the additional fee as the Mayor. (ie Minimum \$27,380 - Maximum \$61,430).

Council's past practice has been to pay the maximum fees as determined by the Tribunal.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

The 2017-2018 draft Budget has allowed for the increase in Mayoral and Councillor allowances to the maximum limits.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 241 of the *Local Government Act 1993*, requires annual fees to be paid to the Mayor and Councillors. Council may set the fees anywhere between the minimum and maximum determined by the Tribunal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council is unable to pay mayor and councillor fees without a resolution from Council adopting the fee structure for the new Council.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Remuneration Tribunal's Report takes into account the current financial situation and the overall impact that increase costs have on Local Government and the social implications.

The fee allows Councillors and the Mayor to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

CONSULTATION

Consultation is not required for this report, other than through the Local Government Remuneration Tribunal.

OPTIONS

- 1) Adopt the maximum allowance for the Mayor and Councillors as per the Local Government Remuneration Tribunal determinations for the Regional Rural category Council;
- 2) Choose to pay fees within the range set by the Local Government Remuneration Tribunal for the Regional Rural category.

ATTACHMENTS

- 1) Local Government Remuneration Tribunal - Annual Report and Determination.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**Local
Government
Remuneration
Tribunal**

**Annual Report
and
Determination**

*Annual report and determination under sections 239
and 241 of the Local Government Act 1993*

**12 April
2017**

[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Local Government Remuneration Tribunal

Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2 Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the Fit for the Future and Stronger Councils websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

- (1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

Local Government Remuneration Tribunal

Section 3 Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.
14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.
15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:
- “240 (1)
- *the size of areas*
 - *the physical terrain of areas*
 - *the population of areas and the distribution of the population*
 - *the nature and volume of business dealt with by each Council*
 - *the nature and extent of the development of areas*
 - *the diversity of communities served*
 - *the regional, national and international significance of the Council*
 - *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
 - *such other matters as may be prescribed by the regulations.”*
16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.
17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.

Local Government Remuneration Tribunal

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

Regional

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

“Metropolitan

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....

Non-metropolitan

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake

Local Government Remuneration Tribunal

Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other."

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

"The Tribunal's 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act."

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

Local Government Remuneration Tribunal

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed "Major CBD" and "Metropolitan Major" be merged and called "Metropolitan Major" and an additional category be created called "Special/Interim". The "Metropolitan Major" category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The "Special/Interim" category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a "Metropolitan Growth Centre" or "Metropolitan Major – Growth Centre" for councils dealing with high growth; "Metropolitan Gateway" for councils that connect the regions to metropolitan areas; and "Peri-Urban" for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council's business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

Local Government Remuneration Tribunal**Findings - categorisation**

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Criteria for categories

The following criteria will apply to each of the categories:

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Local Government Remuneration Tribunal

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Local Government Remuneration Tribunal

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Local Government Remuneration Tribunal**Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

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approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Section 5 Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

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LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.
64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.
65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

Local Government Remuneration Tribunal

Section 6 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (12)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

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Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Bairnald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

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Table 3: County Councils

Water(S)	Other (S)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Mid-Coast	Hawkesbury River
Riverina Water	New England Tablelands
Rous	Southern Slopes
	Upper Hunter
	Upper Macquarie

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Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

ITEM NO. 6

**FILE NO: 17/158816
TRIM REF NO: A2004-0370**

MEMBERSHIP OF COMMITTEES AND GROUPS

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership of Council Committees, 355(c) committees and regional committees and groups memberships (**ATTACHMENT 1**);
- 2) Re-name the following committee/s and/or groups:
 - a) Tanilba Bay Parks, Reserves, Foreshore & Hall Committee to Tanilba Bay Parks, Reserves & Hall Committee; and
 - b) Williamtown Public Hall Committee to Williamtown Hall Committee.
 - c) Anna Bay, Birubi Point Reserves, Hall and Tidy Towns Committee to Anna Bay/Birubi Community Hall and Landcare Group;
 - d) Fern Bay Public Hall, Reserves and Tidy Town Committee to Fern Bay Hall Committee;
 - e) Karuah Hall Committee to Karuah Community Hall Committee;
 - f) Karuah Tidy Towns, Parks, Reserves and Wetlands Committee to Karuah Landcare Group;
 - g) Lemon Tree Passage Parks, Reserves and Tidy Towns Committee to Lemon Tree Passage Parks, Reserves and Landcare Group;
 - h) Medowie Tidy Towns and Cycleway Committee to Medowie Tidy Towns Committee;
 - i) Nelson Bay West Parkcare Committee to Nelson Bay West Landcare Committee;
 - j) Port Stephens Australia Day Coordinating Committee to Port Stephens Australia Day Committee;
 - k) Port Stephens Heritage Committee to Heritage Advisory Committee;
 - l) Salt Ash Community Hall, reserves and tennis Court Committee to Salt Ash Community Hall, Park and Reserves Committee;
 - m) Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee to Soldiers Point-Salamander Landcare Group;
 - n) Tilligerry Tidy Towns and Landcare Committee to Tilligerry Landcare Group;
 - o) Port Stephens Community Safety Precinct Committee to Hunter Sub-Branch Crime Prevention Network;
 - p) Public Libraries NSW Association to NSW Public Libraries Association (Central East Zone); and
 - q) Financial Assistance Community Grants Panel to Community Projects Fund Panel.

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

- 3) Disband the following Committees/Groups as they are no longer in operation:
- a) Ngioka Centre Advisory Panel;
 - b) Port Stephens Sports Council;
 - c) Seaham School of Arts and Community Hall Committee;
 - d) Lower Tilligerry Floodplain Risk Management Committee;
 - e) Medowie Floodplain Risk Committee;
 - f) Williams River Floodplain Risk Management Committee; and
 - g) Williamtown/Salt Ash Floodplain Committee.
- 4) Remove the following Committees/Groups from the listing as membership is no longer required:
- a) Lower Zone Liaison Committee;
 - b) Port Stephens Transport Forum;
 - c) Hexham Swamp-Kooragang Wetland Rehabilitation Project Steering Committee;
 - d) Port Stephens Domestic Violence Committee; and
 - e) Gloucester Coal Seam Gas Project – Community Consultative Committee.

ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

222	Councillor John Nell Councillor Paul Le Mottee It was resolved that Council move into Committee of the Whole to appoint delegates to committees.
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ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017 MOTION

223	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council move into Open Council.
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ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017 MOTION

224	Councillor John Nell Councillor Chris Doohan It was resolved that Council: 1) Nominates membership of Council Committees, 355(c) committees and regional committees and groups memberships as shown in
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	<p>TABLE A below;</p>
2)	<p>Re-name the following committee/s and/or groups:</p> <ul style="list-style-type: none"> a) Tanilba Bay Parks, Reserves, Foreshore & Hall Committee to Tanilba Bay Parks, Reserves & Hall Committee; and b) Williamtown Public Hall Committee to Williamtown Hall Committee. c) Anna Bay, Birubi Point Reserves, Hall and Tidy Towns Committee to Anna Bay/Birubi Community Hall and Landcare Group; d) Fern Bay Public Hall, Reserves and Tody Town Committee to Fern Bay Hall Committee; e) Karuah Hall Committee to Karuah Community Hall Committee; f) Karuah Tidy Towns, Parks, Reserves and Wetlands Committee to Karuah Landcare Group; g) Lemon Tree Passage Parks, Reserves and Tidy Towns Committee to Lemon Tree Passage Parks, Reserves and Landcare Group; h) Medowie Tidy Towns and Cycleway Committee to Medowie Tidy Towns Committee; i) Nelson Bay West Parkcare Committee to Nelson Bay West Landcare Committee; j) Port Stephens Australia Day Coordinating Committee to Port Stephens Australia Day Committee; k) Port Stephens Heritage Committee to Heritage Advisory Committee; l) Salt Ash Community Hall, reserves and tennis Court Committee to Salt Ash Community Hall, Park and Reserves Committee; m) Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee to Soldiers Point-Salamander Landcare Group; n) Tilligerry Tidy Towns and Landcare Committee to Tilligerry Landcare Group; o) Port Stephens Community Safety Precinct Committee to Hunter Sub-Branch Crime Prevention Network; p) Public Libraries NSW Association to NSW Public Libraries Association (Central East Zone); and q) Financial Assistance Community Grants Panel to Community Projects Fund Panel.
3)	<p>Disband the following Committees/Groups as they are no longer in operation:</p> <ul style="list-style-type: none"> a) Ngioka Centre Advisory Panel; b) Port Stephens Sports Council; c) Seaham School of Arts and Community Hall Committee; d) Lower Tilligerry Floodplain Risk Management Committee; e) Medowie Floodplain Risk Committee; f) Williams River Floodplain Risk Management Committee; and

	<p>g) Williamtown/Salt Ash Floodplain Committee.</p> <p>4) Remove the following Committees/Groups from the listing as membership is no longer required:</p> <ul style="list-style-type: none">a) Lower Zone Liaison Committee;b) Port Stephens Transport Forum;c) Hexham Swamp-Kooragang Wetland Rehabilitation Project Steering Committee;d) Port Stephens Domestic Violence Committee; ande) Gloucester Coal Seam Gas Project – Community Consultative Committee.
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TABLE A

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The 2017/18 membership is listed below for information.

Ref	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	<i>Mayor Ryan Palmer</i> <i>Alternate</i> <i>Cr Sarah Smith</i>
2	Anna Bay/Birubi Community Hall and Landcare Group	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Sarah Smith</i> <i>Cr Chris Doohan</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	<i>At least four times a year or when necessary</i>	General Manager's Office	<i>Cr Glen Dunkley</i> <i>Cr Chris Doohan</i> <i>Alternate</i> <i>Cr Ken Jordan</i> <i>DLG guidelines preclude the Mayor from being a member of the Committee.</i>
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sarah Smith</i> <i>Cr Chris Doohan</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith</i>
6	Corlette Headland & Hall Committee	To assist Council in the management of Corlette Hall and Corlette Headland (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Glen Dunkley</i>
7	Corlette Parks, Reserves & Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
8	Fern Bay Hall Committee	To assist Council in the management of Fern Bay Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Giacomo Arnott Cr Ken Jordan Cr Paul Le Mottee</i>
9	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
10	Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Development Services	<i>Cr Paul Le Mottee</i>
11	Hinton School of Arts, Parks & Foreshore Committee	To assist Council in the management of Hinton School of Arts. To undertake maintenance and improvements to designated parks and reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
12	Karuah Community Hall Committee Formerly Karuah Hall Committee	To assist Council in the management of Karuah Community Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Giacomo Arnott Cr Ken Jordan Cr Paul Le Mottee</i>
13	Karuah Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Giacomo Arnott</i>
14	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
15	Lemon Tree Passage Parks Reserves and Landcare Group	To undertake maintenance and improvements to parks in Lemon Tree Passage (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
16	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
17	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
18	Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
19	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Chris Doohan</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
20	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Meeting cycle- committee meets every 3 months- February, May, August, November. 1st Monday of the month</i>	Facilities & Services	<i>Cr Sarah Smith Cr Chris Doohan</i>
21	Medowie Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Chris Doohan</i>
22	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Jaimie Abbott</i>
23	Nelson Bay West Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
24	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Development Services	<i>Cr Chris Doohan Cr Sarah Smith Cr Jaimie Abbott Cr Giacomo Arnott Cr Ken Jordan</i>
25	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to the native flora garden (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
26	Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	General Manager's Office	<i>All Councillors</i>
27	Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Giacomo Arnott Cr Ken Jordan Cr Paul Le Mottee</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
28	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Giacomo Arnott</i>
29	Salt Ash Community Hall, Park and Reserves Committee	To assist Council in the management of Salt Ash Community Hall and maintenance of nearby parks area. (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sarah Smith Cr Chris Doohan Cr Steve Tucker</i>
30	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sarah Smith Cr Steve Tucker Cr Chris Doohan</i>
31	Seaham Park & Wetlands Committee	To assist Council in the management, maintenance and improvements to the park and wetlands (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Giacomo Arnott Cr Paul Le Mottee</i>
32	Section 94 Panel	Oversee the allocation of Section 94 contributions.	<i>Six monthly</i>	Development Services	<i>Mayor Ryan Palmer Cr Steve Tucker Cr Giacomo Arnott Cr Glen Dunkley Cr Chris Doohan Cr Ken Jordan</i>
33	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Glen Dunkley</i>
34	Soldiers Point Salamander Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Jaimie Abbott</i>
35	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	<i>Quarterly – 2nd Wednesday of the month</i>	Development Services	<i>Mayor Ryan Palmer Cr Steve Tucker Cr John Nell Cr Paul Le Mottee</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
36	Tanilba Bay Parks, Reserves, & Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
37	Tilligerry Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
38	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months—February, June, October 3rd Monday</i>	Facilities & Services	<i>Mayor Cr Steve Tucker Cr Sarah Smith Cr Chris Doohan</i>
39	Tomaree Cemeteries Committee	To undertake maintenance and improvements to cemeteries on Tomaree Peninsula.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Ryan Palmer Cr Jaimie Abbott</i>
40	Tomaree Education Complex Multi-Purpose Centre Management Committee	To assist Council with the care, management and promotion of the facility. To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi-Purpose Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Ryan Palmer Cr Jaimie Abbott</i>
41	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Committee meets on the 4th Monday of February, May, August, November</i>	Facilities & Services	<i>Mayor Ryan Palmer Cr Jaimie Abbott Cr Glen Dunkley Cr John Nell Cr Sarah Smith</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegates
42	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Paul Le Mottee Cr Giacomo Arnott</i>
43	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months— February, June, October 2nd Monday</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Giacomo Arnott</i>
44	Williamstown Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Giacomo Arnott</i>

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Delegates
45	Birubi Point Cultural Heritage Advisory panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Facilities & Services	<i>Cr Giacomo Arnott Cr Sarah Smith Cr Chris Doohan</i>
46	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets every 2 months	Development Services	<i>Mayor Ryan Palmer Cr Jaimie Abbott Cr Sarah Smith Cr Giacomo Arnott</i>
47	Community Projects Fund	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<i>Mayor Cr Ken Jordan Cr Chris Doohan Cr Jaimie Abbott (1 Councillor from each Ward).</i>
48	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	<i>Mayor Deputy Mayor Cr Giacomo Arnott (nominated by the Council) Cr Ken Jordan (nominated by the General Manager)</i>
49	Hunter Councils	To discuss regional issues in the Hunter.		General Manager's Office	<i>Mayor Delegate must be the Mayor</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Delegates
50	Hunter Sub-Branch Crime Prevention Network. Note: <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i>	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. ** Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Planner Crime, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Development Services	Mayor
51	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.		General Manager's Office	Cr Paul Le Mottee <u>Alternate</u> Cr Giacomo Arnott
52	Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Development Services	Mayor Cr Paul Le Mottee <u>Alternates</u> Cr Chris Doohan Cr Giacomo Arnott
53	Karuah Working Together Inc.	The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah. The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i> .	3 rd Monday evening of the month	Development Services	Cr Giacomo Arnott Cr Paul Le Mottee Cr Ken Jordan

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Delegates
54	Local Development Committee	Local Development Committee providing advice to Council staff on development regarding traffic matters.	As and when needed.	Facilities & Services	<i>Mayor Ryan Palmer</i>
55	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Services	<i>Mayor Ryan Palmer Cr Steve Tucker</i>
56	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	<i>Mayor</i> <i>Alternates Cr Paul Le Mottee Cr Giacomo Arnott</i>
57	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	<i>Cr Paul Le Mottee</i>
58	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.		Development Services	<i>Cr John Nell</i>
59	Nelson Bay Community College	This committee is an advisory committee for Adult Education.		General Manager's Office	<i>Cr Glen Dunkley Cr Jaimie Abbott</i>
60	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>
61	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>
62	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.		General Manager's Office	<i>Mayor (General Manager)</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Delegates
63	Newcastle Airport Pty Ltd	Shareholder delegate for Newcastle Airport.		General Manager's Office	<i>General Manager as Port Stephens Council appointed Director.</i> <i>Mayor as Port Stephens Council Shareholder representative</i> <i>Deputy Mayor as Port Stephens Council Shareholder Representative proxy.</i>
64	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information.	Meets 3 times per year	Facilities & Services	<i>Cr Steve Tucker</i>
65	Port Stephens Council Depot re-development committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	<i>Mayor Ryan Palmer</i> <i>Cr Ken Jordan</i> <i>Cr John Nell</i> <i>Cr Giacomo Arnott</i>
66	Port Stephens East Local Health Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 2 nd Wed every 2 months	Development Services	<i>Cr Glen Dunkley</i> <i>Cr Sarah Smith</i>
67	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the implementation of the Economic Development Strategy.	Quarterly	Development Services	<i>Mayor Ryan Palmer</i> <i>Cr Chris Doohan</i> <i>Cr Glen Dunkley</i> <i>Cr Giacomo Arnott</i> <i>(1 Councillor from each Ward)</i>

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Delegates
68	Port Stephens West Local Health Committee	To ensure that the population of the Western area of Port Stephens (ie: west of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 3 rd Wed every 2 months	Development Services	<i>Cr Giacomo Arnott</i>
69	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Services	<i>Cr Le Mottee</i> <u>Alternate</u> <i>Cr Giacomo Arnott</i>
70	Port Stephens Holiday Parks Reserve Trust	To act as Trust Managers of the Crown land and Holiday Parks.	Quarterly	Corporate Services	<i>All Councillors</i>
71	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Meets quarterly	Development Services	<i>Cr John Nell</i> <i>Cr Paul Le Mottee</i> <i>Cr Jaimie Abbott</i> <i>Cr Steve Tucker</i>
72	Property Advisory Committee	To provide a forum for the Corporate Services Group Leadership Team to address relevant issues, encouraging a strategic approach to the management of the Group.	Quarterly	Corporate Services	<i>Mayor</i> <i>Cr Chris Doohan</i> <i>Cr Paul Le Mottee</i> <i>Cr Ken Jordan</i> <i>Cr Glen Dunkley</i>
73	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and agencies.	Annually	General Manager's Office	<i>Mayor</i> <i>(General Manager)</i>
74	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	4 times a year	General Manager's Office	<i>Cr Jaimie Abbott</i> <u>Alternate</u> <i>Cr Sarah Smith</i>

BACKGROUND

The purpose of this report is to review the various committees and groups Council has either established, or is involved with through the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the *Local Government Act*, which allow Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(c) committee must be effected by resolution of Council.

The key concept is that a 355(c) committee is a Council committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

Council has in excess of 50 355(c) committees with over 700 members in total.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Advisory Committees
Sporting Ovals	Foreshore Reserves	Sports Council
Cemeteries		

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(c) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

Council is currently reviewing the 355 (c) committee constitutions and it is anticipated that the review will be tabled with Council later this year.

Regional Committees and Groups

In addition to the 355(c) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups is shown at **(ATTACHMENT 1)** with former delegates shown in *italics*.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council has a legal obligation under the *Local Government Act 1993* to ensure it reviews and appoints 355 (c) Committees and delegates in accordance with the legislation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the <i>Local Government Act 1993</i> , if it fails to appoint the committees/groups/organisations as listed in (ATTACHMENT 1) .	Low	Council appoint elected representatives as outlined in the report and adopt the committees/groups/organisations as listed in (ATTACHMENT 1) .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Council employees.
- 2) General Manager.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) 355C Committees and Regional Committees and Groups

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

Council is required to appoint delegates for the 2018/19 year. The 2016/17 membership is listed below for information.

Ref	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	<i>Cr Peter Kafer</i> <i>Cr Sally Dover</i> <i>Alternate</i> <i>Cr Steve Tucker</i>
2	Anna Bay/Birubi Community Hall and Landcare Group Formerly Anna Bay, Birubi Point Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Morello</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	<i>At least four times a year or when necessary</i>	General Manager's Office	<i>Cr Ken Jordan</i> <i>Cr Chris Doohan</i> <i>Alternate</i> <i>Cr John Morello</i> <i>DLG guidelines preclude the Mayor from being a member of the Committee.</i>
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Geoff Dingle</i> <i>Cr Sally Dover</i> <i>Cr Steve Tucker</i> <i>Cr Chris Doohan</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker</i>
6	Corlette Headland & Hall Committee	To assist Council in the management of Corlette Hall and Corlette Headland (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Neil</i>
7	Corlette Parks, Reserves & Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Morello</i>
8	Fern Bay Hall Committee Formerly Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Ken Jordan Cr Paul Le Mottee</i>
9	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Neil</i>
10	Heritage Advisory Committee Formerly Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Development Services	<i>Cr Paul Le Mottee</i>
11	Hinton School of Arts, Parks & Foreshore Committee	To assist Council in the management of Hinton School of Arts. To undertake maintenance and improvements to designated parks and reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
12	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Peter Kafer Cr Ken Jordan</i>
13	Formerly Karuah Hall Committee Karuah Landcare Group Formerly Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee</i>
14	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>
15	Lemon Tree Passage Parks Reserves and Landcare Group Formerly Lemon Tree Passage Parks, Reserves and Tidy Towns Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>
16	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>
17	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
18	Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
19	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
20	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Meeting cycle-committee meets every 3 months- February, May, August, November. 1st Monday of the month</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
21	Medowie Tidy Towns Committee Formerly Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan</i>
22	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sally Dover</i>
23	Nelson Bay West Landcare Committee Formerly Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
24	Port Stephens Australia Day Committee Formerly Port Stephens Australia Day Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Development Services	<i>Cr Sally Dover Cr John Morello Cr Ken Jordan</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
25	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to the native flora garden (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
26	Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	General Manager's Office	<i>All Councillors</i>
27	Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Peter Kafer Cr Ken Jordan Cr Paul Le Mottee</i>
28	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
29	Salt Ash Community Hall, Park and Reserves Committee Formerly Salt Ash Community Hall Reserves & Tennis Court Committee	To assist Council in the management of Salt Ash Community Hall and maintenance of nearby parks area. (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>
30	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
31	Seaham Park & Wetlands Committee	To assist Council in the management, maintenance and improvements to the park and wetlands (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Ken Jordan Cr Peter Kafer Cr Paul Le Mottee</i>
32	Section 94 Panel	Oversee the allocation of Section 94 contributions.	<i>Six monthly</i>	Development Services	<i>Mayor Cr Ken Jordan Cr Steve Tucker</i>
33	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Morello</i>
34	Soldiers Point Salamander Landcare Group Formerly Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sally Dover</i>
35	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	<i>Quarterly – 2nd Wednesday of the month</i>	Development Services	<i>Cr Steve Tucker Cr John Nell Cr Paul Le Mottee</i>
36	Tanilba Bay Parks, Reserves, & Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Mayor Cr Steve Tucker</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
37	Tilligerry Landcare Group Formerly Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Steve Tucker</i>
38	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months – February, June, October 3rd Monday</i>	Facilities & Services	<i>Cr Steve Tucker Mayor</i>
39	Tomaree Cemeteries Committee	To undertake maintenance and improvements to cemeteries on Tomaree Peninsula.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr John Nell</i>
40	Tomaree Education Complex Multi-Purpose Centre Management Committee	To assist Council with the care, management and promotion of the facility. To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi-Purpose Centre.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Sally Dover</i>
41	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Committee meets on the 4th Monday of February, May, August, November</i>	Facilities & Services	<i>Cr John Nell Cr John Morello Cr Sally Dover</i>

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Former Delegates
42	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Peter Kafer</i>
43	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 2nd Monday</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
44	Williamstown Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold at least three meetings per year at a time to be decided by the committee</i>	Facilities & Services	<i>Cr Geoff Dingle</i>

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Former Delegates
45	Birubi Point Cultural Heritage Advisory panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Facilities & Services	<i>Cr Sally Dover</i>
46	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets every 2 months	Development Services	<i>Cr Geoff Dingle Cr Peter Kafer Cr Steve Tucker Cr Chris Doohan</i>
47	Community Projects Fund Formerly Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<i>Mayor Cr Ken Jordan Cr Chris Doohan Cr John Nell (1 Councillor from each Ward).</i>
48	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	<i>Mayor Deputy Mayor Councillor Chris Doohan (nominated by the Council) Councillor (nominated by the General Manager)</i>
49	Hunter Councils	To discuss regional issues in the Hunter.		General Manager's Office	<i>Mayor Delegate must be the Mayor</i>

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Former Delegates
50	<p>Hunter Sub-Branch Crime Prevention Network.</p> <p>Formerly Port Stephens Community Safety Precinct Committee</p> <p>Note: <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i></p>	<p>To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.</p> <p>** Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Planner Crime, and the other will be the Mayor or his representative if unable to attend.</p>	Meets quarterly	Development Services	Mayor
51	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.		General Manager's Office	Cr Paul Le Mottee
52	Joint Regional Planning Panel	<p>To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.</p> <p>The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.</p>	As required	Development Services	<p>Mayor Cr Ken Jordan</p> <p>Alternates Cr Paul Le Mottee Cr John Neil Cr Geoff Dingle Cr Steve Tucker</p>

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Former Delegates
53	Karuah Working Together Inc.	<p>The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.</p> <p>The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i>.</p>	3 rd Monday evening of the month	Development Services	<i>Cr Peter Kafer</i> <i>Cr Paul Le Mottee</i> <i>Cr Ken Jordan</i>
54	Local Development Committee	Local Development Committee providing advice to Council staff on development regarding traffic matters.	As and when needed.	Facilities & Services	<i>Cr Peter Kafer</i>
55	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Services	<i>Mayor</i> <i>Cr Peter Kafer</i> <i>Cr John Nell</i>
56	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	<i>Mayor</i>
57	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	<i>Cr Paul Le Mottee</i>
58	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.		Development Services	<i>Cr John Nell</i>
58	Nelson Bay Community College	This committee is an advisory committee for Adult Education.		General Manager's Office	<i>Cr Sally Dover</i> <i>Cr John Morello</i>

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Former Delegates
60	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>
61	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>
62	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.		General Manager's Office	<i>Mayor (General Manager)</i>
63	Newcastle Airport Pty Ltd	Shareholder delegate for Newcastle Airport.		General Manager's Office	<i>General Manager as Port Stephens Council appointed Director. Mayor as Port Stephens Council Shareholder representative Deputy Mayor as Port Stephens Council Shareholder Representative proxy.</i>
64	NSW Public Libraries Association (Central East Zone) Formerly Public Libraries NSW Association	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information.	Meets 3 times per year	Facilities & Services	
65	Port Stephens Council Depot re-development committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	<i>Mayor Cr Ken Jordan Cr John Nell</i>

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Former Delegates
66	Port Stephens East Local Health Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 2 nd Wed every 2 months	Development Services	<i>Cr Sally Dover</i>
67	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the implementation of the Economic Development Strategy.	Quarterly	Development Services	<i>Mayor Cr Chris Doohan Cr Ken Jordan Cr Paul Le Mottee (1 Councillor from each Ward)</i>
68	Port Stephens West Local Health Committee	To ensure that the population of the Western area of Port Stephens (ie: west of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 3 rd Wed every 2 months	Development Services	<i>Cr Geoff Dingle Cr Peter Kafer</i>
69	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Services	<i>Mayor Cr Le Mottee</i>
70	Port Stephens Holiday Parks Reserve Trust	To act as Trust Managers of the Crown land and Holiday Parks.	Quarterly	Corporate Services	<i>All Councillors</i>
71	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Meets quarterly	Development Services	<i>Cr John Nell Cr Paul Le Mottee Cr John Morello</i>
72	Property Advisory Committee	To provide a forum for the Corporate Services Group Leadership Team to address relevant issues, encouraging a strategic approach to the management of the Group.	Quarterly	Corporate Services	<i>Mayor Cr Chris Doohan Cr Paul Le Mottee Cr Ken Jordan Cr Sally Dover</i>
73	Williamstown Consultative Committee Forum			General Manager's Office	<i>Mayor (General Manager)</i>
74	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	4 times a year	General Manager's Office	<i>Cr Sally Dover Alternate: Cr Peter Kafer</i>

ITEM NO. 7

**FILE NO: 17/159055
RM8 REF NO: PSC2017-02433**

APPOINTMENT OF CONDUCT REVIEWERS

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the following companies and/or person/s as members of the Port Stephens Council panel of conduct reviewers for the term of this Council:
- Australian Workplace Training and Investigations
 - BAL Lawyers
 - BDO (Binder Dijker Otte) Australia
 - CT Management Group
 - Centium Group
 - Lambourne Partners
 - KordaMentha
 - Mediate Today
 - Nemesis Consultancy
 - Pinnacle Integrity
 - PFK Forensic and Risk
 - Quadrant Management Systems
 - Robert Ball
 - SWAAB Attorneys
 - TressCox Lawyers
 - Winton Consulting
 - Workplace Investigations
 - Workdynamic Australia

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

225	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council adopt the following companies and/or person/s as members of the Port Stephens Council panel of conduct reviewers for the term of this Council:
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- | | |
|--|---|
| | <ul style="list-style-type: none">• Australian Workplace Training and Investigations• BAL Lawyers• BDO (Binder Dijker Otte) Australia• CT Management Group• Centium Group• Lambourne Partners• KordaMentha• Mediate Today• Nemesis Consultancy• Pinnacle Integrity• PFK Forensic and Risk• Quadrant Management Systems• Robert Ball• SWAAB Attorneys• TressCox Lawyers• Winton Consulting• Workplace Investigations• Workdynamic Australia |
|--|---|

BACKGROUND

The purpose of this report is to adopt the panel of conduct reviewers required under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

Part 3, clause 3.1 of the Procedures requires Council to establish a panel of conduct reviewers.

Strategic Services Australia Ltd (SSA) has recently finalised the current round of expression of interest and provided Council with the results. SSA has recommended the memberships as detailed below. There is no guarantee of engagement to any or all of the recommended conduct reviewers.

The eligibility criterion for membership on the conduct reviewers panel is shown at **(ATTACHMENT 1)**.

The following organisations/person/s are recommended for the panel of conduct reviewers for Port Stephens Council:

- Australian Workplace Training and Investigations
- BAL Lawyers
- BDO (Binder Dijker Otte) Australia
- CT Management Group

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

- Centium Group
- Lambourne Partners
- KordaMentha
- Mediate Today
- Nemesis Consultancy
- Pinnacle Integrity
- PFK Forensic and Risk
- Quadrant Management Systems
- Robert Ball
- SWAAB Attorneys
- TressCox Lawyers
- Winton Consulting
- Workplace Investigations
- Workdynamic Australia

All candidates have met the eligibility criteria.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Conduct Review panel members will only be engaged as required under the provision of the Procedures. All costs will be incurred as per the costings provided in the EOLs for each member.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to appoint a panel of conduct reviewers to be engaged as and when required under the Procedures.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, should it not adopt the report.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

Internal

- General Manager

External

- Expression of interest process.
- Strategic Services Australia Ltd.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Extract from the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

ITEM NO. 8

**FILE NO: 17/167734
TRIM REF NO: A2004-0284**

**POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
TO COUNCILLORS**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy dated 13 December 2016, Min No. 368 **(ATTACHMENT 2)**, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

226	<p>Councillor John Nell Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy shown at (ATTACHMENT 1) in the business paper, with the amendment to the ICT expenses allowance being per term in Schedule 1 of the policy.2) Place the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy dated 13 December 2016, Min No. 368 (ATTACHMENT 2) in the business paper, should no submissions be received.
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BACKGROUND

The purpose of this report is to provide Council with the Payment of Expenses and Provision of Facilities to Councillors Policy (the 'policy') in accordance with Section 252 of the *Local Government Act 1993* and the Office of Local Government's Guideline.

The former Council last adopted the policy on 13 December 2016, which included public consultation, as required by legislation.

A copy of Council's current policy is shown at **(ATTACHMENT 2)**.

The *Local Government Act 1993* is currently being reviewed with Phase 1 amendments already in place. The amendments to Section 252 of the *Local Government Act 1993* came into force on 30 August 2016, amending the need for Council to review its policy annually, instead requiring Council to adopt a policy within the first twelve (12) months of each term of Council.

The draft policy at **(ATTACHMENT 1)** is based on the policy template released by the Office of Local Government.

The policy is provided for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Expenditure associated with this policy is included in Council's 2017-2018 budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 252 and 253 of the *Local Government Act 1993*, Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of Section 252 & 253 of the <i>Local Government Act 1993</i> , should this Policy not be adopted.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy allows Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

Internal

- The Executive team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council's consideration.

External

Following Council adoption, the policy will be placed on public exhibition in the Port Stephens Examiner and on Council's website.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Draft Payment of Expenses and Provision of Facilities to Mayor and Councillors' policy.
- 2) Current Payment of Expenses and Provision of Facilities to Mayor and Councillors' policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: A2004-0284

TITLE: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR/COUNCILLORS POLICY

POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy ('Policy') is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

This Policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.

The Policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities.

CONTEXT/BACKGROUND:

1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Port Stephens Council.
2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
3. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this Policy.
4. Expenses and facilities provided by this Policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

Policy

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Policy



SCOPE:

Part A – Expenses

1. General expenses

- 1.1. All expenses provided under this Policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this Policy.
- 1.2. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

2. Specific expenses

General travel arrangements and expenses

- 2.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 2.2. Each Councillor may be reimbursed or costs met by Council up to a total of \$7,000 per year, and the Mayor may be reimbursed or costs met by Council up to a total of \$7,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW.

This includes reimbursement:

- for public transport fares;
 - for the use of a private vehicle or hire car;
 - for parking costs for Council and other meetings;
 - for tolls;
 - by Cabcharge card or equivalent;
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 2.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
 - 2.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. The claim form must include such details.

Policy

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Interstate, overseas and long distance intrastate travel expenses

- 2.5. In accordance with the Policy Statement, Council will scrutinise the value and need for Councillors to undertake overseas travel. Council should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 2.6. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped at a maximum of \$2,000 per year. This amount will be set aside in Council's annual budget.
- 2.7. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 2.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 2.9. The case should include:
 - o objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
 - o who is to take part in the travel;
 - o duration and itinerary of travel;
 - o a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

Note: for the most part a report will be submitted to a full Council meeting by the General Manager's Office, detailing the proposed travel.

- 2.10. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 2.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 2.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

Policy

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Policy



2.13. Bookings for approved air travel are to be made through the General Manager's Office.

2.14. For air travel that is reimbursed or costs met by Council as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

2.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

2.16. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 10pm or starts earlier than 7am and the Councillor lives more than 50 kilometres from the meeting location.

2.17. Council will meet the costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Hunter area.

2.18. The maximum daily limits for accommodation expenses within Australia is \$400 per Councillor per day inclusive. This will ensure accommodation costs in a capital city are covered.

2.19. The daily limits for meal expenses within Australia, where breakfast, lunch and dinner are to be consistent with those set out in the Port Stephens Council Enterprise Agreement, as adjusted.

2.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 2.18.

2.21. Councillors will not be reimbursed or costs met by Council for alcoholic beverages.

Policy

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Refreshments for council related meetings

- 2.22. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 2.23. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of the Port Stephens Council Enterprise Agreement, as adjusted.

Professional development

- 2.24. Council will set aside \$2,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 2.25. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 2.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 2.27. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development;
 - relevance to Council priorities and business;
 - relevance to the exercise of the Councillor's civic duties.
- 2.28. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 2.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 2.29. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

Policy

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- 2.30. Council will set aside a total amount of \$30,000 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 2.31. Approval to attend a conference or seminar is subject to approval of a full Council meeting. In assessing a Councillor request, the General Manager must consider the following factor prior to submitting the report to Council:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 2.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved Council. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 2.17-2.21.

Spouse and Partner Expenses

- 2.33 Accompanying person means a person who has a close relationship with a Councillor and/or provides carer support to the Councillor.
- 2.34 In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Councillor when the Councillor is performing his or her official functions within the Port Stephens Local Government area, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Councillor is entitled to a maximum of \$500 annually, not including the Local Government NSW annual conference.
- 2.35 Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function.
- 2.36 In limited circumstances, Council shall meet certain costs incurred by the Mayor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Mayor within the State of New South Wales or as resolved by Council when performing his or her official functions, including but not limited to costs associated with attendance at official Council functions that are

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of a formal or ceremonial nature. Each Mayor is entitled to a maximum of \$1000 annually, not including the Local Government NSW annual conference.

- 2.37 Council shall meet limited expenses of spouse, partner or accompanying person associated with attendance at the Local Government NSW annual conference. These expenses are limited to the costs of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.
- 2.38 Costs associated with spouse, partner or accompanying person associated with attendance at conferences other than the Local Government NSW annual conference, or any seminars or training shall not be met by Council.
- 2.39 In no circumstances will the peripheral expenses of a spouse, partner or accompanying person, such as grooming, special clothing and transport be considered reimbursable expenses.

Information and communications technology (ICT) expenses

- 2.40 Council will reimburse Councillors for expenses associated with appropriate ICT devices up to a limit of \$4,000 per term. This may include a combination of devices such as; mobile phone, a tablet and a desktop computer or laptop. Council will only reimburse a Councillor for a maximum of three devices.
- 2.41 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.
- 2.42 Council will reimburse Councillors for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business, up to 75% of the total invoice, to a maximum cost of \$200 per month. Unless a Councillor can provide evidence that 100% of the total invoice should be paid.
- 2.43 As an alternative to clause 2.42, Council will reimburse Councillors for their communication device costs where it is part of a bundle plan. This would include landline costs and internet where costs were incurred in attending to Council business, up to 75% of the total invoice, to a maximum cost of \$120 per month. The reimbursement for a mobile phone plan will be, up to 75% of the total invoice, to a maximum cost of \$100 per Councillor per month. Unless a Councillor can provide evidence that 100% of the total invoice should be paid

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- 2.44 Council will meet the cost of providing and maintaining an internet connection at the residence of a Councillor up to 75% of the total invoice, to a maximum of \$60 per month, where not included in a bundle plan. Any internet costs incurred above this maximum will be met by the Councillors. Unless a Councillor can provide evidence that 100% of the total invoice should be paid
- 2.45 Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
- receiving and reading Council business papers.
 - relevant phone calls and correspondence.
 - diary and appointment management.
- 2.46 All communication device costs incurred above this maximum will be met by the Councillor.
- 2.47 If a Councillor does not have a telephone line or internet connection at their home, Council will meet reasonable connection costs.

Special requirement and carer expenses

- 2.48 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 2.49 Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.
- 2.50 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 2.51 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 2.52 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

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2.53 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

2.54 Each Councillor may be reimbursed up to \$300 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

3 Insurances

Councillors shall receive the benefit of insurance cover for:

- 3.1 **Personal Accident** – Personal Accident insurance covers personal injury, which is caused by accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.
- 3.2 **Professional Indemnity** – Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.
- 3.3 **Public Liability** – Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme Policy wording.
- 3.4 **Councillors' & Officers' Liability** – Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the Policy of insurance.
- 3.5 Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by Council's Organisation Development Section.

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4. Legal assistance

- 4.1 Councillors may be entitled to indemnity for an enquiry, investigation or hearing commenced by an official body.

Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor performing their role as a councillor.

Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

- 4.2 **In the event of legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings).**

After the conclusion of the enquiry, investigation, hearing or proceeding, Council shall reimburse a Councillor for all legal expenses properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
 - The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).
 - The amount of such reimbursement be limited to an hourly rate being charged by Council's Hunter based Solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.
- 4.3 Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the NSW Civil and Administrative Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

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- Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something, which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.
 - In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.
- 4.4 In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 4.5 Council shall not meet any Councillor's costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.
- 4.6 **In the case of defamation proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings**

Indemnity or reimbursement in respect of costs of defending an action in defamation is only available in circumstances where the Councillor was acting properly when making the statement complained of. The threshold criteria for the application of the indemnity or reimbursement will apply (see 4.7).

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

4.7 Threshold Criteria – Defamation Proceedings

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- i. The statement was made or the act was done in relation to discharging the functions of civic office;

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- ii. The Councillor concerned was acting in good faith (Section 731 of the Act); and
- iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council shall reimburse a Councillor for all legal expenses, fees, liabilities or costs incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor) properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT the amount of such reimbursement shall be:

- o reduced by the amount of any monies that may be or are recouped by the Councillor on any basis; and
- o limited to an hourly rate being charged by Council's Hunter based Solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

4.8 Engagement of Legal Representatives – Requisite Procedure

The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor.

This notification must:

- o be in written form;
- o include all details including any correspondence from the alleged injured party concerning the possible claim; and
- o include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.

The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by Council or its solicitor or the insurer or its solicitor.

The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

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The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.

If proceedings are threatened (and not yet commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written form of that view.

If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.

If Council's solicitor forms the view that the Three Criteria are not satisfied, the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:

- In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
- If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in the paragraph below must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
- If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal

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practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:

- a) Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
- b) Accounts being considered and approved by the General Manager prior to payment; and
- c) All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.

Notwithstanding the provisions of paragraph above, once proceedings have actually been commenced then the procedures set out above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

4.9 Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- o The statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Office of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
- o The statement:

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- is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (General) Regulations 2005 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- does not breach any other law.

Part B – Facilities

5. General facilities for all Councillors

Facilities

- 5.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
 - a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol);
 - access to shared car parking spaces while attending Council offices on official business;
 - personal protective equipment for use during site visits;
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or deputy Mayor.
- 5.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 5.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 5.4. Council will provide the following stationery to Councillors each year:
 - letterhead, to be used only for correspondence associated with civic duties;
 - business cards;
 - up to the cost of 50 ordinary postage stamps;
 - up to 30 Christmas or festive cards per year for Councillors and 100 for the Mayor.

Note: all postage is to be lodged at the Council Administration Building.

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- 5.5. As per Section 5.4, postage costs shall only be used to support a Councillor's civic duties. Any postage costs not used will not be carried over to the next year's allocation.

Administrative support

- 5.6. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's Office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 5.7. As per Section 7, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Corporate Uniform

- 5.8. Councillors may choose from a selection of Corporate Uniforms provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$250 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.

Superannuation

- 5.9. Councillors may elect to contribute all or part of their Councillor Allowance into an approved Superannuation Scheme by completing **FORM 3**.

Health & Wellbeing Initiative

- 5.10. Councillors will be able to access a Health Initiative program, which includes gym membership at local facilities. The program requires a minimum six (6) month membership with a payment to be made in advance for three (3) months – non-refundable.
- 5.11. Councillors will investigate any taxation implications for individual Councillors as a result of the membership.
- 5.12. Further details can be obtained through Council's Councillor Support Executive Assistant.

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6. Additional facilities for the Mayor
 - 6.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
 - 6.2. The Mayor must keep a log book setting out the date, distance and purpose of all private travel. The log book must be submitted to Council on a monthly basis.
 - 6.3. The Mayoral monthly claim for expenses will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
 - 6.4. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's Office.
 - 6.5. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
 - 6.6. A corporate credit card only to be used for official Council business in accordance with this Policy.
 - 6.7. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
 - 6.8. The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
 - 6.9. As per Section 7, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part C – Processes

7. Approval, payment and reimbursement arrangements.
 - 7.1. Expenses should only be incurred by Councillors in accordance with the provisions of this Policy.

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- 7.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 7.3. Up to the maximum limits specified in this Policy, approval for the following may be sought after the expense is incurred:
 - o local travel relating to the conduct of official business;
 - o carer costs;
 - o ICT expenditure.
- 7.4. Final approval for payments made under this Policy will be granted by the General Manager or their delegate.

Direct payment

- 7.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this Policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.
- 7.6. Alternatively, if Council makes the arrangements then the costs will be paid by Council for official Council business.

Reimbursement

- 7.7. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

Advance payment

- 7.8. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 7.9. The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$400.
- 7.10. Requests for advance payment must be submitted to the General Manager for assessment against this Policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

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- 7.11. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices;
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 7.12. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 7.13. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 7.14. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this Policy:
- Council will invoice the Councillor for the expense;
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 7.15. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

- 7.16. Unless otherwise specified in this Policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

8. Disputes

- 8.1. If a Councillor disputes a determination under this Policy, the Councillor should discuss the matter with the General Manager.

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- 8.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.
9. Return or retention of facilities
 - 9.1. All unexpended facilities or equipment supplied under this Policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
 - 9.2. Should a Councillor desire to keep any equipment allocated by Council, then this Policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
 - 9.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.
10. Publication
 - 10.1. This Policy will be published on Council's website.
11. Reporting
 - 11.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
 - 11.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by an individual Councillor and as a total for all Councillors.
12. Auditing
 - 12.1. The operation of this Policy, including claims made under the Policy, will be included in Council's audit program and an audit undertaken at least every two years.
13. Breaches
 - 13.1. Suspected breaches of this Policy are to be reported to the General Manager.

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13.2. Alleged breaches of this Policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

DEFINITIONS:

An outline of the key definitions of terms included in the Policy.

Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.
Act	Means the <i>Local Government Act 1993</i> (NSW).
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this Policy.
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted.
Council term	As defined by the <i>Local Government Act 1993</i> (NSW) or the NSW Government from time to time.
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the Mayor.
General Manager	Means the general manager of Council and includes their delegate or authorised representative.
Incidental personal use	Means use that is infrequent and brief and use that does not breach this Policy or the Code of Conduct.
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle.
Mayor	Means the Mayor of Port Stephens Council.
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Schedule 1.
NSW	New South Wales.

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Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
Regulation	Means the Local Government (General) Regulation 2005 (NSW).
Year	Means the financial year that is the 12 month period commencing on 1 July each year.

POLICY STATEMENT:

- 1) The objectives of this Policy are to:
 - o enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.
 - o enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
 - o ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
 - o ensure facilities and expenses provided to Councillors meet community expectations.
 - o support a diversity of representation.
 - o fulfil the Council's statutory responsibilities.
- 2) Council commits to the following principles:
 - o **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - o **Reasonable expenses:** Providing for Councillors to be reimbursed or costs met by Council for expenses reasonably incurred as part of their role as Councillor.
 - o **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.

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- **Equity:** There must be equitable access to expenses and facilities for all Councillors.
 - **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
 - **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.
- 3) Private or political benefit:
- a. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.
 - b. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
 - c. Such incidental private use does not require a compensatory payment back to Council.
 - d. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
 - e. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material;
 - use of Council resources and equipment for campaigning;
 - use of official Council letterhead, publications, websites or services for political benefit;
 - fundraising activities of political parties or individuals, including political fundraising events.

POLICY RESPONSIBILITIES:

- 1) The General Manager is responsible for implementing and ensuring compliance.
- 2) The Governance Manager is responsible for implementing, ensuring compliance, monitoring, evaluating, reviewing and providing advice on the Policy.
- 3) Mayor and Councillors are responsible for complying with the Policy.

RELATED DOCUMENTS:

- *Local Government Act 1993*, Sections 252 and 253
- *Local Government (General) Regulation 2005*, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

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- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct.

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SCHEDULE 1

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Clause	Expense or facility	Maximum amount	Frequency
2.2	General travel expenses	\$7,000 per Councillor \$7,000 for the Mayor	Per year
2.6	Interstate, overseas and long distance intrastate travel expenses	\$2,000 total for all Councillors	Per year
2.19	Meals	As per the Port Stephens Enterprise Agreement, as adjusted.	Per meal
2.19	Accommodation	\$400 per Councillor/Mayor	Per night
2.24	Professional development	\$2,000 per Councillor/Mayor	Per year
2.30	Conferences and seminars	\$30,000 total for all Councillors and Mayor	Per year
2.34	Spouse/partner expenses	\$500 per Councillor	Per year
2.36	Spouse/partner expenses	\$1,000 for the Mayor	Per year
2.40	ICT expenses	\$4,000 per Councillor	Per year
2.42	Communication devices (mobile phone, landline phone rental & calls, facsimile)	75% up to \$200	Per month
2.43	Communication devices bundle plan (landline phone rental & calls, facsimile)	75% up to \$100	Per month
2.43	Communication devices bundle plan (mobile phone)	75% up to \$100	Per month
2.44	Internet where not included in a bundle plan	75% up to \$60	Per month
2.51	Carer expenses	\$2,000 per Councillor	Per year
2.54	Home office expenses	\$300 per Councillor	Per year
6.4	Postage stamps	50	Per year
6.4	Christmas or festive cards	30 per Councillor 100 for the Mayor	Per year

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Clause	Expense or facility	Maximum amount	Frequency
6.1	Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
7.1	Council vehicle and fuel card	Provided to the Mayor	Not relevant
7.4	Reserved parking space at Council offices	Provided to the Mayor	Not relevant
7.5	Furnished office	Provided to the Mayor	Not relevant
7.8	Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant
8.9	Advance payment for conferences, seminars	\$100 per Councillor/Mayor up to \$400	Per event

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by an individual Councillor and as a total for all Councillors.

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	A2004-0284	TRIM record No	
Audience	Mayor and Councillors		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Annually	Next review date	July 2017
Adoption date	13 December 2016		

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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/06/1994	Assistant General Manager		342
2.0	13/12/1994	Assistant General Manager		691
3.0	14/11/1995	Assistant General Manager		562
4.0	10/09/1996	Assistant General Manager		528
5.0	23/12/1997	Assistant General Manager		1471
6.0	09/03/2004	Governance Officer		107
7.0	31/01/2006	Governance Coordinator		398
8.0	27/11/2006	Governance Coordinator		758
9.0	25/03/2008	Governance Coordinator		069
10.0	16/12/2008	Executive Officer		398
11.0	24/11/2009	Executive Officer		399
12.0	23/11/2010	Executive Officer		373
13.0	18/11/2011	Executive Officer		385
14.0	27/11/2012	Executive Officer		323
15.0	26/11/2013	Executive Officer		345
16.0	26/08/2014	Executive Officer		229
17.0	22/09/2015	Governance Manager	Transferred Policy to new corporate Policy template and updated forms. No changes to the intent or objectives of the Policy.	295

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Version	Date	Author	Details	Minute No.
18.0	23/08/2016	Governance Manager	<p>It is proposed to amend the Policy as follows:</p> <ol style="list-style-type: none"> 1) Increase cl. 1.12.1 to increase the allowance from \$3,000 to \$4,000 per term. 2) Amend cl. 1.15.1 change name of the Local Government Pecuniary Interest Tribunal to NSW Civil and Administrative Tribunal. 3) Cl. 8 change clause references stated in clause 8. 4) Under the "Exclusion from Policy" change name of Department of Local Government to Office of Local Government. 	242

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Version	Date	Author	Details	Minute No.
18.1	13/12/2016	Governance Manager	<p>It is proposed to amend the Policy as follows:</p> <ol style="list-style-type: none"> 1) Update the context/background to reflect adopt timeframes in accordance with the Local Government Act. 2) Update cl.252 (1) page 2. 3) Remove cl.253 (4) page 3. 4) Update cl 217 (a1) (vii), page 5. 5) Update cl 1.3.1, page 8 6) Update cl 1.6.2 & 1.6.4, page 9. 7) Update cl 1.8.1, page 11. 8) Update cl 1.10.1, page 12. 9) Update cl 1.12.1, page 13. 10) Update cl 1.13.3, page 14. 11) Update Related documents, page 24. 	368
19		Governance Manager	Redrafted Policy into the Office of Local Government template Policy, with some additions.	

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FILE NO: A2004-0284

TITLE: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR/COUNCILLORS POLICY

POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy ('the Policy') is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

CONTEXT/BACKGROUND:

This Policy is made under the *Local Government Act 1993*, including Sections 248 to 254 and 731 and having regard to the provisions of the Division of Local Government Circular No. 09-36, 7 October 2009.

The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

This Policy is to be adopted by Council within the first 12 months of each term of Council.

Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Council need not give public notice of a proposed amendment if Council is of the opinion that the proposed amendments are not substantial. The term 'not substantial' should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5% or changes to the standard of equipment and facilities to be provided. Public notice is required prior to each annual adoption of the policy even if there are no proposed changes.

Section 428 of the Act and Clause 271 of the Regulation requires Councils to include detailed information in their annual reports about the payments of expenses and facilities to Councillors.

Legislative provisions

The relevant legislative provisions are the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

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Local Government Act 1993

248 FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

248A ANNUAL FEES OR OTHER REMUNERATION NOT TO BE PAID DURING PERIOD OF SUSPENSION

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

- (a) the councillor is suspended from civic office under this Act, or
- (b) the councillor's right to be paid any fee or other remuneration is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

249 FIXING AND PAYMENT OF ANNUAL FEES FOR THE MAYOR

- (1) A council must pay the mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

252 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

- (1) Within the first 12 months of each term, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.

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- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

253 REQUIREMENTS BEFORE POLICY CONCERNING EXPENSES AND FACILITIES CAN BE ADOPTED OR AMENDED

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

254 DECISION TO BE MADE IN OPEN MEETING

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

254A CIRCUMSTANCES IN WHICH ANNUAL FEES MAY BE WITHHELD

- (1) Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council:
 - (a) for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or
 - (b) in any other circumstances prescribed by the regulations.
- (2) Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

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428 ANNUAL REPORTS

- (1) Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

Local Government (General) Regulations 2005

217 ADDITIONAL INFORMATION FOR INCLUSION IN ANNUAL REPORT

- (1) For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include the following information:
 - (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
 - (iii) the attendance of councillors at conferences and seminars,
 - (iv) the training of councillors and the provision of skill development for councillors,
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

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- (vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Chief Executive of the Office of Local Government from time to time,
- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

404 CIRCUMSTANCES IN WHICH COUNCILLORS' ANNUAL FEES MAY BE REDUCED OR NOT PAID

A definition of what is included and what is excluded from the policy. The scope may also include – what, when and where the policy applies; who will be affected and how it will affect them; what impact the policy will have? Exclusions to policy application should also be included, if applicable.

SCOPE:

The scope of this Policy is to detail those Councillor expenses and facilities the cost of which shall be met by Council.

This Policy also aims to ensure compliance of the Port Stephens Council Code of Conduct.

DEFINITIONS:

Councillor	Means a Councillor elected to Port Stephens Council, including the Mayor.
Official Business of Council	Meeting of Council; Meetings of Committees of the Whole Site inspection where resolved by Council; Meetings of committees where Council has endorsed the Councillor's membership; Civic receptions hosted or sponsored by Council;

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	Meetings or functions to which the Councillors attendance has been approved by the General Manager and/or the Mayor. Functions or meetings where the invitation to attend arises only as a result of the Councillor's position as a Councillor.
Council term	Period of elected Council (generally 4 years under the Local Government Act 1993, however ma)
Port Stephens local government area	Local government area of Port Stephens
The Act	Local Government Act 1993
The Regulation	Local Government (General) Regulation 2005

POLICY STATEMENT:

Part 1 - Payment of Expenses

1.1 General Provisions

- 1.1.1 Council will determine an annual allowance, to be paid monthly in arrears, in accordance with Section 248 - 251 of the Local Government Act and the determination of the Local Government Remuneration Tribunal.
- 1.1.2 This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fees paid to each Councillors is generally not intended to offset those costs.
- 1.1.3 All allowances and reimbursements of expenses made under this Policy shall be in respect to costs directly associated with the functions of civic office.
- 1.1.4 Councillors are not permitted to claim expenses in connection with political activities, including political fundraising as this is considered a personal interest.
- 1.1.5 Councillors will not be provided with general expense allowance. A general expense allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe

1.2 Reimbursement and reconciliation of expenses processes

- 1.2.1 All claims for reimbursement must be made within four (4) months of incurring the expense and shall be subject to the General Manager or delegated officer discretion.
- 1.2.2 All claims shall be submitted to the General Manager and the delegated officer for assessment against the policy on FORM 1."

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- 1.2.3 All claims must be supplied with a tax invoice or receipt to support the claim. If a Councillor is not able to provide a tax invoice or receipt then a Statutory Declaration is to be provided.
- 1.2.4 Claims for travel under this Policy shall be lodged using travel **FORM 2**, include:
- Date
 - Place of departure and arrival
 - Distance travelled
 - Fare and parking fees paid
- 1.2.5 The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.
- 1.2.6 Where travel is outside the Hunter Councils Area, Council shall as appropriate meet or reimbursement the lesser amount of the following expenses:
- a) The cost of an economy class air ticket and associated taxi transfers.
 - b) The cost of a first class rail ticket and associated taxi transfers.
 - c) Transportation expenses using a Councillor's own vehicle (calculated under clause 1.2.5).
 - d) Transportation using a Council-owned vehicles, actual costs incurred.
- 1.2.7 Where possible Council will pay all expenses directly by account or through use of a corporate credit card. In some instances, it may be necessary for Councillors to pay unexpected costs and seek reimbursement.
- 1.2.8 Once expenses of attending conferences, seminars or training course have been finalised, an invoice shall be forwarded to Councillors for any expenses payable by them.
- 1.3 Approval and Dispute resolution**
- 1.3.1 The Executive Assistant – Councillor Support shall assess all claims against this Policy and provide the assessed documentation to the General Manager and Governance Manager for approval.
- 1.3.2 Claims will be paid on a monthly basis, generally the first Friday of the month.
- 1.3.3 Should the General Manager and Governance Manager determine that a claim should not be paid, the Councillor should be advised in writing. Should the Councillor still believe that the claim should be paid, in part or full, it shall be considered that a dispute exists.
- 1.3.4 In the event of a dispute at any time regarding payment of a claim or anything else under this Policy, the parties to this dispute shall each provide a written report on the nature of

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the dispute. The General Manager shall submit such reports to the next open meeting of Council. The dispute shall then be determined by a resolution of Council having regard to the reports, this Policy, Act and any other relevant laws.

1.3.5 The decision of Council pursuant to clause 1.3.4 shall be binding on all parties.

1.4 Payment in advance

1.4.1 Councillors may require advance payment for an anticipated expense associated with attendance at a conference, seminar and training course. The amount is **\$200** per Councillor per event.

1.4.2 In the event of a payment being made in advance, Councillors must full reconcile all expenses against the amount of the advance and submit the reconciliation to Council with **30 days** of the event.

1.5 Monetary Limits

1.5.1 Monetary limits set out in this Policy are the maximum amount payable in respect of any facility or expense. Any additional costs above the limit will be incurred by the Councillor. All monetary limits are exclusive of GST.

1.5.2 Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

Spouse and Partner Expenses

1.6.1 Accompanying person means a person who has a close relationship with a Councillor and/or provides carer support to the Councillor.

1.6.2 In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Councillor when the Councillor is performing his or her official functions with the Port Stephens Local Government Area, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Councillor is entitled to a maximum of **\$500** per year of term (or on a pro-rata basis in the event of a Council term being extended), not including the Local Government NSW annual conference.

1.6.3 Costs and expense incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function.

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- 1.6.4 In limited circumstances, Council shall meet certain costs incurred by the Mayor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Mayor within the State of New South Wales or as resolved by Council when performing his or her official functions, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Mayor is entitled to a maximum of **\$1000.00** per year of term (or on a pro-rata basis in the event of a Council term being extended), not including the Local Government NSW annual conference.
- 1.6.5 Council shall meet limited expenses of spouse, partner or accompanying person associated with attendance at the Local Government NSW annual conference. These expenses are limited to the costs of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.
- 1.6.6 Costs associated with spouse, partner or accompanying person associated with attendance conferences other than the Local Government NSW annual conference, or any seminars or training shall not be met by Council.
- 1.6.7 In no circumstances will the peripheral expenses of spouse, partner or accompanying person, such as grooming, special clothing and transport be considered reimbursable expenses.

Specific Expenses for Councillors

1.7 Attendance at seminars, conferences, training and educational expenses

- 1.7.1 Council shall meet expenses incurred by Councillors in attending conferences and seminars or undertaking training and educational courses when the attendance is:
- a) To the Local Government NSW annual conference; or
 - b) Authorised by resolution of an open meeting of Council.
- 1.7.2 Councillors should generally have their attendance at a conference, seminar or participation in a training course authorised by Council in accordance with clause 1.7.1 (b).
- 1.7.3 Where it is impractical to have a Councillor's attendance or participation authorised by Council in accordance with clause 1.7.1 (b), Councillors wishing to claim expenses incurred due to their attendance or participation shall obtain the approval of the Mayor and the General Manager prior to attendance. Where the Mayor is seeking approval to

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claim his or her attendance or participation expenses under this clause, he or she shall obtain the approval of the Deputy Mayor and the General Manager.

1.7.4 Councillors shall submit their request for attendance in writing with the appropriate notice detailing the costs and benefits to the Councillor, to Council and the community.

1.7.5 In making its decision, the General Manager/Mayor or Council should consider:

- a) The relevance of the seminar, conference, training or educational expenses to Council and the potential benefit that may result from attendance;
- b) The special interest of the Councillor/s wishing to attend;
- c) The total cost to Council of attendance relative to the Program budget;
- d) The fair and equitable division of opportunity for Councillors to attend conferences/seminars.

1.7.6 Councillors shall at the conclusion of their attendance at the seminar, conference, or training provide a written report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within one month of their attendance. Attendance at the Local Government NSW annual conference will not require a report to Council.

1.7.7 The General Manager's Office will make all arrangements for the attendance of Councillors and accompanying persons, where required at a conference, seminar or training.

1.8 Seminars, Conferences and Training Expenses

1.8.1 Council will meet the costs for attendance at approved conferences and seminars, training and educational courses to a maximum of **\$5,000.00** per Councillor per year of term (or on a pro-rata basis in the event of a Council term being extended), excluding the costs associated with attendance at the Local Government NSW annual conference:

- a) **Registration fees** – Council will meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.
- b) **Accommodation** – where a conference, seminar or training course is not located within the Port Stephens Local Government Area, Councillors shall where required be accommodated in the hotel where the event is being held or the nearest hotel to it that is of a similar standard, or as arranged by the conference organiser. Accommodation shall be provided at the rate of a double room. Any additional nights prior to or following the conference, seminar or training course Council will not be included in the expenses

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paid by Council. **Note:** Movie hire and Mini Bar Facilities will be paid for by the Councillor.

- c) **Transportation** – Councillors attending a conference, seminar or training course shall travel by the most appropriate route, subject to any personal medical requirements. Any costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.
 - d) **Educational Materials** – where a Councillor is participating in an approved training or educational course and specific reference materials are required (for example, prescribed textbooks), Council shall purchase such educational materials on the Councillor's behalf. At the completion of the relevant training or educational course, educational materials purchased pursuant to this clause shall be returned to Council and be available for the use of all Councillors in the Councillor's Room.
- 1.8.2 Conferences, seminars and training held outside the Port Stephens Local Government Area, Council shall as appropriate (having regard to availability, time/cost effectiveness of the transport options) meet or reimburse the lesser amount of the following transportation expenses:
- a) The cost of an economy class air ticket and associated taxi transfers.
 - b) The cost of a first-class rail ticket and associated taxi transfers.
 - c) Transportation expenses by a Councillor with the Councillor's own vehicle (refer to clause 1.2.5).
- 1.8.3. If a Council-owned vehicle utilised that cost will be determined by way of actual costs incurred.
- 1.9 Meals**
- 1.9.1 Council shall meet the cost of breakfast, lunch and dinner for Councillors attending a conference, seminar or training course where any such meal is not provided by the organiser. Council shall also meet the reasonable cost of drinks accompanying the meals.
- 1.9.2 Costs payable by Council under clauses 1.9.1 and 1.9.2 shall be capped at a maximum of **\$100.00** per Councillor per day inclusive. Councillors will be paid actual costs if under **\$100.00** per day.
- 1.9.3 Council shall meet the reasonable cost of Councillors' meals where due to their attendance to Official Business of Council the Councillor is reasonably unable to partake of a meal at their residence and so incurs additional expense.

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- 1.9.4 Costs payable by Council under clause 1.9.3 shall be capped at a maximum of **\$50.00** per Councillor per day or actual costs, whichever is less.

1.10 Local Travel Arrangements and Associated Expenses

- 1.10.1 Travelling expenses shall be reimbursed to Councillors for travel by public transport or private vehicle on Official Business of Council in the Hunter Councils area, to a maximum amount of **\$6,000.00** per Councillor per year of term (or on a pro-rata basis in the event of a Council term being extended). This includes attendance at Council meetings, committees meetings where the Councillor is a Council delegate and inspection where the inspection has been duly passed by a Council resolution.
- 1.10.2 Councillors may, where available, use Council owned vehicles to attend to Official Business of Council.
- 1.10.3 Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines, which shall remain the sole responsibility of the Councillor.
- 1.10.4 Claims for reimbursement under this clause 1.10 shall be made in accordance with clause 1.2.

1.11 Travel outside the HROC Area including Interstate and Overseas Travel

- 1.11.1 Payment of any travel expenses to a Councillor, incurred on Council related business outside of the Hunter Councils area and not otherwise addressed in clause 2.8 requires approval by resolution of Council in an open meeting.
- 1.11.2 Approval for payment of travel expenses under clause 1.11.1 may be granted subject to any conditions Council so determines, and Council shall meet only those expenses that Council so determines.

1.12 Communication Device Costs and Expenses

- 1.12.1 Council shall reimburse Councillors to a maximum of **\$4,000.00** per term (or on a pro-rata basis in the event of a Council term being extended) for the purchase of a personal computer/laptop, multifunction device, peripherals and Microsoft office software.
- 1.12.2 Council shall not purchase the equipment in item 1.12.1 on a Councillors behalf.
- 1.12.3 Council shall reimburse Councillors for all maintenance and repairs, which are to be arranged by individual Councillors.

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- 1.12.4 Council shall reimburse Councillors for all consumables such as ink cartridges and reasonable supply of paper for official Council business.
- 1.12.5 Council shall reimburse Councillors for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business to a maximum cost of **\$200.00** per Councillor per month of term. All communication device costs incurred above this maximum are at the Councillors own expense.
- 1.12.6 As an alternative to clause 1.12.5, Council shall reimburse Councillors for their communication device costs where it is part of a bundle plan. This would include landline costs and internet where costs were incurred in attending to Council business to a maximum cost of **\$120.00** per Councillor per month of term. The maximum cost for a mobile phone plan would be **\$100.00** per Councillor per month of term.
- All communication device costs incurred above this maximum are at the Councillors own expense.
- 1.12.7 If a Councillor does not have a telephone line or internet connection at their home, Council shall meet the installation costs.
- 1.12.8 Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor to a maximum of **\$60.00** per Councillor per month of term. Any internet costs incurred above this maximum are at the Councillors own expense.

1.13 Care and Other Related Expenses.

- 1.13.1 In this clause, "relative" shall have the same meaning as set out in the Dictionary in the Act, being at the date of this policy:

"Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a)."*

- 1.13.2 Where a Councillor has sole responsibility for the care and support of any relative, Council shall reimburse expenses for carer arrangements, where expenses relate to a relative as defined under clause 1.13.1 and are payable when a Councillor is required to attend the following to discharge the functions of civic office:

- a) Council meetings, committee meetings, inspections, formal briefings, civic and ceremonial functions relating to civic office;

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- b) Meetings scheduled by Council and/or the Mayor;
- c) Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- d) A meeting, function or other official role as a representative of the Mayor or Council.

1.13.3 The total amount paid to a Councillor under this clause 1.13 shall not exceed **\$2,000** per year of term (or on a pro-rata basis in the event of a Council term being extended).

1.13.4 Claims for reimbursement under this clause 1.13 shall be made in accordance with clause 1.2.

1.14 Insurance Expenses

Councillors shall receive the benefit of insurance cover for:

- 1.14.1 Personal Accident - Personal Accident insurance covers personal injury, which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.
- 1.14.2 Professional Indemnity - Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.
- 1.14.3 Public Liability - Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.
- 1.14.4 Councillors' & Officers' Liability - Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the policy of insurance.

Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by the Risk Management Coordinator.

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1.15 Legal Expenses

- 1.15.1 Councillors may be entitled to indemnity for an enquiry, investigation or hearing commenced by or of official body.

Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings), Council shall reimburse such a Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).

The amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Hunter based Solicitors will be paid ie any portion of the expenses representing any hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

Defamation proceedings or other proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the NSW Civil and Administrative Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

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Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something, which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.

- 1.15.2 Council shall not meet any Councillor's costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- (a) The statement was made or the act was done in relation to discharging the functions of civic office;
- (b) The Councillor concerned was acting in good faith; and
- (c) The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council will indemnify or reimburse the Councillor for:

- (a) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (b) any other fees, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceeding **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

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Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must;
 - i. be in written form;
 - ii. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - iii. Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by Council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.
3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.
4.
 - i. If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written form of that view.
 - ii. If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (4); the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

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6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
 - In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
 - If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
 - If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
 - i. Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - ii. Accounts being considered and approved by the General Manager prior to payment; and
 - iii. All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraph 7 (ii) and 7 above, once proceedings have actually been commenced then the procedures set out in paragraph 7 above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

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- i. The statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Office of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
- ii. The statement:
 - is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
 - is in accordance with the Local Government (General) Regulations 2005 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
 - does not breach any other law.

Part 2 - Provision of Facilities

2.1 Provision of Facilities Generally

- 2.1.1 Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Integrated Strategic Plans.
- 2.1.2 All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

2.2 Private Use of Equipment and Facilities

- 2.2.1 Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes benefits such as a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

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- 2.2.2 If a Councillor does obtain a private benefit for the use of a facility provided by Council being more than incidental use, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms.
- 2.2.3 The value of a private benefit to be invoiced under this clause 2.2 shall be determined by the General Manager or, at the request of the Councillor in receipt of the private benefit, the General Manager, or any two Councillors, by resolution of an open meeting of Council.
- 2.2.4 Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.
- 2.3 Councillors' Room**
- 2.3.1 Councillors shall be provided with equipment and facilities at the Raymond Terrace Administration Building. Equipment provided under this clause remains the property of Council.
- 2.3.2 The Councillors' Room furnished for use by all Councillors shall be provided with:
- a) A telephone, computer with internet access, multifunction device and computer peripherals for use by all Councillors.
 - b) A library including Council policies, relevant legislation, reports on Development Applications and other relevant documents.
- 2.4 Administration Support, Stationery, Postage & Business Cards**
- 2.4.1 Council shall provide the support services of Councillor Support Executive Assistant with suitable experience and skills to support Councillors.
- 2.4.2 Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office.
- 2.4.3 Council shall provide appropriate letterhead stationery, business cards and Christmas cards for use by Councillors.
- 2.4.4 Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

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- 2.4.5 Under no circumstances shall Councillors use the administration services, staff or other facilities provided in association with Local, State or Federal Government Elections.
- 2.4.6 Under no circumstances shall Councillors use the administration services or other facilities provided for the initiation of circular type letters without prior authority of the Council being obtained.
- 2.4.7 Council shall provide Councillors with official name badges indicating the wearer holds the office of Councillor, to wear at Civic functions.
- 2.5 Meals**
- 2.5.1 Councillors will be provided with meals and refreshments following Committee and Council meetings and at other times considered appropriate by the Mayor and General Manager. The standard of the meal will be determined by the Mayor and/or the General Manager.
- 2.5.2 Light refreshments such as biscuits, health bars and beverages will be provided in the Councillors Room.
- 2.6 Transport Facilities**
- 2.6.1 Four designated car parking spaces shall be provided for Councillors in the Council car park at the Council administration building, to be shared amongst Councillors.
- 2.6.2 Councillors will be reimbursed for all transport costs (taxi, use of private vehicle, etc) in accordance with clause 2.2 for their attendance at official Council functions. This includes deputising for the Mayor.
- 2.7 Corporate Uniform**
- 2.7.1 Councillors may choose from a selection of Corporate Uniform provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$250 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.
- 2.8 Superannuation**
- 2.8.1 Councillors may elect to contribute all or part of their Councillor Allowance into an approved Superannuation Scheme by completing **FORM 3**.

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2.9 Health & Wellbeing Initiative

- 2.9.1 Councillors shall be able to access a Health Initiative program, which includes gym membership at local facilities. The program requires a minimum six (6) month membership with a payment to be made in advance for three (3) months – non refundable.
- 2.9.2 Councillors shall investigate any taxation implications for individual councillors as a result of the membership.
- 2.9.3 Further details can be obtained through Council's Councillor Support Executive Assistant.

2.10 Provision of Safety equipment

- 2.10.1 Councillors shall be provided with the following Protective Apparel:

- hard hat;
- safety vest;
- safety footwear;
- safety glasses and;
- hearing protection

to accord with the NSW Workplace Health & Safety Act, for on-site inspections.

Provision of Additional Expenses, Equipment and Facilities for the Mayor

2.11 Additional Expenses, Equipment and Facilities

- 2.11.1 The Mayor is paid an additional annual fee. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- 2.11.2 This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

2.12 Equipment and Facilities

- 2.12.1 The Mayor shall be provided with additional equipment and facilities. Equipment provided under this clause remains the property of Council.

Policy

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- 2.12.2 The following facilities and equipment shall be provided to the Mayor:
- 2.12.3 A furnished office with computer, printer, internet access, phone, facsimile and computer peripherals.
- 2.12.4 Office refreshments.
- 2.12.5 Mayoral letterhead.
- 2.12.6 A corporate credit card, to be used only to pay expenses allowed under this policy.
- 2.12.7 All items provided to the Mayor under this clause 2.12 must be returned to Council when the Mayor ceases to hold office.
- 2.13 Mayor's Staff**
- 2.13.1 Council shall provide the services of the Councillor Support Executive Assistant with suitable experience and skills to support the Mayor.
- 2.13.2 The Councillor Support Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.
- 2.14 Mayoral Motor Vehicle**
- 2.14.1 The Mayor shall be provided with:
- 2.14.2 A fully maintained motor vehicle, of a standard appropriate to the Office of the Mayor for the use of discharging function of the Mayor.
- 2.14.3 A fuel card, to be used for official Council business.
- 2.14.4 A car parking space at the Raymond Terrace Administration Building.
- 2.14.5 All items provided to the Mayor under this clause 2.14 must be returned to Council when the Mayor ceases to hold office.

POLICY RESPONSIBILITIES:

- 1) The Governance Manager will be responsible for the implementation, monitoring and re-evaluating the policy.

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RELATED DOCUMENTS:

- Office of Local Government Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors.
- Port Stephens Council Code of Conduct, as amended.
- Office of Local Government Model Code of Conduct – as amended.
- Independent Commission Against Corruption (ICAC) Publications.
- *Local Government Act 1993*

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	A2004-0284	TRIM record No	17/24433
Audience	Mayor and Councillors		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Annually	Next review date	July 2017
Adoption date	13 December 2016		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/06/1994	Assistant General Manager		342
2.0	13/12/1994	Assistant General Manager		691
3.0	14/11/1995	Assistant General Manager		562
4.0	10/09/1996	Assistant General Manager		528
5.0	23/12/1997	Assistant General Manager		1471
6.0	09/03/2004	Governance Officer		107
7.0	31/01/2006	Governance Coordinator		398

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Version	Date	Author	Details	Minute No.
8.0	27/11/2006	Governance Coordinator		758
9.0	25/03/2008	Governance Coordinator		069
10.0	16/12/2008	Executive Officer		398
11.0	24/11/2009	Executive Officer		399
12.0	23/11/2010	Executive Officer		373
13.0	18/11/2011	Executive Officer		385
14.0	27/11/2012	Executive Officer		323
15.0	26/11/2013	Executive Officer		345
16.0	26/08/2014	Executive Officer		229
17.0	22/09/2015	Governance Manager	Transferred policy to new corporate policy template and updated forms. No changes to the intent or objectives of the policy.	295
18.0	23/08/2016	Governance Manager	<p>It is proposed to amend the Policy as follows:</p> <ol style="list-style-type: none"> 1) Increase cl. 1.12.1 to increase the allowance from \$3,000 to \$4,000 per term. 2) Amend cl. 1.15.1 change name of the Local Government Pecuniary Interest Tribunal to NSW Civil and Administrative Tribunal. 3) Cl. 8 change clause references stated in clause 8. 4) Under the "Exclusion from Policy" change name of Department of Local Government to Office of Local Government. 	242

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Version	Date	Author	Details	Minute No.
18.1	13/12/2016	Governance Manager	<p>It is proposed to amend the Policy as follows:</p> <ol style="list-style-type: none"> 1) Update the context/background to reflect adopt timeframes in accordance with the Local Government Act. 2) Update cl.252 (1) page 2. 3) Remove cl.253 (4) page 3. 4) Update cl 217 (a1) (vii), page 5. 5) Update cl 1.3.1, page 8 6) Update cl 1.6.2 & 1.6.4, page 9. 7) Update cl 1.8.1, page 11. 8) Update cl 1.10.1, page 12. 9) Update cl 1.12.1, page 13. 10) Update cl 1.13.3, page 14. 11) Update Related documents, page 24. 	368

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ITEM NO. 9**FILE NO: 17/159427
RM8 REF NO: PSC2005-4217****2016-2017 GENERAL PURPOSE FINANCIAL REPORTS**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratifies the referring of the draft 2016-2017 General Purpose Financial Reports for audit.
 - 2) Signs the statement on the General Purpose Financial Reports.
-

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION****ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017
MOTION**

227	Councillor John Nell Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Ratifies the referring of the draft 2016-2017 General Purpose Financial Reports for audit.2) Authorise the signing the statement on the General Purpose Financial Reports.
------------	--

BACKGROUND

The purpose of this report is to advise Council that the draft General Purpose Financial Reports for the period ended 30 June 2017 have been prepared and the audit commenced Monday 11 September 2017.

Under Section 413 of the *Local Government Act 1993* (NSW) Council is required to submit, with the General Purpose Financial Reports, a Statement by Councillors and Management as to its opinion on the reports **(ATTACHMENT 1)**.

For information purposes, an extract of the General Purpose Financial Statements, is shown as **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	<p>Council will maintain its underlying financial performance to budget at break even or better.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p>

FINANCIAL/RESOURCE IMPLICATIONS

The 2016-2017 General Purpose Financial Reports have been prepared in compliance with the Local Government Act, the *Local Government Code of Accounting Practice and Financial Reporting*, and the *Australian Accounting Standards*.

All revenues for 2016-2017 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either external or internal restriction.

All known assets of Council have been recognised and brought to account.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with fair value accounting for assets.

All known liabilities incurred during the period have been recognised at actual or committed cost.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		All activities are managed within existing resources.
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Signing of the statement giving Council's opinion on the financial reports will comply with Section 413 of the *Local Government Act 1993*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to sign the General Purpose Financial Reports will result in non-compliance with legislative requirements leading to potential reputational and financial loss.	Low	Adopt the recommendations and sign the statement on the General Purpose Financial Reports.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

No consultation is required as this is a statement by Councillors and management that the General Purpose Financial Statements have been prepared in accordance with applicable regulations.

Internal

Nil.

External

Nil.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) General Purpose Financial Statements - Statement by Councillors and Management.
- 2) Extract from 2016-2017 General Purpose Financial Statements.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Port Stephens

General Purpose Financial Statements

for the year ended 30 June 2017

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 26 September 2017.

Mayor

Councillor

Wayne Wallis
General manager

Tim Hazell
Responsible accounting officer

Port Stephens

General Purpose Financial Statements for the year ended 30 June 2017

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1. Understanding Council's Financial Statements	2
2. Statement by Councillors and Management	3
3. Primary Financial Statements:	
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– Statement of Comprehensive Income	5
– Statement of Financial Position	6
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– On the Financial Statements (Sect 417 [2])	89
– On the Conduct of the Audit (Sect 417 [3])	91

Overview

- (i) These financial statements are General Purpose Financial Statements and cover the consolidated operations for Port Stephens.
 - (ii) Port Stephens is a body politic of NSW, Australia – being constituted as a local government area by proclamation and is duly empowered by the *Local Government Act 1993* (LGA).

Council's Statutory Charter is detailed in Paragraph 8 of the LGA and includes giving Council;
 - the ability to provide goods, services and facilities, and to carry out activities appropriate to the current and future needs of the local community and of the wider public,
 - the responsibility for administering regulatory requirements under the LGA and
 - a role in the management, improvement and development of the resources in the area.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).
 - (iii) All figures presented in these financial statements are presented in Australian currency.
 - (iv) These financial statements were authorised for issue by the Council on 27 October 2017. Council has the power to amend and reissue these financial statements.
-

Port Stephens

Income Statement

for the year ended 30 June 2017

Budget ¹			Actual	Actual
2017	\$ '000	Notes	2017	2016
Income from continuing operations				
Revenue:				
52,778	Rates and annual charges	3a	53,415	51,749
37,702	User charges and fees	3b	37,971	41,103
1,680	Interest and investment revenue	3c	1,192	1,138
5,909	Other revenues	3d	8,593	12,332
12,814	Grants and contributions provided for operating purposes	3e,f	16,488	13,729
8,003	Grants and contributions provided for capital purposes	3e,f	14,309	11,984
Other income:				
250	Net gains from the disposal of assets	5	259	2,659
119,136	Total income from continuing operations		132,227	134,694
Expenses from continuing operations				
40,822	Employee benefits and on-costs	4a	41,795	40,673
841	Borrowing costs	4b	714	893
39,064	Materials and contracts	4c	36,275	43,960
14,713	Depreciation and amortisation	4d	14,986	14,637
–	Impairment	4d	696	–
12,616	Other expenses	4e	15,046	14,515
108,056	Total expenses from continuing operations		109,512	114,678
11,080	Operating result from continuing operations		22,715	20,016
11,080	Net operating result for the year		22,715	20,016
11,080	Net operating result attributable to Council		22,715	20,016
3,077	Net operating result for the year before grants and contributions provided for capital purposes		8,406	8,032

¹ Original budget as approved by Council – refer Note 16

Port Stephens

Statement of Comprehensive Income
 for the year ended 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
Net operating result for the year (as per Income Statement)		22,715	20,016
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of I,PP&E	20b (ii)	(2,270)	(8,654)
Impairment (loss) reversal relating to I,PP&E	20b (ii)	352	–
Total items which will not be reclassified subsequently to the operating result		(1,918)	(8,654)
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Gain (loss) on revaluation of available-for-sale investments	20b (ii)	48	19
Total items which will be reclassified subsequently to the operating result when specific conditions are met		48	19
Total other comprehensive income for the year		(1,870)	(8,635)
Total comprehensive income for the year		20,845	11,381
Total comprehensive income attributable to Council		20,845	11,381

This statement should be read in conjunction with the accompanying notes.

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Port Stephens

Statement of Financial Position
 as at 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
ASSETS			
Current assets			
Cash and cash equivalents	6a	8,093	7,735
Investments	6b	40,402	25,911
Receivables	7	8,815	12,761
Inventories	8	13,846	12,277
Other	8	435	513
Total current assets		71,591	59,197
Non-current assets			
Investments	6b	231	244
Receivables	7	177	199
Inventories	8	9,241	8,077
Infrastructure, property, plant and equipment	9	860,613	854,614
Investment property	14	26,000	21,500
Intangible assets	25	1,196	1,398
Other	8	10	—
Total non-current assets		897,468	886,032
TOTAL ASSETS		969,059	945,229
LIABILITIES			
Current liabilities			
Payables	10	7,900	6,931
Income received in advance	10	605	245
Borrowings	10	2,837	3,014
Provisions	10	15,409	14,797
Total current liabilities		26,751	24,987
Non-current liabilities			
Payables	10	8	7
Income received in advance	10	4,884	5,145
Borrowings	10	18,721	16,698
Provisions	10	532	562
Total non-current liabilities		24,145	22,412
TOTAL LIABILITIES		50,896	47,399
Net assets		918,163	897,830
EQUITY			
Retained earnings	20	567,407	544,250
Revaluation reserves	20	350,755	353,628
Other reserves	20	—	(48)
Council equity interest		918,163	897,830
Total equity		918,163	897,830

This statement should be read in conjunction with the accompanying notes.

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Port Stephens

Statement of Changes in Equity
for the year ended 30 June 2017

\$ '000	Notes	2017					2016				
		Retained earnings	Asset revaluation reserve (Refer 20b)	Other reserves (Refer 20b)	Council interest	Non-controlling interest	Retained earnings	Asset revaluation reserve (Refer 20a)	Other reserves (Refer 20a)	Council interest	Non-controlling interest
Opening balance (as per last year's audited accounts)		544,250	353,628	(48)	897,830	–	524,234	362,215	–	886,449	–
a. Correction of prior period errors	20 (c)	(513)	–	–	(513)	–	–	–	–	–	–
b. Changes in accounting policies (prior year effects)	20 (d)	–	–	–	–	–	–	–	–	–	–
Revised opening balance		543,737	353,628	(48)	897,317	–	524,234	362,215	–	886,449	–
c. Net operating result for the year		22,715	–	–	22,715	–	20,016	–	–	20,016	–
d. Other comprehensive income											
– Revaluations: IPP&E asset revaluation rsv	20b (ii)	–	(2,270)	–	(2,270)	–	–	(8,654)	–	(8,654)	–
– Revaluations: other reserves	20b (ii)	–	–	48	48	–	–	–	19	19	–
– Transfers to Income Statement	20b (ii)	–	–	–	–	–	–	–	–	–	–
– Impairment (loss) reversal relating to I,PP&E	20b (ii)	–	352	–	352	–	–	–	–	–	–
– Joint ventures and associates	19b	–	–	–	–	–	–	–	–	–	–
Other comprehensive income		–	(1,918)	48	(1,870)	–	–	(8,654)	19	(8,635)	–
Total comprehensive income (c&d)		22,715	(1,918)	48	20,845	–	20,016	(8,654)	19	11,381	–
e. Distributions to/(contributions from) non-controlling interests		–	–	–	–	–	–	–	–	–	–
f. Transfers between equity		955	(955)	–	–	–	–	67	(67)	–	–
Equity – balance at end of the reporting period		567,407	350,755	–	918,163	–	544,250	353,628	(48)	897,830	–

This statement should be read in conjunction with the accompanying notes.

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Port Stephens

Statement of Cash Flows

for the year ended 30 June 2017

Budget 2017	\$ '000	Notes	Actual 2017	Actual 2016
Cash flows from operating activities				
Receipts:				
52,066	Rates and annual charges		53,302	52,372
36,430	User charges and fees		41,215	43,321
1,680	Investment and interest revenue received		1,137	1,437
21,366	Grants and contributions		24,940	23,092
–	Bonds, deposits and retention amounts received		101	–
5,827	Other		14,395	12,781
Payments:				
(41,124)	Employee benefits and on-costs		(41,790)	(41,056)
(36,568)	Materials and contracts		(39,810)	(53,769)
(841)	Borrowing costs		(669)	(841)
–	Bonds, deposits and retention amounts refunded		–	(527)
(14,479)	Other		(16,860)	(15,622)
24,357	Net cash provided (or used in) operating activities	11b	35,961	21,188
Cash flows from investing activities				
Receipts:				
–	Sale of investment securities		85,152	44,000
–	Sale of real estate assets		–	6,149
250	Sale of infrastructure, property, plant and equipment		1,237	1,072
–	Deferred debtors receipts		11	14
Payments:				
–	Purchase of investment securities		(99,582)	(44,960)
–	Purchase of investment property		(115)	(179)
(20,000)	Purchase of infrastructure, property, plant and equipment		(21,969)	(25,904)
–	Purchase of real estate assets		(1,782)	(3,302)
–	Purchase of intangible assets		(357)	(70)
(19,750)	Net cash provided (or used in) investing activities		(37,404)	(23,180)
Cash flows from financing activities				
Receipts:				
–	Proceeds from borrowings and advances		4,870	–
Payments:				
(3,767)	Repayment of borrowings and advances		(3,029)	(3,366)
–	Repayment of finance lease liabilities		(39)	(75)
(3,767)	Net cash flow provided (used in) financing activities		1,801	(3,441)
840	Net increase/(decrease) in cash and cash equivalents		358	(5,433)
15,547	Plus: cash and cash equivalents – beginning of year	11a	7,735	13,168
16,387	Cash and cash equivalents – end of the year	11a	8,093	7,735
Additional Information:				
25,229	plus: Investments on hand – end of year	6b	40,633	26,155
41,616	Total cash, cash equivalents and investments		48,726	33,890

Please refer to Note 11 for additional cash flow information

This statement should be read in conjunction with the accompanying notes.

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There being no further business the meeting closed at 7.14pm.