



# Ordinary Meeting of Council

## AGENDA

9 October 2024

Commencing at 5.30pm

**Council Chambers  
Nellie Hamilton Centre  
257 Crawford Street,  
Queanbeyan**

**Presentations for items listed on the Agenda can be made in writing, via Zoom or in person. A live stream of the meeting can be viewed at: <http://webcast.qprc.nsw.gov.au/>**

### **Statement of Ethical Obligations**

Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

**On-site Inspections - Nil**

Queanbeyan-Palerang Regional Council advises that this meeting will be webcast to Council’s website. Images and voices of those attending will be captured and published.

A recording of the meeting will be archived on the website.

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**1 OPENING**

**2 ACKNOWLEDGEMENT OF COUNTRY**

**3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

**4 REPORTS TO COUNCIL – ADMINISTRATIVE ITEMS**

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**7 ADJOURNMENT FOR PUBLIC FORUM**

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8.5	Councillor Member Audit, Risk and Improvement Committee (ARIC) .....	24

**9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

**10 REPORTS FOR CLOSED SESSION**

10.1	QPRC v Minister for Education and Early Learning: Case Numbers 2022/3377152 and 2022/3377095
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*Item 10.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**11 CONCLUSION OF THE MEETING**

## **LIST OF ATTACHMENTS**

### **Open Attachments**

- Item 4.2 Election of Mayor for the 2024 - 2026 Term  
*Attachment 1 Mayor Nomination Form 2024-2026 (Under Separate Cover)*  
*Attachment 2 Mayoral Elections Fact Sheet (Under Separate Cover)*
- Item 4.3 Election of Deputy Mayor  
*Attachment 1 Deputy Mayor Nomination Form 2024-2026 (Under Separate Cover)*
- Item 5.1 Confirmation of Minutes  
*Attachment 1 Minutes of the Ordinary Meeting of Council held on 11 September 2024 (Under Separate Cover)*
- Item 8.2 Delegations to the General Manager  
*Attachment 1 Instrument of Delegation to General Manager (Under Separate Cover)*
- Item 8.3 Council Meeting Schedule  
*Attachment 1 QPRC Code of Meeting Practice (Under Separate Cover)*
- Item 8.5 Councillor Member Audit, Risk and Improvement Committee (ARIC)  
*Attachment 1 ARIC Charter 2023 (Under Separate Cover)*

### **Closed Attachments**

Nil

4.1 Oath or Affirmation of Office for Councillors (Ref: ; Author: Ryan/Ryan)

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File Reference: 52.7.2

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**The General Manager will invite each Councillor to take an oath or make an affirmation of office, as prescribed by the Local Government Act, prior to the commencement of the meeting.**

**These will be recorded in the minutes.**

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**Summary**

Section 233A of the Local Government Act 1993 requires all Councillors to take an oath or make an affirmation of office at or before the first meeting of Council, after the Councillor is elected.

**Background**

The oath or affirmation is one of several key items of business that must be dealt with at the first meeting. Under the Local Government Act, Councillors are required to take an oath or affirmation of office. This will be made before the General Manager at this meeting.

If a Councillor is not able to attend in person the meeting, they may take the oath or affirmation at another location in front of the General Manager.

Councillors taking the oath may do so on a holy book if they wish.

**Report**

In accordance with Section 233A of the Local Government Act 1993, the General Manager will invite each Councillor physically present at the meeting to take either the oath of office or affirmation of office.

The prescribed words of the oath and affirmation are as follows:

**Oath:**

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

**Affirmation:**

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

The taking of the oath or affirmation of office by those Councillors present will be recorded in the minutes of this meeting.

**4.1 Oath or Affirmation of Office for Councillors (Ref: ; Author: Ryan/Ryan)  
(Continued)**

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Cr John Preston, who is attending this meeting via audio visual link; was able to take his affirmation in front of the General Manager, and witnessed by two members of QPRC staff before the meeting. This will be recorded in the minutes as such.

**Risk/Policy/Legislation Considerations**

Section 233A of the Local Government Act 1993, states:

- (1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:  
  
*...[as noted above]*
- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or make the affirmation.
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
- (6) The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise.)

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

QPRC Community Strategic Plan (2042) Strategic Pillar No 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.2 Council is an open, accessible and responsive organisation.

**Conclusion**

The NSW Local Government Act 1993 requires all Councillors to take an oath or make an affirmation of office at or before the first meeting of the Council after the Councillor is elected.

The oath or affirmation will be taken before the General Manager prior to the commencement of this Council meeting.

**Attachments**

Nil

4.2 Election of Mayor for the 2024 - 2026 Term (Ref: ; Author: Ryan/Ryan)

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File Reference: 52.7.1

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**Recommendation**

**That:**

- 1. Council elects the Mayor of Queanbeyan-Palerang Regional Council for the 2024-2026 term.**
- 2. The method of ballot be by open voting pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021.**

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**Summary**

In accordance with Clause 15, Part 2 of the Proclamation which established Queanbeyan-Palerang Regional Council (QPRC) on 12 May 2016, the Mayor is to be elected by the Councillors.

Council can choose the method of ballot for the election of the Mayor, the options being open voting, ordinary ballot or preferential ballot.

**Background**

Section 230 of the Local Government Act 1993 provides that a Mayor elected by the Councillors holds that office for a period of two years. Schedule 7 of the Local Government (General) Regulation 2021 refers to the election of the Mayor by Councillors.

**Report**

The Mayor of QPRC will be elected by Councillors at this meeting, to serve until September 2026. At this time, a mid-term Mayoral election will take place. The Mayor elected at the midterm election will hold their office until the day of the Council's next ordinary election in September 2028.

Council can choose the method of ballot for the election of Mayor and Deputy Mayor. These are:

- Open voting – by show of hands
- Ordinary ballot – a secret ballot (placing an “X” against the candidate of their choice)
- Preferential ballot – placing 1, 2, 3 etc against each candidate's name

**Returning Officer**

Clause 1 of Schedule 7 of the Regulation provides that the General Manager or their delegate is the Returning Officer for the election of Mayor.

The Returning Officer is to conduct the election.

**4.2 Election of Mayor for the 2024 - 2026 Term (Ref; Author: Ryan/Ryan) (Continued)**

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Nominations

Clause 2 of Schedule 7 provides that a Councillor may be nominated without notice for the election of Mayor and that such nomination is to be made in writing by two or more Councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing.

The nomination form is attached to this report.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

Election Procedure

A detailed explanation of the Mayoral Election Procedures is available from the Office of Local Government and attached for Council Information:

<https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Mayoral-elections-Fact-Sheet-.pdf>

Briefly, Clause 3(1) of Schedule 7 of the Regulation provides that if only one Councillor is nominated, that Councillor is declared elected.

Clause 3(2) of Schedule 7 provides that if more than one Councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot or preferential ballot. Clause 6 of Schedule 7 provides that if there are only two candidates, the candidate with the higher number of votes is elected.

However, if there are only two candidates and they are tied, the election is chosen by lot.

Tied candidates

Clause 12(1) defines the process for choosing the candidate by lot. To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer. The candidate whose name is on the drawn slip is chosen.

If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes — the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Risk/Policy/Legislation Considerations**

Division 2 Section 226 of the Local Government Act outlines the role of the Mayor as follows:

- a) to be the leader of the council and a leader in the local community,
- b) to advance community cohesion and promote civic awareness,
- c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) to preside at meetings of the council,

**4.2 Election of Mayor for the 2024 - 2026 Term (Ref; Author: Ryan/Ryan) (Continued)**

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- f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) to promote partnerships between the council and key stakeholders,
- j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l) to carry out the civic and ceremonial functions of the mayoral office,
- m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n) in consultation with the councillors, to lead performance appraisals of the general manager,
- o) to exercise any other functions of the council that the council determines.

The election of the Mayor of QPRC is being conducted in accordance with the NSW Local Government Act 1993 and the NSW Local Government (General) Regulation 2021.

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

QPRC Community Strategic Plan (2042) Strategic Pillar No 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.2 Council is an open, accessible and responsive organisation.

**Conclusion**

Council is required to choose the method of ballot for the election of the Mayor for the 2024-2026 term. The options are open voting, ordinary ballot or preferential ballot.

The Returning Officer will declare the result of the election and the name of the candidate elected as Mayor at the Council meeting and notify the Chief Executive Officer of Local Government NSW.

**Attachments**

Attachment 1 Mayor Nomination Form 2024-2026 (*Under Separate Cover*)



Attachment 2 Mayoral Elections Fact Sheet (*Under Separate Cover*)





**4.3 Election of Deputy Mayor (Ref: ; Author: Ryan/Ryan)**

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File Reference: 52.7.1

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**Recommendation**

**That:**

- 1. Council elects a Deputy Mayor of Queanbeyan-Palerang Regional Council for the same term as the Mayor.**
  - 2. The method of ballot be by open voting pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021.**
- 

**Summary**

The position of Deputy Mayor is optional.

Section 231 of the Local Government Act 1993 provides that a Deputy Mayor may be elected by Councillors and holds the office for the Mayoral term or a shorter term. It is recommended that this be for the same term as the Mayor, which is two years.

Council can choose the method of ballot for the election of the Deputy Mayor, the options being open voting, ordinary ballot or preferential ballot.

**Background**

The Deputy Mayor of Council is the person who may be elected to the office by Councillors from among their number. A Deputy Mayor elected by Councillors may hold that office for the Mayoral term (two years) or for a shorter term and commences the day the person elected to office is declared to be so elected.

**Report**

Should Council decide to elect a Councillor to the position of Deputy Mayor, it is recommended that the same term and electoral process for the Mayoral position be followed for the Deputy Mayor.

**Returning Officer**

Clause 1 of Schedule 7 of the Regulation provides that the General Manager or their delegate is the Returning Officer for the election of Deputy Mayor.

The Returning Officer is to conduct the election.

**Nominations**

Clause 2 of Schedule 7 provides that a Councillor may be nominated without notice for the election of Deputy Mayor and that such nomination is to be made in writing by two or more Councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing.

The nomination form is attached to this report.

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**4.3 Election of Deputy Mayor (Ref: ; Author: Ryan/Ryan)**

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The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

**Election Procedure**

A detailed explanation of the Mayoral Election Procedures is available from the Office of Local Government and was attached for Council Information to the previous report.

<https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Mayoral-elections-Fact-Sheet-.pdf>

Briefly, Clause 3(1) of Schedule 7 of the Regulation provides that if only one Councillor is nominated, that Councillor is declared elected.

Clause 3(2) of Schedule 7 provides that if more than one Councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot or preferential ballot. Clause 6 of Schedule 7 provides that if there are only two candidates, the candidate with the higher number of votes is elected.

However, if there are only two candidates and they are tied, the election is chosen by lot.

**Tied candidates**

Clause 12(1) defines the process for choosing the candidate by lot. To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer. The candidate whose name is on the drawn slip is chosen.

If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes — the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Risk/Policy/Legislation Considerations**

Division 2 Section 231 of the Local Government Act, describes the role of Deputy Mayor, as being able to exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The election of the Deputy Mayor of QPRC is being conducted in accordance with the NSW Local Government Act 1993 and the NSW Local Government (General) Regulation 2021.

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

QPRC Community Strategic Plan (2042) Strategic Pillar No 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.2 Council is an open, accessible and responsive organisation.

4.3 Election of Deputy Mayor (Ref: ; Author: Ryan/Ryan)

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**Conclusion**

Council consideration is sought to filling the position of Deputy Mayor for the same term as the Mayor, and to choose the method of ballot as open voting.

**Attachments**

Attachment 1 Deputy Mayor Nomination Form 2024-2026 (*Under Separate Cover*)



**ITEM 5 CONFIRMATION OF MINUTES**

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**Recommendation**

**That the Minutes of the Ordinary meeting held in the Queanbeyan Council Chambers on 11 September 2024 be confirmed.**

**Attachments**

Attachment 1      Minutes of the Ordinary Meeting of Council held on 11 September 2024  
*(Under Separate Cover)*

**ITEM 6    DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the *Local Government Act* restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

**Recommendation**

**That Councillors and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.**

**Attachments**

Nil

**ITEM 7    ADJOURNMENT FOR PUBLIC FORUM**

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At this stage of the proceedings, the meeting adjourn for the Public Forum.

**Recommendation**

**That the meeting be adjourned to conduct the Public Forum.**

**Attachments**

Nil

8.1 **Utilisation of Countbacks to Fill Casual Vacancies (Ref: ; Author: Ryan/Ryan)**

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File Reference: 52.7.1

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**Recommendation**

**That pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Queanbeyan-Palerang Regional Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within seven days of the decision.**

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**Summary**

Following the 2024 local government elections, Council has the option of using a countback of votes cast on 14 September to fill casual vacancies which may occur in the first 18 months after the election.

Council approval is sought to declare that casual vacancies occurring in the office of a Councillor within 18 months of the newly elected Council, are to be filled by a countback of votes cast at the 14 September election.

**Background**

Where Council resolves to fill casual vacancies using a countback the General Manager is required under the Local Government (General) Regulation 2021 (the Regulation) to notify the NSW Electoral Commission of this decision within seven days of the Resolution.

This means, should a casual vacancy occur between now and March 2026, Council will not be required to incur the full cost of conducting a by-election.

**Report**

The decision to use a countback to fill vacancies will at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies, Council must resolve at the first meeting after the election to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Council needs to resolve this decision and instruct the General Manager to notify the NSW Electoral Commissioner of Council's decision within seven days of the decision.

**Risk/Policy/Legislation Considerations**

Section 393C of the Local Government (General) Regulation (2021) notes that a countback election referred to in section 291A of the Local government Act (1993) is to be carried out in accordance with Schedule 9A.

**8.1 Utilisation of Countbacks to Fill Casual Vacancies (Ref: ; Author: Ryan/Ryan)**  
**(Continued)**

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Countbacks are not available to fill casual vacancies in the office of a Councillor where:

1. The Councillor who vacated office was elected at an election using the optional preferential voting system (ie. elections where only one civic office is required to be filled such as the election of popularly elected mayors)
2. The Councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

**Financial, Budget and Resource Implications**

The cost of the countback conducted by the NSW Electoral Commission, activated as a result of the casual vacancy in February 2023 was \$8,450. This is compared to the budgeted cost of a by-election, which is the same as a normal election of \$545,000.

**Links to QPRC/Regional Strategic Plans**

QPRC Community Strategic Plan (2042) Strategic Pillar No 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.2 Council is an open, accessible and responsive organisation.

**Conclusion**

If Council resolves that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the 14 September 2024 election, the General Manager will notify the NSW Electoral Commission within seven days of the Council Resolution.

**Attachments**

Nil



8.2 Delegations to the General Manager (Ref: ; Author: Ryan/Flint)

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File Reference: 52.3.1

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**Recommendation**

**That:**

- 1. Council delegate to the person holding the position, acting in, or performing the duties of General Manager, the powers, duties and functions set out in the attached Instrument of Delegation to the General Manager subject to the conditions and limitations specified in that Instrument.**
  - 2. The instrument of Delegation to the General Manager comes into force immediately after Council Resolution.**
  - 3. On the coming into force of the instrument all previous delegations to the General Manager are revoked.**
  - 4. The duties and functions set out in the above-mentioned instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 

**Summary**

The delegation of Council functions is essential to the effective and efficient governance of a Council. The Local Government Act 1993 provides for the delegation of many functions under that Act and numerous other Acts to the General Manager and in turn the General Manager can sub-delegate functions to nominated staff. The General Manager undertakes the functions of the General Manager as nominated in the Act.

Councillors are being asked to adopt the delegations of the General Manager in accordance with Section 380 of the Local Government Act 1993 which requires delegations to be reviewed within 12 months of an election.

**Background**

Section 335 of the Local Government Act 1993 details the statutory roles and functions of the General Manager as follows:

- (1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
- (2) The General Manager has the following particular functions:
  - the day to day management of the Council
    - to exercise such of the functions of the Council as are delegated by the Council to the General Manager
  - to appoint staff in accordance with an organisation structure and resources approved by the Council
  - to direct and dismiss staff
  - to implement the Council's equal employment opportunity management plan

**8.2 Delegations to the General Manager (Ref: ; Author: Ryan/Flint) (Continued)**

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- (3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

The Local Government Act provides the Council with powers, authorities and duties. It is the primary source of Council's functions although a wide range other legislation, such as the Companion Animals Act 1998, Environmental Planning and Assessment Act 1979 and the Roads Act 1993 to name a few, impose further functions for the Council to administer.

Due to the nature, scope and complexity of the functions a Council has to perform, the Local Government Act makes provision for a Council to delegate many of its functions to the General Manager. Section 377(1) of the Act provides that a Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:

- a. the appointment of a General Manager,
- b. the making of a rate,
- c. a determination under section 549 as to the levying of a rate,
- d. the making of a charge,
- e. the fixing of a fee,
- f. the borrowing of money,
- g. the voting of money for expenditure on its works, services or operations,
- h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- i. the acceptance of tenders which are required under this Act to be invited by the Council,
- j. the adoption of a operational plan under section 405,
- k. the adoption of a financial statement included in an annual financial report,
- l. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m. the fixing of an amount or rate for the carrying out by the Council of work on private land,
- n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
- o. the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- p. the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r. a decision under section 234 to grant leave of absence to the holder of a civic office,
- s. the making of an application, or the giving of a notice, to the Governor or Minister,
- t. the power of delegation,
- u. any function under this or any other Act that is expressly required to be exercised by resolution of the Council.

**8.2 Delegations to the General Manager (Ref: ; Author: Ryan/Flint) (Continued)**

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The General Manager may sub-delegate in accordance with the section 378 of the Act:

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

**Report**

Council is required within 12 months of a Local Government election to review the Delegations to the General Manager and all staff in accordance with section 380 of the Act. Councillors are now required to review and endorse the delegations prepared for the General Manager so as all other staff delegations can proceed to be reviewed.

The delegations to the General Manager have been revised with a number of limitations added and legally reflect the functions of a General Manager in accordance with Section 335 of the Act.

Council operates specialist software with the aim of ensuring that the delegations and sub-delegations are captured in a Delegations Register.

The Local Government Legal Database provides for ongoing legislative updates and support. The aim is to ensure all legislative changes are captured and that the delegations are updated on a timely basis for all staff.

The exercise by the General Manager of the delegation is also governed by Council's policies and these limitations have been included in the delegation document.

**Risk/Policy/Legislation Considerations**

The exercise of the delegations is governed by the Local Government Act 1993, other Acts (NSW and Commonwealth) and Council policies.

**Financial, Budget and Resource Implications**

The execution of an Instrument of Delegation to the General Manager comes at no cost and is a statutory requirement. There are a number of financial limitations of certain functions within the Instrument which require Council to endorse as part of this process.

**Links to QPRC/Regional Strategic Plans**

QPRC Community Strategic Plan (2042) Strategic Pillar No 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.2 Council is an open, accessible and responsive organisation.

**8.2 Delegations to the General Manager (Ref: ; Author: Ryan/Flint) (Continued)**

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**Conclusion**

A review of the General Manager's delegations has taken place in accordance with section 380 of the Act. A number of limitations have been added to the instrument and it is required this now be considered and endorsed by Council.

**Attachments**

Attachment 1      Instrument of Delegation to General Manager (*Under Separate Cover*)



8.3 Council Meeting Schedule (Ref: ; Author: Ryan/Ryan)

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File Reference: 52.7.1

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**Recommendation**

That Council retain the current meeting schedule for this 2024-2028 term of Council as follows:

1. Ordinary Council meetings are to be held on the second and fourth Wednesday of each month, except for December and January.
  2. One Ordinary Council meeting is held in each of December and January, on a Wednesday subject to the timing of public holidays.
  3. Pre-meeting briefing schedules to be held on the Tuesday prior to a Council meeting.
  4. Council meetings are held primarily in Queanbeyan with a rotation scheduled for meetings held every second month in either Braidwood or Bungendore.
- 

**Summary**

The Code of Meeting Practice (2022) details the Council Meeting schedule in accordance with the Local Government Act (1993). Council will be reviewing the Code of Meeting Practice during the new Council induction program and Councillor Strategy Day, being held on Friday 18 and Monday 28 October.

Council consideration is being sought to retain the current meeting schedule for the new Council term, which will be included in the review of the Code of Meeting Practice.

**Report**

Council is required to meet formally at least ten times per annum, each time in a different month as per section 365 of the Local Government Act 1993. Extraordinary meetings may be held at any time, subject to the appropriate statutory notice being given.

Clause 3.1 of the current QPRC Code of Meeting Practice, adopted on 21 December 2022 (**Resolution No 520/22**) and attached for information, states that Ordinary meetings of Council will be held on the second and fourth Wednesday of each month, except for January and December. Given the Christmas and New Year holiday season, Council conducts only one meeting each in December and January. This may be the second, third or even fifth Wednesday, depending on the timing of Christmas and Australia Day public holidays.

The new Council may choose to retain its existing schedule or set a different schedule. It is recommended that Council retain its existing schedule, as resolved at its meeting on 27 September 2023 (**Resolution No 386/23**). This included the 12-month trial of Council meetings being held in Braidwood.

The attendee numbers at Braidwood have been comparable to normal, and whilst the meeting space needs some preparation, there has been positive community response. The meeting room at the Bungendore Sports Hub is now available to convene Council meetings, and so a rotation for hosting meetings in Bungendore is proposed.

**8.3 Council Meeting Schedule (Ref: ; Author: Ryan/Ryan) (Continued)**

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The meeting schedule will be advertised in the Meeting Calendar on QPRC's website and will be reflected in the Code of Meeting Practice when reviewed and presented to Council for consideration.

The format of our Community Information sessions needs a refresh and the meeting schedule may provide an opportunity for residents to meet with Councillors prior to the Council meetings in both Bungendore and Braidwood.

**Risk/Policy/Legislation Considerations**

The NSW Local Government Act 1993 and the Code of Meeting Practice inform the setting of the schedule, time limits, live webcasting, public forums, recording onto Council's website, Councillor briefings and remote attendance by public forum participants and Councillors at meetings.

**Financial, Budget and Resource Implications**

Council's budget for each Ordinary Council meeting is \$1,100 per meeting and covers the cost of the live streaming software and staff.

The additional cost for the set-up of the meeting in Braidwood, some meals and staff time for the past 12 months is \$600 meeting.

**Links to QPRC/Regional Strategic Plans**

Strategic Pillar No: 5 Capability:

Contemporary civic leadership and governance that is open, transparent and accountable.

5.1 Our community is serviced by an efficient, effective and innovative Council.

5.2 Council is an open, accessible and responsive organisation.

**Conclusion**

Council is asked to retain the status quo for the convening of Ordinary Council meetings for the term of Council, which will be included in the review of the QPRC Code of Meeting Practice.

**Attachments**

Attachment 1      QPRC Code of Meeting Practice (*Under Separate Cover*)



8.4 LGNSW Annual Conference 2024 - Councillor Delegates (Ref: ; Author: Ryan/Flint)

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File Reference: 52.5.2-02

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**Recommendation**

That Council:

1. **Nominate the Mayor and three Councillors to register as voting delegates to attend the 2024 LGNSW Annual Conference.**
  2. **Register those Councillors wishing to attend as non-voting delegates to the 2024 LGNSW Annual Conference.**
- 

**Summary**

Council, at its meeting on 10 July 2024 (**Resolution 330/24**) noted the upcoming LGNSW Conference which is to be held in Tamworth, from Sunday 17 to Tuesday 19 November 2024 at the Tamworth Regional Entertainment Conference Centre. Council now needs to nominate four voting delegates, one of whom will be the Mayor.

Council may also consider nominating additional non-voting delegates.

**Background**

The LGNSW Annual Conference is an annual event that is this year being held in Tamworth.

Given the Conference is being held regionally this year, accommodation will be in high demand and registration of delegates attending should be done sooner rather than later.

The General Manager will be in attendance with the Mayor and Councillor delegates. Travel to the conference will be via road travel. Details about the conference, program and activities is available on the LGNSW Conference website; <https://lgnswconference.org.au>.

**Report**

In addition to registering delegates to attend the conference, members must advise LGNSW of the names of their nominated voting delegates to enable them to vote on motions during formal business sessions. Under the LGNSW rules, QPRC is entitled to have four voting delegates, one of whom is the Mayor.

Voting delegates must be elected members and be registered to attend the Conference.

Council should now nominate three Councillors to fill QPRC's voting entitlement at the LGNSW Annual Conference and if there are any other Councillors wishing to attend, nominate their registration for attendance.

The General Manager will attend the LGNSW Conference, however registration and accommodation are funded under a separate staff conference budget.

**Motions**

Council can put forward motions to be considered at the Conference and motions may be submitted online until 20 October 2024. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Councillors are

**8.4 LGNSW Annual Conference 2024 - Councillor Delegates (Ref: ; Author: Ryan/Flint) (Continued)**

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encouraged to review the Action Reports from previous conferences and positions of LGNSW, as set out in the LGNSW Policy Platform, before submitting motions for the 2024 Conference. These resources will assist with the drafting of motions.

To date, one motion has been submitted to LGNSW, this being Solid Fuel Heater Buyback (**Resolution 428/24**). Councillors wishing to propose further motions should discuss with the General Manager to enable the motion and report to be presented for endorsement by Council resolution.

**Risk/Policy/Legislation Considerations**

Section 232 of the Local Government Act 1993 prescribes that Councillors have a responsibility 'to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.' Attendance at conferences and active participation in professional development by all Councillors is desirable.

**Financial, Budget and Resource Implications**

As per the Councillor Expenses and Facilities Policy and Operational Plan 2024/45 budget allocation, provision is made for the attendance of Councillor delegates at conferences.

**Links to QPRC/Regional Strategic Plans**

Strategic Objective 5.1 in the Community Strategic Plan states 'Our community is serviced by an efficient, effective and innovative Council.'

Strategic Objective 5.2 in the Community Strategic Plan states 'Council is an open, accessible and responsive organisation.'

The attendance by members of the elected body will ensure that QPRC is informed about the issues directly affecting local government and are able to advocate for the needs of the community in which they represent.

**Conclusion**

The LGNSW Annual Conference is being hosted by Tamworth Regional Council from 17 to 19 November 2024.

QPRC is entitled to four voting delegates, one of whom is the Mayor, for conference motions and LGNSW Board elections. This is not a Board election year, however there are a number of casual Board vacancies as a result of the 2024 local government elections that LGNSW will fill via a countback.

Subject to Council approving of the recommendation as above, nominations will be called for the three voting delegates, and if required a ballot held. Then names of those Councillors wishing to attend will be sought and recorded for the minutes.

Confirmation of accommodation and conference registration will be finalised by 11 October, and individual Councillors notified so that travel arrangements can be made.

**Attachments**

Nil



8.5 Councillor Member Audit, Risk and Improvement Committee (ARIC) (Ref: ;  
Author: Flint/Cakalic)

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File Reference: 45.3.1-02

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**Recommendation**

**That Council appoints a non-voting Councillor (and alternate) to the QPRC Audit, Risk and Improvement Committee.**

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**Summary**

In accordance with the relevant legislation and Queanbeyan-Palerang Regional Council (QPRC) Audit, Risk and Improvement Committee (ARIC) Charter, Council can appoint a non-voting Councillor member (and alternate) to the ARIC.

**Background**

The ARIC is a statutory advisory committee to Council, playing a pivotal role in the governance framework of QPRC. The mandate for the establishment of the ARIC falls under the Local Government Act 1993 No 30 (NSW) Part 418A.

The Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 (Regulation) came into force on 1 July 2024.

The Regulation, Clause 216C (Composition of Audit, Risk and Improvement Committee – the Act, Sch 6, cl 19B) item (2), states that 'One Councillor, who must not be the Mayor, of the Council may also be appointed to the Audit, Risk and Improvement Committee for a Council'.

This is supported by the current QPRC ARIC Charter which was adopted by Council on 25 October 2023 (**Resolution No 443/23**).

The purpose of the ARIC is to provide independent assurance to Council by monitoring, reviewing, and providing advice about Council's governance processes, compliance, risk management and control framework, external accountability obligations and overall performance.

Meetings are held four times a year. These meetings are currently held on a Monday commencing at 9.30am. The ARIC generally meets for at least three hours. An additional meeting is normally held to review the draft financial statements.

A copy of the Charter has been provided for information.

To be appointed to the ARIC, the Office of Local Government has set eligibility criteria for Councillor members, however selection against the criteria is not mandatory.

**Report**

In accordance with legislation, and the ARIC Charter, the committee includes three independent voting members who are external to the organisation and who meet specific independent and eligibility criteria.

**8.5 Councillor Member Audit, Risk and Improvement Committee (ARIC) (Ref: ; Author: Flint/Cakalic) (Continued)**

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The appointment of a Councillor to the ARIC, although discretionary, has been included in the ARIC Charter adopted by QPRC. Consequently, a non-voting Councillor member and an alternate have previously been appointed. The previously appointed Councillors were Councillor Biscotti and alternate, Councillor Wilson.

Members can be appointed for two consecutive four year terms, but the total period of continuous membership cannot exceed eight years (two council terms).

Although not mandatory, the eligibility criteria as outlined in the Office of Local Government Guidelines for Risk Management and Internal Audit (November 2023) state:

To be appointed as a non-voting audit, risk and Improvement committee member a Councillor should demonstrate the following:

- An ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest);
- A good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations;
- A capacity to form independent judgements and willingness to constructively challenge/question management practices and information;
- A professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an ARIC, and
- Preparedness to undertake any training on the operation of ARIC's recommended by the Chairperson based on their assessment of the skills, knowledge and experience of the Councillor member.

**Risk/Policy/Legislation Considerations**

To ensure compliance with the Regulation (Clause 216C (3)) and QPRC ARIC Charter, the appointment to the QPRC ARIC must be made by a resolution of Council. In accordance with the Regulation (Clause 216C (4)), the Councillor appointed must not vote on a matter being considered by the committee.

The Mayor cannot be appointed as a member.

OLG post-election guidelines require that the Councillor member to the ARIC is appointed by the governing body at the first meeting of Council after the elections.

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

QPRC Community strategic Plan (2042) Strategic Pillar No. 5.

Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

5.1 Our community is serviced by an efficient, effective and innovative Council.

8.5 Councillor Member Audit, Risk and Improvement Committee (ARIC) (Ref: ;  
Author: Flint/Cakalic) (Continued)

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**Conclusion**

That Council appoints a Councillor, and alternate, to the QPRC Council ARIC as non-voting member.

Subject to Council approving of the recommendation as above, nominations will be called for the Councillor and alternate, and if required a ballot held.

**Attachments**

Attachment 1      ARIC Charter 2023 (*Under Separate Cover*)



**9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

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It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

**Recommendation**

**That pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:**

**Item 10.1 QPRC v Minister for Education and Early Learning: Case Numbers 2022/3377152 and 2022/3377095**

*Item 10.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*