



EXTRA-ORDINARY MEETING AGENDA

15 October 2024

**Goolgowi Council Chambers
9-11 Cobram Street, Goolgowi**

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Oath or Affirmation for Councillor's

The Local Government Act 1993 S233A requires all Councillors to take an Oath of Office or make an Affirmation of Office at or before the first meeting of Council following the election.

The Oath or Affirmation may be taken or made before the General Manager of the Council, an Australian Legal Practitioner or Justice of the Peace.

It is proposed the Oath or Affirmation be made before the Council meeting and before the General Manager on 15 October 2024.

A Councillor is not entitled to attend any meeting of Council as a Councillor until the Oath or Affirmation is made.

OATH

AFFIRMATION

10.1 Election of Mayor for 2024/26 Term

GOV:ELE:MDM

Author: General Manager

Purpose: Outline the process of the election of the Mayor for the 2024/26 term.

Separately Circulated: Nomination paper for the Election of Mayor

Background

In accordance with Section 225 of the *Local Government Act 1993*, the Council area must have a Mayor who is elected and in the case of Carrathool, by the elected Councillors. It has been tradition to elect the Mayor using the ordinary ballot method and the election is undertaken biennially in September in accordance with Section 230(1) of the *Local Government Act 1993*.

Issues

A Mayor elected by Councillors holds the Office of Mayor for a period of two years.

Financial implications

Nil

Statutory implications (Governance including Legal)

In accordance with Schedule 7 – Part 1 Preliminary of the *Local Government (General) Regulation 2021*, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer (General Manager) until the time the matter is before the Ordinary Council Meeting on Tuesday 15 October 2024 and the Returning Officer declares nominations to have closed.

The election is to be conducted in accordance with the *Local Government (General) Regulation 2021* (Part 1 Preliminaries) Clause 394 of Schedule 7.

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

That the Council determine the method of electing the Mayor it being noted that in accordance with Schedule 7 Part 1 Preliminary 3 of the *Local Government (General) Regulation 2021* the method must be either:

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

10.2 Election of Deputy Mayor for 2024/26 Term

GOV:ELE:MDM

Author: General Manager

Purpose: Outline the process of the election of the Deputy Mayor for the 2024/26 term.

Separately Circulated: Nomination paper for the Election of Deputy Mayor

Background

Nil

Issues

Nil

Financial implications

Nil

Statutory implications (Governance including Legal)

Section 231 of the *Local Government Act 1993* provides that Councils may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor and the normal practice is to coincide the terms of Mayor and Deputy Mayor.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.

Local Government (General) Regulation 2021

The provisions of the *Local Government (General) Regulation 2021*, apply to the election of the Deputy Mayor in the same manner as they apply to the election of the Mayor.

In accordance with the regulations, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before the Ordinary Council Meeting on Tuesday 15 October 2024 and the Returning Officer declares nominations to have closed.

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

1. **That the Council determine the method of electing the Deputy Mayor it being noted that in accordance with Schedule 7 Part 1 Preliminary 3 of the *Local Government (General) Regulation 2021* the method must be either:**
 - a) Preferential Ballot
 - b) Ordinary Ballot
 - c) Open Voting
2. **that the period of office for the Deputy Mayor should be for a period of two years.**

10.3 Delegation of Authority to Mayor and Deputy Mayor

GOV:ELE:MDM

Author: General Manager

Purpose: To resolve by the Council Delegation to the Mayor and Deputy Mayor

Background

The Council is to consider delegation to the Mayor and Deputy Mayor in legislative compliance with the *Local Government Act 1993*.

By formal resolution, the Council may delegate certain functions of its operations to the Mayor and Deputy Mayor.

Any such delegations granted by the Council are vested in the incumbent, not the position. Where there is a change within any of these positions, then Council must again by formal resolution review and resolve such delegations. However, if the Deputy Mayor is required to act in the position of Mayor he/she assumes those delegations vested in the Mayor.

Delegations granted to the Mayor and Deputy Mayor enable emergency actions or the necessary representations of the Council to be conducted between Council meetings.

There are certain exemptions to the delegations that may be granted by Council detailed in Section 377(1) of the *Local Government Act 1993*:

1. 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 under this or any other Act, 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 to provide services currently provided by members of staff of the council,
 - (j) the adoption of an 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) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

2. A council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

Role of the Mayor

Pursuant to Section 226 & 377 of the *Local Government Act 1993*, the role of the Mayor of the Carrathool Shire Council is defined as being inclusive of the functions:

The role of the Mayor is:

- i. to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- ii. to exercise such other functions of the council as the council determines
- iii. to preside at meetings of the council
- iv. to carry out the civic and ceremonial functions of the mayoral office.

Delegation of Authority for Mayor

Pursuant to Section 226 & 377 of the *Local Government Act 1993*, as amended, the council can delegate to the Mayor the exercise of other functions of the Council as specified below:

1. To give effect to the provisions of the *Local Government Act 1993*, and any other Act conferring powers of duties upon the Mayor and to any resolution or direction given to the Mayor by the Council.
2. To exercise general direction, control and performance assessment of the General Manager.
3. To sign and execute any documents under the Common Seal of the Council, in conjunction with the General Manager or any other Councillor pursuant to a decision of the Council.
4. To make statements or respond to the media in respect of Council matters.
5. To represent the Council with the General Manager in deputations meetings and other forums where it is appropriate to present Council's position.
6. To authorise urgent or emergency works or activities with expenditure up to \$20,000.
7. To preside at all council meetings, community and public meetings and other forums convened by Council at which the Mayor is present unless this function is otherwise appointed to another councillor or person by the Mayor.
8. To provide Civic Receptions as appropriate.

Delegation of Authority for Deputy Mayor

Pursuant to Sections 231 & 377 of the *Local Government Act 1993* as amended, the Council hereby delegates to the Deputy Mayor the authority to exercise the functions of the Council as specified below:

1. 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.

Issues

Nil

Financial implications

Nil

Statutory implications (Governance including Legal)
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Local Government Act 1993

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

that the delegation of authority for Mayor (.....) and Deputy Mayor (.....) as follows be endorsed by the Council:

Mayor

1. To give effect to the provisions of the *Local Government Act 1993*, and any other Act conferring powers of duties upon the Mayor and to any resolution or direction given to the Mayor by the Council.
2. To exercise general direction, control and performance assessment of the General Manager.
3. To sign and execute any documents under the Common Seal of the Council, in conjunction with the General Manager or any other Councillor pursuant to a decision of the Council.
4. To make statements or respond to the media in respect of Council matters.
5. To represent the Council with the General Manager in deputations' meetings and other forums where it is appropriate to present Councils position.
6. To authorise urgent or emergency works or activities with expenditure up to \$20,000.
7. To preside at all council meetings, community and public meetings and other forums convened by Council at which the Mayor is present unless this function is otherwise appointed to another councillor or person by the Mayor.
8. To provide Civic Receptions as appropriate.

Deputy Mayor

1. 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.

10.4 Delegation of Authority to General Manager

GOV:MCCC:MRPC

Author: General Manager

Purpose: Delegation of Authority to General Manager

Background

For the smooth running of the organisation, formal authority needs to be delegated by Council to the General Manager. Section 377 of the *Local Government Act 1993* allows Council to delegate to the General Manager but not to any other employee of the Council any function except those excluded under this section.

Issues

With the commencement of a new Council it is prudent to inform the Council of this convention in the operational management of the Council's activities.

Financial Implications

Nil

Statutory Implications (Governance including Legal)

Relevant to the *Local Government Act 1993* and Regulations and all other Acts and Regulations imposing a duty power on Council.

Policy Implications

Subject to any limitation imposed by Council Policy.

Risk Implications

Nil

Community Strategic Plan

Theme 5 – Leadership and Governance

Recommendation:

That Council pursuant to Section 377 of the *Local Government Act 1993* delegates to the General Manager all the functions, powers, duties and authorities of the Council that it may lawfully delegate under the *Local Government Act 1993* and under any Act, Regulation, Instrument or Authority that are delegated to Council by any other authority or body subject to:

- 1. function under section 377 (1) of the *Local Government Act 1993* that may be delegated and:**
- 2. any policy of Council that may place any restriction upon the conferred delegations.**

10.5 Committees of the Council

GOV:MCCC:CC

Author: General Manager

Purpose: To determine delegates/representatives of Committees for the 2024/28 Term

Background

The Carrathool Shire Council has established a practice of nominating delegates/representatives to external/internal committees and organisations at the commencement of the Council term for the duration of the Council term.

Issues

At the January 2022 meeting Council considered delegates and representatives to various committees and organisations. These entities are listed below.

It would also be appropriate to include Council members on the Western Regional Planning Panel at this time. The membership lasts for three years and expires in March 2025. The representatives are the Mayor and General Manager.

Name of Organisation	Details (When, Where etc)	2022/24 Delegates Representatives	2024/28 Delegates Representatives
General Managers Performance Review Committee	Meets Annually.	Mayor Deputy Mayor Cr Fensom Cr Kite	
Bush Fire Management Committee	Meets twice a year.	Cr Kite Cr Peters	
Plant Committee	As required to discuss upcoming major plant purchases	All Council DIS General Manager	
Roads Committee	As needed to consider annual road programmes	All Councillors DIS General Manager	

Section 355 Committees

Name of Organisation	Details (When, Where etc)	2022/24 Delegates Representatives	2024/28 Delegates Representatives
Goolgowi Hall Management Committee	Meets as & when required	Cr Furner	
Rankins Springs War Memorial Hall Management Committee	Meets as & when required	Cr Kite	
Merriwagga Public Hall Management Committee	Meets as & when required	Cr Armstrong	
Carrathool Memorial Hall & Sports Ground Management Committee	Meets as & when required	Cr Furner	
Rankin's Springs Recreation Group Management Committee	Meets as & when required	Cr Kite	
Wallanthery Hall Committee	Meets as & when required	Cr Potter	

Appointment of Delegates

Name of Organisation	Details (When, Where etc)	2022/24 Delegates Representatives	2024/28 Delegates Representatives
Country Public Libraries Association	As requested	Cr Potter Cr Furner (2 nd) DCCS Library Manager	
Mallee Bush Fire Prevention Scheme	As requested	Cr Peters Cr Fensom (2 nd)	
Murray Darling Association	As requested	Cr Fensom Cr Furner (2 nd)	
South West Arts Project	As requested	Cr Lyall	
Western Riverina Community Library	As requested	Cr Potter Cr Furner (2 nd)	
Kidman Way Promotional Committee	As requested	Cr Lyall Cr Peters (2 nd) EDO	
Lachlan Floodplain Management Committee & Rankins Springs Floodplain Management Committee	As requested	Cr Jardine Cr Peters Cr Fensom General Manager DIS	
Outback Regional Tourism Organisation	As requested	Cr Lyall EDO	
Traffic & Development Committee	Meets as & when required	Cr Armstrong Cr Fensom (2 nd) DIS	
Hillston Billylids	As requested	Cr Fensom	
Police Accountability Community Team	Quarterly meetings	Cr Jardine General Manager	
Riverina and Murray Joint Organisation (RAMJO)	Quarterly meetings in Jerilderie	Cr Jardine Cr Furner (2 nd) General Manager	
Western Division Group of Councils	Annual Conference held in February yearly and one other again throughout the year	Cr Jardine Cr Furner (2 nd) General Manager	
Country Mayors Association	Quarterly	Cr Jardine General Manager	

Statutory implications (Governance including Legal)

Nil

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

That Council:

- 1. determine which committees are still relevant.**
- 2. determine the representation on the various committees using the above table as a guide for committee delegates and representatives.**
- 3. nominate the Mayor and General Manager as its delegates to the Western Regional Planning Panel.**

10.6 Council Meeting Dates – 2025

GOV:MCCC:CMA

Author: General Manager

Purpose: To consider proposed Council meeting dates for 2025

Background

In accordance with the *Local Government Act 1993 s365*, Council is required to meet at least 10 times each year, each time in a different month. Council is asked to consider the dates, times and venues proposed for Council meetings during 2025 in accordance with Council's Code of Meeting Practice.

Issues

The Department of Home Affairs requires prior advice of dates for the running of citizenship ceremonies with dates of conferral being pre-printed on all citizenship certificates. Council has previously nominated Australia Day and the dates of its ordinary meetings as dates for citizenship ceremonies.

Council has traditionally set the third Tuesday of each month commencing at 10.00 am for its ordinary meetings. Council has also previously resolved (on a rotational basis) to hold at least one meeting per annum in a centre other than Goolgowi (Min 0491/15.12.2009). This year's August meeting was held in Merriwagga and it is recommended that the August 2025 meeting be held at Carrathool. Five meetings are scheduled to be held in the Hillston District Office during 2025.

Date	Meeting	Venue	Time
18/02/25	Ordinary Council Meeting	Hillston	10.00 am
18/03/25	Ordinary Council Meeting	Goolgowi	10.00 am
15/04/25	Ordinary Council Meeting	Hillston	10.00 am
20/05/25	Ordinary Council Meeting	Goolgowi	10.00 am
*24/06/25	Ordinary Council Meeting	Hillston	10.00 am
15/07/25	Ordinary Council Meeting	Goolgowi	10.00 am
19/08/25	Ordinary Council Meeting	Carrathool	10.00 am
16/09/25	Ordinary Council Meeting	Hillston	10.00 am
21/10/25	Ordinary Council Meeting	Goolgowi	10.00 am
18/11/25	Ordinary Council Meeting	Hillston	10.00 am
16/12/25	Ordinary Council Meeting	Goolgowi	10.00 am

Please note: *24/06/25 – June meeting is to be held on the 4th Tuesday to allow for statutory advertising and receipt of submissions on the annual budget.

Should Council not wish to hold the November meeting it can be removed from the schedule.

Financial implications

Budgets for members fees and travel costs are included in the 2024/25 Operational Plan.

Statutory implications (Governance including Legal)

Local Government Act 1993 – s 9(1), s 365

Council Code of Meeting Practice

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Goal 5 – Civic Leadership and Governance

Objective 5.3 – Encourage our community to be engaged and informed, and active in shaping our shire's future.

Recommendation:**That Council resolve to hold Council meetings at the following venues and times for the 2025 calendar year.**

<i>Date</i>	<i>Meeting</i>	<i>Venue</i>	<i>Time</i>
18/02/25	Ordinary Council Meeting	Hillston	10.00 am
18/03/25	Ordinary Council Meeting	Goolgowi	10.00 am
15/04/25	Ordinary Council Meeting	Hillston	10.00 am
20/05/25	Ordinary Council Meeting	Goolgowi	10.00 am
*24/06/25	Ordinary Council Meeting	Hillston	10.00 am
15/07/25	Ordinary Council Meeting	Goolgowi	10.00 am
19/08/25	Ordinary Council Meeting	Carrathool	10.00 am
16/09/25	Ordinary Council Meeting	Hillston	10.00 am
21/10/25	Ordinary Council Meeting	Goolgowi	10.00 am
18/11/25	Ordinary Council Meeting	Hillston	10.00 am
16/12/25	Ordinary Council Meeting	Goolgowi	10.00 am