



# ORDINARY MEETING OF COUNCIL

To be held at 3:30 pm on

**Tuesday 11 January 2022**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## **Order of Business**

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Report of the Chief Executive Officer
- 4 Closure

## **Members**

Matt Brown  
Mark Croxford  
Imogen Draisma  
Jodi Keast  
Stuart Larkins  
Neil Reilly  
Karen Renkema-Lang  
Kathy Rice  
Warren Steel


5 January 2022

To the Chairman and Councillors:

**NOTICE OF ORDINARY MEETING**

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 11 January 2022** commencing at **3:30 pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jane Stroud', written in a cursive style.

Jane Stroud

**Chief Executive Officer**

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**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 11 JANUARY 2022**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

*“I would like to acknowledge the traditional owners of the land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”*

Item 11.1

Report of the Chief Executive Officer

3.1 Oath or Affirmation of Office by Councillors (cont)

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### 3 REPORT OF THE CHIEF EXECUTIVE OFFICER

#### 3.1 Oath or Affirmation of Office by Councillors

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

#### Summary

This report advises of the procedure for the taking of the oath or affirmation of office by Councillors.

#### Financial implications

Not applicable.

#### Risk implications

Failure of a Councillor to take the oath or affirmation of office would mean they are not entitled to attend council meetings.

#### Policy

Local Government Act 1993 and Regulations.



#### Consultation (internal)

N/A

#### Communication/Community engagement

N/A

#### Attachments

- 1 Councillor oath [↓](#) 
- 2 Councillor affirmation of office [↓](#) 

#### Enclosures

Nil

#### **RECOMMENDATION**

That Councillors take an oath or affirmation of office.

Report of the Chief Executive Officer

3.1 Oath or Affirmation of Office by Councillors (cont)

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**Background**

Section 233A of the Local Government Act 1993 requires that 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.

The oath or affirmation may be taken or made before the Chief Executive Officer of the Council, an Australian legal practitioner or a Justice of the Peace and is to be in the attached form.

A Councillor who fails without a reasonable excuse to take the oath of office or make an affirmation of office 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 made the affirmation.

Any absence of a Councillor from an ordinary meeting of the Council that the Councillor is not entitled to attend is taken to be an absence without prior leave of the Council.

**Item 3.1**



### Councillor 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 Municipality of Kiama and the Kiama Municipal 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.”



**Councillor affirmation of office**

“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 Municipality of Kiama and the Kiama Municipal 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.”



### 3.2 Election of Mayor

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

#### Summary

This report advises of the procedure for the election of the Mayor.

#### Financial implications

Not applicable.

#### Risk implications

Election of the Mayor by councillors must follow the process set out in Schedule 7 of the Local Government (General) Regulation 2021 to ensure fairness and transparency.

#### Policy

Local Government Act 1993 and Regulations.



#### Consultation (internal)

N/A

#### Communication/Community engagement

N/A

#### Attachments

- 1 Local Government (General) Regulation 2021 - Schedule 7 election of mayor by councillors [↓](#) 
- 2 Nomination form for position of Mayor for the period to September 2023 - pro forma [↓](#) 

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. receive written nominations for the Office of Mayor for the period to September 2023
2. determine the form of election, if required
3. thereafter, proceed with the election of the Mayor.

Report of the Chief Executive Officer

### 3.2 Election of Mayor (cont)

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#### Background

Section 230 of the Local Government Act 1993 states that the term of office for a Mayor elected by Councillors is for 2 years. The Office of Local Government has advised that because of the postponement of the ordinary council elections to 4 December 2021, mayors elected by councillors during the next term will have a shorter term than the usual two years.

Section 290(1)(b) of the Local Government Act requires that mid-term mayoral elections are held in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023. The Mayor elected at the mid-term mayoral election will hold their office for one year until the election in September 2024.

Schedule 7 of the Local Government (General) Regulation 2021 (attached) sets out the procedures for the election of a Mayor by Councillors. The Chief Executive Officer is appointed as the Returning Officer for such an election. Nominations can be made without notice, must be made in writing by two or more Councillors (one of whom may be the nominee) and signed by the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

A “pro forma” nomination form has been prepared and circulated with this business paper (attached) for Councillors to use if so desired. There is no necessity to use this form, but the criteria detailed above must be met for a nomination to be valid. The nomination forms must be delivered to the Chief Executive Officer and can be so delivered at any time up to consideration of this item. Further pro forma nomination forms will be available at the Council meeting.

If only one Councillor is nominated, that Councillor is elected as Mayor. If more than one Councillor is nominated, Council must determine the form of election to be held:

- Preferential balloting (voting “1”, “2”, “3” in order of preference – secret ballot)
- Ordinary ballot (“First Past the Post” by secret ballot)
- Open voting (“First Past the Post” by show of hands).

Where at any time in such an election there is equality in votes for the remaining two candidates, a draw by lot is undertaken with the candidate first drawn being taken to be elected. If at any time there is equality for two or more candidates when three or more candidates remain in the count (ie when a draw by lot will not decide the election), a draw by lot is undertaken and the candidate first drawn is excluded.



## Local Government (General) Regulation 2021

Current version for 26 November 2021 to date (accessed 15 December 2021 at 16:03)

Schedule 7

### Schedule 7 Election of mayor by councillors

(Section 394)

#### Part 1 Preliminary

##### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

##### 2 Nomination

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

##### 3 Election

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

*ballot* has its normal meaning of secret ballot.

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

#### Part 2 Ordinary ballot or open voting

##### 4 Application of Part

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

##### 5 Marking of ballot-papers

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

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

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

**6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.  
(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.  
(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.  
(3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.  
(4) A further vote is to be taken of the 2 remaining candidates.  
(5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.  
(6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 Preferential ballot**

**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.  
(2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.  
(3) An informal ballot-paper must be rejected at the count.

**10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.  
(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.  
(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.  
(4) In this section, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**11 Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) 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.

**Part 4 General**

**12 Choosing 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 and the candidate whose name is on the drawn slip is chosen.

**13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is—

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.

To the Chief Executive Officer  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

**Nomination for Position of Mayor for the period to September 2023**

Please note that the Councillors whose signatures appear below formally nominate Councillor \_\_\_\_\_ for the position of Mayor of Kiama Council for the period to September 2023.

Signed:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

\*\*\*\*\*

I, Councillor \_\_\_\_\_ formally consent to this nomination being made on my behalf.

Dated \_\_\_\_\_ Clr signature: \_\_\_\_\_

### 3.3 Election of Deputy Mayor

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

#### Summary

This report advises of the procedure for the election of the deputy mayor.

#### Financial implications

Not applicable.

#### Risk implications

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 which may improve any risk exposure to Council in some situations.

#### Policy

Local Government Act 1993 and Regulations.

#### Consultation (internal)

N/A

#### Communication/Community engagement

N/A

#### Attachments

- 1 Nomination form for position of deputy mayor for the determined period - pro forma [↓](#) 

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. determine the term of the Deputy Mayor
2. proceed with the election of a Deputy Mayor for the determined term and that such election be conducted in the same manner as that which applied to the election of the Mayor.

Report of the Chief Executive Officer

3.3 Election of Deputy Mayor (cont)

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**Background**

Section 231 of the Act provides that Council may elect one of its members as the Deputy Mayor for the Mayoral term or for a shorter term if so resolved. Council policy has been to formally elect a Deputy Mayor each year.

The Deputy Mayor may act in the Office of the Mayor on the Mayor's request or during such time (if any) as the Mayor is prevented by absence from so doing, or during such time as a casual vacancy exists in the Office of Mayor.

While acting in place of the Mayor, the Deputy Mayor may exercise any function of that office. Section 249(5) of the Act provides that Council may pay a fee to the Deputy Mayor where that person acts in the Office of Mayor. Any such fee must be approved and determined by Council, and is deducted from the Mayor's fee.

Council may determine the manner of election for the position of Deputy Mayor as detailed in the item dealing with the Mayoral election.



To the Chief Executive Officer  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

**Nomination for position of Deputy Mayor for the determined period**

Please note that the Councillors whose signatures appear below formally nominate Councillor \_\_\_\_\_ for the position of Deputy Mayor of Kiama Council for the period determined at the Council meeting held on 11 January 2022.

Signed:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

\*\*\*\*\*

I, Councillor \_\_\_\_\_ formally consent to this nomination being made on my behalf.

Dated \_\_\_\_\_ Clr signature: \_\_\_\_\_

**3.4 Managing casual councillor vacancies within 18 months of the election**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

**Summary**

Under the Local Government Act (1993) (the LG Act), Councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election.

**Financial implication**

A countback process would be administered by the NSW Electoral Commission returning officer and likely to incur only nominal costs calculated on an hourly basis to undertake and advise the countback.

The alternative of a by-election would be administered by the Electoral Commission and incur significant costs, similar to the full election.

**Risk implication**

Adoption of the proposed resolution to utilise a count-back method would mitigate the significant financial and reputational risks associated with having to undertake a by-election within 18 months of the last election.

**Policy**

Local Government Act (1993) Sections 291A – 295

**Consultation (internal)**

N/A

**Communication/Community engagement**

N/A

**Attachments**

Nil

**Enclosures**

Nil

## Report of the Chief Executive Officer

## 3.4 Managing casual councillor vacancies within 18 months of the election (cont)

**RECOMMENDATION**

## That Council:

1. declare that, should a casual vacancy in the office of a Councillor occur within 18 months after the 4 December 2021 ordinary election, that any such casual vacancy is filled by a countback of votes cast at the last election for that office.
2. directs the Chief Executive Officer to notify the NSW Electoral Office of the Council's decision within 7 days.

Item 3.4

**Background**

The Local Government Act (1993) includes provisions for appointing Councillors in the event that casual vacancies occur during the term of Council. This report focuses on the first 18 months of the Council term (Sections 291A and 292). Relevant extracts from the LG Act are provided below and summarised here:

Section 291A: Defines the process for using a countback process to replace a vacant Councillor position, which would be facilitated by the Electoral Commission returning officer.

Section 292: Defines the alternative process of filling the vacancy via a by-election.

Section 295: Outlines the process for filling a casual vacancy of the Mayor elected by Councillors.

**291A Countback to be held instead of by-election in certain circumstances**

- (1) This section applies to a casual vacancy in the office of a councillor if-
  - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
  - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) ... [Not Relevant]
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted--
  - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or
  - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council--by a returning officer appointed by the electoral services provider.
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--
  - (a) the returning officer must notify the general manager of the council concerned, and

## Report of the Chief Executive Officer

## 3.4 Managing casual councillor vacancies within 18 months of the election (cont)

- (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations

**292 When is a by-election to be held?**

A by-election to fill a casual vacancy in the office of a councillor or a mayor elected by the electors of an area is to be held on a Saturday that -

- (a) falls not later than 3 months after the vacancy occurs, and
- (b) is fixed by the general manager (in relation to an election administered by the general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner).

**295 Casual vacancy in office of mayor elected by the councillors**

- (1) If a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the council to be held within 14 days after the occurrence of the vacancy.
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.

Although not the subject of this report, the LG Act (1993) also outlines the process for Councillor vacancies in the last 18 months of the Council term (Section 294). As the term of this Council is a short term of 2 years and 9 months, the provisions will overlap for a 3-month period between 4 March and 4 June 2023. Should a vacancy occur during these 3 months, advice would be sought from the Office of Local Government on which provision takes precedent to guide Council's consideration at that time. An extract of Section 294 is provided here:

**294 Dispensing with by-elections**

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council--
- (a) order that the vacancy not be filled, or
- (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).

**How the countback election works**

A countback election is used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

The returning officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates.

Report of the Chief Executive Officer

### 3.4 Managing casual councillor vacancies within 18 months of the election (cont)

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The timeline for a countback election is

1. The Electoral Commissioner is notified of a casual vacancy, within seven days of it occurring.
2. A returning officer is appointed within 14 days of the notification of the vacancy.
3. Casual vacancy notices are issued 2 to 14 days from the appointment of the returning officer.
4. Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
5. The countback is conducted within 14 days of the vacancy notices being issued.
6. It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer

- uses preference data from ballot papers from the previous local government ordinary election
- uses the same proportional representation method used in the original election
- effectively re-runs the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper
- if a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper
- re-runs the countback until an eligible candidate is elected.

Eligible candidates and the council are then notified of the result.

At a countback election, a sitting councillor cannot be unelected, and non-eligible candidates cannot be elected.

### Conclusion

This report addresses the requirement for Council to resolve how to deal with casual vacancies occurring in the office of a councillor within 18 months of the election and recommends vacancies are filled by a countback of votes cast at the election rather than using a by-election.

**3.5 Ordinary Meetings of the Council - schedule and order of business**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

**Summary**

This report proposes the fixing of days and hours at which Ordinary Meetings of the Council are held and to endorse the order of business at Ordinary Meetings.

**Financial implication**

Not applicable.

**Risk implication**

Not applicable.

**Policy**

Not applicable.

**Consultation (internal)**

Executive Leadership Team

**Communication / Community engagement**

Council meeting times are advertised on Council's website and through regular media channels.

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council:

1. Notes that the ordinary general meetings of the Council be held on the third Tuesday of each month other than January.
2. Notes that ordinary meetings throughout the year will commence at 6pm.
3. Notes that public access forums throughout the year will commence at 4pm.
4. Confirms the order of business for an ordinary general Council meeting as set out in this report.

Report of the Chief Executive Officer

### 3.5 Ordinary Meetings of the Council - schedule and order of business (cont)

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#### **Proposal for meeting schedule**

Council has previously had a meeting policy that Council meetings be held on the third Tuesday of each month with public access forums scheduled on the Monday evening (the day before).

For 2022 the following schedule is proposed:

1. Public access meetings to be held on the third Tuesday of the month commencing at 4pm
2. Councillor dinner to be held immediately following public access at 5pm
3. Ordinary council meetings to be held on the third Tuesday of each month commencing at 6pm.

Councillor agenda review would be held on the Tuesday morning at 9am.

It is noted that Wollongong, Shellharbour and Shoalhaven councils have the public access forum either immediately before or during the meeting.

This proposal is a matter for determination by Council and would result in the following meeting dates:

15 February

15 March

19 April

17 May

14 June – this is the 2<sup>nd</sup> Tuesday of the month to allow Councillor attendance at the Australian Local Government Association National General Assembly being held from the 19 June 2022 to 22 June 2022

19 July

16 August

20 September

18 October

15 November

20 December

#### **Order of business**

Council's current Code of Meeting Practice sets out the order of business of an ordinary council meeting at section 8.1.

It is proposed that the following order of business is adopted:

- 1 Apologies
- 2 Acknowledgement of traditional owners
- 3 Confirmation of minutes of previous meeting
- 4 Business arising from the minutes
- 5 Disclosure of interests

## Report of the Chief Executive Officer

## 3.5 Ordinary Meetings of the Council - schedule and order of business (cont)

- 
- 6 Tabling of petitions and other documents
  - 7 Public access summary
  - 8 Mayoral minutes
  - 9 Minutes of committees
  - 10 Public Access Reports
  - 11 Report of the Chief Executive Officer
  - 12 Report of the Chief Financial Officer
  - 13 Report of the Director Environment Services
  - 14 Report of the Director Engineering and Works
  - 15 Report of the Blue Haven Chief Operations Officer
  - 16 Reports for information
  - 17 Addendum to reports
  - 18 Notice of motion
  - 19 Confidential summary
  - 20 Confidential reports
  - 21 Closure

The changes to the existing order of business include:

- Removal of the Director Corporate and Commercial Services reports
- Addition of reporting from the Chief Financial Officer
- Removal of questions for future meetings to be replaced by formal notice of motions.



**3.6 For endorsement: draft Councillor Induction and Professional Development Policy**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Item 3.6

**Summary**

This report presents the draft Councillor Induction and Professional Development Policy for endorsement.

**Financial implication**

An annual budget allocation

**Risk implication**

The risk related to this information is that Councillor induction and professional development requirements may not be properly supported by a policy framework or structured in the same manner as the rest of the sector currently has adopted.

**Policy**

Councillor Induction and Professional Development Policy

**Consultation (internal)**

Office of the Chief Executive Officer

**Communication/Community engagement**

This Policy will be placed on Council's website.

**Attachments**

- 1 Draft Councillor Induction and Professional Development Policy [↓](#) 

**Enclosures**

Nil

**RECOMMENDATION**

That Council adopt the Councillor Induction and Professional Development Policy for endorsement and application.

**Background**

To support the induction and professional development of the new Council this draft Policy is submitted to Council for endorsement. In the process of developing the overall induction program for the new Council it became evident that Council had no

Report of the Chief Executive Officer

3.6 For endorsement: draft Councillor Induction and Professional Development Policy (cont)

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policy. In order to correct this, the draft Policy has been prepared and is based on the model policy included in the Office of Local Government's Councillor Induction and Professional Development Guidelines.

As the draft policy pertains specifically to Councillors and is already widely utilised across the sector, no public consultation is recommended. On the International Association of Public Participation this policy would be prepared under the "inform" process. By adopting a clear policy, the community and any future candidates will have the opportunity to understand how induction, training and professional development is structured to enable elected representatives to perform their duties. The policy will also provide the head of power to support the induction program which has been designed to support the incoming Council.

**Item 3.6**



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

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Date adopted	XX
Resolution number	XX
Previously adopted	New policy
Next review due	XX
Department	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
TRIM reference	22/935
Attachments	Nil

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## **Councillor induction and professional development policy**

### **1.0 Purpose**

The purpose of this policy is to demonstrate Kiama Municipal Council's commitment to ensuring that the mayor and councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the Local Government Act 1993 ('the Act').

### **2.0 Scope**

This policy applies to all councillors, including the mayor.

### **3.0 Statement of commitment**

Kiama Council is committed to developing an induction and ongoing professional development program for the mayor and councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the mayor and each councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

### **4.0 Induction program**

Kiama Council will develop an induction program for new and returning councillors as well as a supplementary program for the mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so.

The induction program will cover:

- an orientation to council facilities and the local government area
- an overview of the key issues and tasks for the new council including council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- the legislation, rules, principles and political context under which councils operate
- the roles and responsibilities of councillors and the mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the Chief Executive Officer (CEO) and council staff
- what Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council
- key Council policies and procedures councillors must comply with including the code of conduct
- the role of Council meetings and how to participate effectively in them
- the support available to the mayor and councillors and where they can go to get more information or assistance

- information on the process for taking the oath of office and electing the mayor at the first council meeting (where applicable).

In the case of the mayor, the program will also cover:

- how to be an effective leader of the governing body and the council
- the role of the Chair and how to chair council meetings
- the mayor's role in integrated planning and reporting
- the mayor's role and responsibilities under the code of conduct
- the mayor's role and responsibilities in relation to the CEO's employment
- the mayor's role at regional and other representative bodies,
- the mayor's civic and ceremonial role.

The mayor and councillors must have a working knowledge and understanding of these areas by the end of the induction program.

The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure mayors and councillors:

- identify how they would like to work together as a team and identify a common vision for the governing body
- build relationships with each other based on trust and mutual respect that facilitate collaboration
- contribute to a positive and ethical culture within the governing body
- work towards consensus as members of the governing body for the benefit of the community
- develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- understand what supports or undermines the effective functioning of the governing body
- respect the diversity of skills and experiences on the governing body
- communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership
- promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

The mayor and councillors, including those re-elected to office, must attend all induction sessions.

Kiama Council will evaluate the induction program at the end of each council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

## **5.0 Ongoing professional development program**

An individual ongoing professional development plan will be developed for the mayor and each councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role.

Each professional development plan will span the council's term, and identify professional development activities that the mayor or councillor will participate in. Professional development activities will be prioritised according to need and approved by the CEO where council funds are required in accordance with council's councillor and expenses and facilities policy. The Mayor and councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- **70%** of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- **20%** of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations
- **10%** of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The timing of professional development activities for the mayor and councillors will be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing will reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles. Training will also focus on the aged care aspect of Kiama Council.

The mayor and councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

## **6.0 Responsibilities**

The mayor and each councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The mayor and all councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the council.

The CEO is responsible for planning, scheduling and facilitating induction and professional development activities for the mayor and councillors in consultation with the CEO.

The CEO has overall responsibility for Council's induction and professional development program.



**7.0 Budget**

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the mayor and councillors. Expenditure will be monitored and reported quarterly.

**8.0 Approval of training and/ or expenses**

Professional development activities that require council funds are to be approved by the CEO in accordance with Council's Payment of Expenses and Provision of Facilities Policy.

**9.0 Evaluation**

Council will evaluate the professional development program at the end of each council term to assess whether it was effective in assisting the mayor and councillors to develop the capabilities required to fulfil their civic roles.

**10.0 Reporting**

The CEO will publicly report each year in Council's annual report:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

**11.0 Policy review**

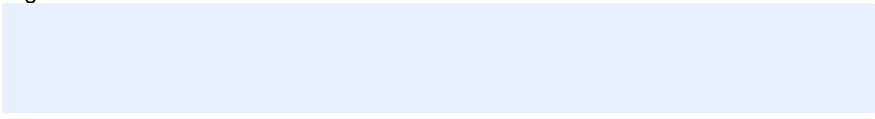
This Policy was originally adopted by Council on XX.

This protocol will next be reviewed in February 2024 however may also be changed as a result of legislative or process driven requirements. Any amendment to the Policy must be by way of Council resolution.

**12.0 Document control**

Date reviewed	Date adopted	Amendment
N/A	XX	New Policy

13.0 Signature

<b>Name:</b> Jane Stroud   Chief Executive Officer	<b>Date:</b> X
Signature: 	

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#### Office hours

Our Administration Building located at  
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**4 CLOSURE**