



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

EXTRA ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

19 APRIL 2017

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

DECLARATION OF INTEREST

COMMEMORATIONS AND ANNOUNCEMENTS

PUBLIC FORUM – Nil

MAYORAL MINUTES – Nil

STAFF REPORTS

General Managers Reports

COUNCIL COMMITTEE MINUTES – Nil

DELEGATES REPORTS – Nil

NOTICES OF MOTION – Nil

QUESTIONS WITH NOTICE – Nil

NOTICE OF RESCISSIONS – Nil

BUSINESS OF GREAT URGENCY

as identified by Clause 241 of the Local Government (General) Regulations 2005

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>1</u>
<u>ITEM-1</u>	<u>GM - 19/04/17 - OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS</u>	<u>1</u>
<u>ITEM-2</u>	<u>GM - 19/04/17 - FILLING VACANT POSITIONS ON COUNCIL COMMITTEES</u>	<u>3</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>4</u>

GENERAL MANAGERS REPORTS

ITEM-1 GM - 19/04/17 - OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

REPORT BY: A MUIR – ACTING GENERAL MANAGER

SUMMARY

The Local Government Act 1993 requires newly elected councillors to take an oath or affirmation of office.

COMMENTARY

Section 233A of the *Local Government Act 1993* requires councillors to take an oath or affirmation of office. Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

The requirements, outlined in the attached circular 16-92 from the Office of Local Government provides:

- Each council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council or at a newly-elected councillor's first meeting following a by-election.
- Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council or the newly-elected councillor's first meeting following a by-election.
- An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
- The general manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
- If the councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the general manager.
- The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
- The taking of the oath or affirmation outside a council meeting must be publically recorded by the council.
- Where an oath or affirmation is taken outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

It should also be noted that:

- A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.
- If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

The Oath and Affirmation are:

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 Lithgow City and the Lithgow City 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 Lithgow City and the Lithgow City 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.

At the recent by-election, two new councillors were elected to Council. Both Councillors have been advised of the requirement to take the oath or affirmation. It would now be appropriate to conduct the ceremony for Councillors Goodwin and Goodsell.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Section 233A of the Local Government Act is the applicable provision of the legislation. A councillor who fails to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

ATTACHMENTS

1. LGNSW Circular No 16-32 / 9 September 2016 / A511602

RECOMMENDATION

THAT Council note the Oath or Affirmation of Office taken by Councillors Goodwin and Goodsell.

ITEM-2 GM - 19/04/17 - FILLING VACANT POSITIONS ON COUNCIL COMMITTEES

REPORT BY: A MUIR – ACTING GENERAL MANAGER

REFERENCE

Min 16-246: Ordinary Meeting of Council 10 October 2016

SUMMARY

To appoint councillors to committees where positions became vacant following the departure of former Councillors Cox and Ticehurst.

COMMENTARY

At Council's Ordinary Meeting of 10 October 2016 Councillors were appointed to a number of Section 355 committees of Council, external committees and organisations. Following the departure of former Councillors Cox and Ticehurst a number of vacancies were created on these committees and organisations. Given the recent by election has restored the numbers of the elected council to its full complement it would now be appropriate to fill these vacancies.

The committees where vacancies exist are:

- Operations Committee – one vacancy
- Sports Advisory Committee – one vacancy
- Bells Line of Road Group – one vacancy
- Internal Audit Committee – one vacancy
- Lithgow Information and Neighbourhood Centre (LINC) - vacancy for an alternate.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

ATTACHMENTS

1. List of committees and appointees adopted by Council at its Ordinary Meeting of Council 16 October 2016.

RECOMMENDATION

THAT Council appoint replacement councillors to:

- Operations Committee
- Sports Advisory Committee
- Bells Line of Road Group
- Internal Audit Committee
- Lithgow Information and Neighbourhood Centre (LINC) (alternate).

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*