



Hawkesbury City Council

special meeting business paper

date of meeting: 15 April 2004

location: Council Chambers

time: 7.00 pm

SPECIAL MEETING

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ITEM: 35 Election of Mayor**FILE NUMBER:** 107/CSV/ORD15SBX.C02**REPORT:**

It should be noted that due to the amending provisions contained in the Local Government Amendment (Elections) Act 2003, the date of the Local Government Ordinary Election of Councillors was postponed for 6 (six) months and took place on 27 March 2004. In normal circumstances, the election of Mayor and Deputy Mayor and the appointment of committees, delegates and representatives occurs at the same Special Council Meeting generally held in September each year. As a consequence of the amendment to the date of the ordinary election of Councillors, the period of tenure of the Mayor, Deputy Mayor and the appointment of committees, delegates and representatives to be made at the Special Meeting of Council to be held on 15 April 2004 will be for a period of 6 (six) months. The position of Mayor, Deputy Mayor and the appointment of committees, delegates and representatives will be for the period 15 April to the date of the Special Council Meeting to be held on 13 September 2004.

The following provisions in the Local Government Act apply to the election of Mayor.

"Returning Officer

1. *The General Manager is the Returning Officer.*

Nomination

2. (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 two or more Councillors and 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.*

Election

3. (1) *If only one Councillor is nominated, that Councillor is to be declared 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 clause:*

Ballot *has its normal meaning.*

Open Voting *means voting by a show of hands or similar means.*

Part 2 - Ordinary Ballot or Open Voting

Applications of Part

4. *This part applies if the election proceeds by Ordinary Ballot or by Open Voting.*

Marking of Ballot Papers

5. *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.*

Count - 2 candidates

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

Count - 3 or more candidates

7. (1) *If there are three or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If three 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, three or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only two candidates remain.*
- (4) *Clause 6 of this Schedule then applies to the determination of the election as if the two remaining candidates had been the only candidates.*
- (5) *If at any stage during a count under subclause (1) or (2), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

Part 3 - Preferential Ballot

Application of Part

8. *This part applies if the election proceeds by Preferential Ballot.*

Ballot Papers and Voting

9. (1) *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 the candidates.*
- (2) *The formality of a ballot paper under this part is to be determined in accordance with Clause 73 of this Regulation as if it were a ballot paper referred to in that Clause.*

Count

10. (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 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 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 clause **absolute majority** in relation to votes means a number which is more than one half of the number of formal ballot papers.*

Tied Candidates

11. (1) *If, on any count of votes, the number of votes cast for two candidates is equal and:*
- (a) *those candidates are the only candidates in, or remaining in, the election - 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;*
- (b) *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.*
- (2) *If, on the count of votes, the numbers of votes cast for three or more candidates is equal and 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**Choosing by Lot**

12. *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.*

Result

13. *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 Director-General and to the Secretary of the Local Government and Shires Association of New South Wales."*

RECOMMENDATION:

That the election of Mayor of the City of Hawkesbury for the ensuing term be carried out.

ATTACHMENTS:

AT-1 Nomination forms (distributed under separate cover).

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ITEM: 36 **Election of Deputy Mayor**

FILE NUMBER: 107/CSV/ORD15SBX.C03

REPORT:

The provisions for the election of Mayor also apply to the election of Deputy Mayor.

RECOMMENDATION:

That the election of Deputy Mayor of the City of Hawkesbury for the ensuing term be carried out.

ATTACHMENTS:

AT-1 Nomination forms (distributed under separate cover).

oooO END OF ITEM 36 Oooo

ITEM: 37 Appointment of Committees, Delegates and Representatives**FILE NUMBER:** 107/CSV/ORD15SBX.C07**REPORT:****Appointment of Council Delegates to Committees of Council, Incorporated Bodies in which Council has a Financial interest and Committees of Other Organisations:**

Listed below are Committees currently operating which have been appointed by Council, incorporated bodies in which Council has a financial interest and other organisations that require representation from Council.

A report has been prepared for consideration by Council in relation to the status of the Hawkesbury Economic Development Advisory Committee (HEDAC). The report (included elsewhere within the Business Paper) recommends that HEDAC be dissolved and a substitute body be established with amended membership and terms of reference.

The following amendments and additions have been made to the list of Committees appointed by Council, incorporated bodies in which Council has a financial interest and other organisations that require representation from Council.

Committees established, reactivated or expanded by resolution of Council since September 2003 include:

Date	Committee
28 January 2003	Public Art Selection Committee
11 March 2003	Skatepark and Other Facilities Working Party
8 April 2003	Library Working Party
8 April 2003	Art Gallery Advisory Committee
8 April 2003	Museum Advisory Committee
8 April 2003	Cultural Infrastructure Project Committee

In addition a number of Committees and incorporated bodies are no longer operative, have ceased activities in the Hawkesbury, or had requested Councillor representation to assist in their establishment and no longer require Councillor representation. These committees include:

Youth Advisory Committee

It is also recommended that the existing committee arrangements be reviewed. It is proposed that a report be prepared for the Special Meeting of Council to be held in September, outlining a revised committee structure for consideration and approval by Council. The recommended review of Council's current committee arrangements has been necessitated by the growth in the number of committees which require Councillor and staff representation. The review will also provide the opportunity to ensure that committee arrangements reflect the objectives and key tasks identified by

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the outgoing Council at the Strategic Planning Session held on 21 February 2004. These objectives and key tasks will be presented to Council for further discussion and formal adoption to provide Council with a strategic framework to guide its future operations).

Committee	Composition	Current Representative
Department of Land & Water Conservation Local Government Advisory Committee (Hawkesbury-Nepean Catchment)	1 Councillor Nominated Staff	Clr Rasmussen
Family Day Care Consultative Group	1 Councillor	Clr L Allan
General Purpose Committee	Full Council	
Hawkesbury Awards Committee	Mayor 4 Councillors 1 Rep Chamber of Commerce 1 Rep Richmond Club Ltd Mrs J Peare Mrs J A Barkley-Jack Mrs Y Whalan Mrs B E Brown	Clr K Conolly Clr D Finch Clr C Paine Clr R Stubbs Clr J Woods
Hawkesbury Bicycle Steering Committee	1 Councillor - Chairman Nominated Staff 1 RTA 1 Police 1 CAMWEST 1 UWS Hawkesbury 1 RAAF 1 Triathlon Club 1 cyclist rep cyclist in Richmond and west of the river 1 cyclist rep cyclist in Windsor and all other areas 1 cyclist rep all schools	Clr J Woods
Hawkesbury Community Safety Committee	2 Councillors Police from Hawkesbury Local Area Command Reps Hawkesbury District Health Service 1 Centrelink 1 Community Health Services 1 St Peter's Anglican Church, Richmond 1 Department of Education & Training 1 Alcohol Rehabilitation Education Program (AREP) Defence 1 Defence Community Organisation (DCO) 1 St John Ambulance	Clr R Stubbs Clr J Woods

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Committee	Composition	Current Representative
Hawkesbury Cultural Committee	4 Councillors 1 Macquarie Towns Art Society 1 Arkadian Bilpin Performers 1 Kurrajong Scarecrow Festival 1 Artist 2 Hawkesbury Quilters 1 UWS, Hawkesbury Community Relations Unit Nominated Staff 1 Friends of the Hawkesbury Art Collection Inc (FOHAC) 1 Museum Committee	Clr G Gilling Clr P Rasmussen Clr L Sheather Clr J Woods
Hawkesbury Equity & Access Planning Committee	1 Councillor 1 UWSH Nominated Staff 2 Home & Community Care Forum 1 Hawkesbury District Health Service 1 Wentworth Area Health Service 1 Centrelink 2 Hawkesbury Migrant Interagency 2 Hawkesbury Youth Interagency 2 Hawkesbury Services Advisory Committee 2 Disability Advisory Committee 2 Hawkesbury Action Group Against Domestic Violence 2 Hawkesbury Interagency 2 Hawkesbury Child Protection Interest Group 2 Hawkesbury Aboriginal Community Support Group 1 Women's Cottage 1 Hawkesbury Food Program 1 Hawkesbury Aged Care Residential Services	Clr C Paine
Hawkesbury Healthy City Steering Committee	2 Councillors	Clr R Stubbs Clr J Woods
Hawkesbury Sister City Association	4 Councillors	Clr D Finch Clr C Paine Clr P Rasmussen Clr L Sheather
Hawkesbury Sustainable Agricultural Development Strategy (HSADS)	5 Councillors	Clr G Gilling Clr C Paine Clr P Rasmussen Clr R Stubbs Clr L Williams
Hawkesbury Wine, Food & Music Affair	3 Councillors	Clr L Allan Clr D Finch Clr L Sheather

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Committee	Composition	Current Representative
Heritage Advisory Committee	1 Councillor Director Environment & Development Local Citizens J Barkley-Jack D Bradshaw D Campbell G Edds B Flakelar D Hallam M Hatherly I Jack L Sullivan	Clr D Finch
Legal Consultative Committee	7 Councillors	Clr B Calvert Clr K Conolly Clr G Gilling Clr L Sheather Clr R Stubbs Clr L Allan Clr L Williams
Local Traffic Committee	1 Councillor Local State Member 1 NSW Police Force 1 RTA 1 Department of Transport	Clr P Davies Clr B Calvert (alternate)
Prioritising Committee Capital Assistance Applications - Sport & Recreation	2 Councillors 1 alternate Councillor Sports Council Development Officer Nominated Staff	Clr L Allan (alternate) Clr K Conolly Clr C Paine
Richmond Lowlands Task Force	6 Councillors	Clr P Davies Clr D Finch Clr C Paine Clr P Rasmussen Clr L Sheather Clr R Stubbs
Schaffer Quarry Environmental Monitoring Committee	1 Councillor 2 Schaffer Corp 2 Local Community	Clr L Williams
Western Sydney Area Assistance Scheme (WSAAS) Local Ranking Committee (formerly Hawkesbury Prioritising Committee WSAAS)	2 Councillors (maximum of two (2) Councillors permitted by Planning NSW) Chairperson 4 Community representative Nominated Staff (non-voting)	Clr B Calvert Clr C Paine Clr L Sheather (alternate)

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Committee	Composition	Current Representative
Public Arts Selection Committee	3 Councillors 1 Pont Leroy & Williams Nominated Staff Director Penrith Regional Art Gallery 1 Indigenous Representative 2 Friends of Hawkesbury Art Collection	Clr D Finch Clr C Paine Clr J Woods
Skatepark and other facilities Working Party	1 Councillor 2 Hawkesbury Chamber of Commerce 3 residents 1 Hawkesbury Area Local Command 1 Richmond Youth Streetbeat Project 1 Hawkesbury Youth Interagency 2 Youth Advisory Committee Council Staff	Clr L Sheather
Library Working Party	1 Councillor Nominated Staff	Clr L Allan
Art Gallery Advisory Committee	1 Councillor 1 Friends of Hawkesbury Art Collection 1 Macquarie Towns Art Society Director Penrith Regional Gallery 1 Indigenous Representative 1 Education Sector Representative 1 Business Representative Nominated Staff	Clr. D Finch
Museum Advisory Committee	1 Councillor 5 Hawkesbury Historical Society Inc. 1 Pont, Leroy + Williams 1 NSW Ministry for the Arts Nominated Staff	Clr. C Paine
Cultural Infrastructure Project Committee	1 Councillor General Manager Director Asset Services & Recreation Building Services Manager Manager, Policy & Corporate Community Pont, Leroy + Williams	Clr. L Sheather

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Committee	Composition	Current Representative
Community Development Support Expenditure Scheme Local Committee	1 Councillor 1 Representative Richmond Club 1 Rep Windsor District RSL Club 1 Rep Windsor Leagues Club 1 Rep Hawkesbury Panthers Sporting Club 1 Rep Dept. Of Community Services 2 Rep nominated by NCOGS 1 Rep HDHS Ltd (non voting)	Clr. R Stubbs

Incorporated bodies in which Council has a financial interest:

Committee	Composition	Current Representative
Friends of the Hawkesbury Art Collection Inc (FOHAC Inc)	4 Councillors (being 2 voting delegates and 2 alternate delegates)	Clr D Finch Clr P Rasmussen Clr R Stubbs Clr J Woods
Hawkesbury Sports Council	1 Councillor	Clr L Sheather
Peppercorn Services Inc.	1 Councillor	Clr C Paine
Hawkesbury Leisure Centres Inc.	2 Councillors 1 Alternate Councillor Nominated Staff	Clr B Calvert Clr K Conolly Clr L Sheather (alternate)

Representation on other organisations:

Committee	Composition	Current Representative
Bligh Park Primary School Council	1 Councillor	Clr K Conolly
Board of Directors Tourism Hawkesbury Inc.	1 Councillor	Clr D Finch
Board of Management Fitzgerald Memorial Hostel Inc.	1 Councillor	Clr D Finch
Greater West Games	1 Councillor	Clr L Sheather
Hawkesbury District Concert Band	1 Councillor	Clr K Conolly
Hawkesbury Food Program	2 Councillors	(vacant) Clr J Woods
Hawkesbury River County Council	1 Councillor	Clr G Gilling Clr L Sheather
Hawkesbury Waste Management Facility - Environmental Monitoring Committee	1 Councillor	Clr C Paine
Hawkesbury Youth Interagency	1 Councillor	Clr R Stubbs

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Committee	Composition	Current Representative
Local Government Advisory Committee for the Regional Vision and Planning Framework for Western Sydney Project	1 Councillor 1 alternate Councillor	Clr L Allan Clr B Calvert (alternate)
McMahons Park Management Committee	1 Councillor 1 alternate Councillor	Clr B Calvert Clr D Finch (alternate)
Macquarie Towns Orchestra Inc.	1 Councillor	Clr J Woods
Metropolitan Public Libraries Association	1 Councillor	Clr L Allan
Museum & Information Committee	1 Councillor	Clr R Stubbs
National Parks and Wildlife Service - Blue Mountains District Advisory Committee	1 Councillor	Clr G Gilling
Sydney Road Links Committee	2 Councillors (1 alternate)	Clr B Calvert (alternate) Clr L Sheather
Western Sydney Academy of Sport	1 Councillor	Clr L Sheather
Westpool	1 Councillor	Clr P Davies

RECOMMENDATION:

That:

1. Committees, delegates and representatives as determined by Council be appointed.
2. A report outlining a revised committee structure for consideration by Council be prepared for the special meeting at Council to be held in September 2004.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 37 Oooo

ITEM: 38 Remuneration for Councillors and Mayor**FILE NUMBER:** 107/CSV/ORD15SBX.C05**REPORT:**

The Local Government Remuneration Tribunal places Councils in categories and determines the maximum and minimum amounts of fees to be paid to Councillors and the Mayor for each financial year.

Hawkesbury City Council is currently categorised as a Category 3 Council.

In February 2004, advice was received from the Local Government Remuneration Tribunal that:

“Pursuant to s.243 of the Local Government Act 1993, the Tribunal is required to make an annual determination by no later than 30 April 2004, on the fees payable to Councillors and Mayors to take effect from July 1, 2004.”

The Tribunal invited Council to make a submission in relation to the level of fees within each Council Category. Council forwarded a submission to the Tribunal in March 2004. To date no response or advice has been received from the Remuneration Tribunal on this matter.

It is proposed to maintain the existing level of annual fees payable to Councillors and Mayors until such time as advice is received from the Remuneration Tribunal confirming their determination regarding the applicable minimum and maximum fees for each Council Category.

For the period 1 July 2003 to 30 June 2004, the Remuneration tribunal had determined that the annual fees to be paid for a Category 3 Council are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Category	\$5,705.00	\$12,550.00	\$12,125.00	\$27,395.00

There is no fee for Deputy Mayor prescribed. Last year it was set at \$3,885 (three thousand, eight hundred and eighty five dollars) with this being deducted from the Mayor's fee. It is proposed that the same percentage of the Mayor's fee be maintained for the Deputy Mayor in 2004/2005.

RECOMMENDATION:

That:

1. The fee for Councillors be maintained at \$12,550 (twelve thousand, five hundred and fifty dollars).

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2. The fee for the Mayor be maintained at \$27,395 (twenty seven thousand, three hundred and ninety five dollars), and the Deputy Mayor \$3,885 (three thousand, eight hundred and eighty five dollars) to be deducted from the Mayor's fee.
3. The fee for Councillors and Mayor for the period 1 July 2004 to 30 June 2005 be reviewed pursuant to advice from the Local Government Remuneration Tribunal.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 38 Oooo

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ITEM: 39 **Corporate Performance Assessment**

FILE NUMBER: 79351/ORD15SBX.G09

REPORT:

Council has requested from the General Manager a Corporate Performance Assessment of the organisation and had agreed in November 2003 that the assessment should be held over to the election of new Council in March 2004.

RECOMMENDATION:

That Council adopt the recommendations contained in the Corporate Performance Assessment dated April 2004.

ATTACHMENTS:

AT-1 Corporate Performance Assessment (distributed under separate cover).

oooO END OF ITEM 39 Oooo

ITEM: 40 Code of Conduct**FILE NUMBER:** 79351/FNC/ORD15SAX.G01

REPORT:

Council, at its meeting on 4 November 2003 resolved that the Code of Conduct be reviewed.

The review has been held over until after the recent Council elections to allow the new Council to authorise the Code of Conduct which is to govern the behaviour of both elected officials, staff and Council delegates over the next 4 (four) years.

Section 440(3) of the *Local Government Act* (1993) requires a Council within 12 (twelve) months after each ordinary election to review its Code of Conduct and make such changes to it as it considers appropriate.

The Draft Code of Conduct attached to this report by way of appendix is based on the Code of Conduct used by Ashfield City Council, and has been reviewed by Council's Solicitors, Abbott Tout. The Draft Code is offered as amongst best practice within Local Government in NSW. Council staff, via Council's Consultative Committee have developed the principles identified in clause 2.2 (i) to (v).

Management is of the view that the Draft Code, if adopted by Council, will provide a solid foundation for the ethical treatment of Councillors, staff and delegates by each other, and provides an adequate mechanism for investigating alleged breaches of the Code and possible remedies.

RECOMMENDATION:

That:

1. Council notes that a review of Council's Code of Conduct has been undertaken in accordance with section 440(3) of the *Local Government Act* (1993).
2. Council adopt the Code of Conduct as amended for the purpose of good governance during the next 4 (four) years.

ATTACHMENTS:

AT-1 Council's Draft Code of Conduct (distributed under separate cover).

oooO END OF ITEM 40 Oooo

ITEM: 41 Establishment of Audit Committee**FILE NUMBER:** 79351/GMA/ORD15SBX.G11**REPORT:**

It is important for each local authority to have effective oversight of Council's financial and other resources. It has also been the practice of many Local Councils to receive and respond to audit letters from the Council's external auditors to management each year following the annual audit. These audit letters have by convention contained constructive criticism of existing management practices and deficiencies in procedures from the auditor's viewpoint. The audit letter is viewed as a service to Council and its management and also puts some pressure on management to explain actions or inactions, particularly in circumstances where an issue is highlighted in a second audit letter following problems identified in the previous year.

For a number of reasons Hawkesbury City Council has not had the benefit of this service in past years, and in November 2003 Council's auditors, Millington SBS, were requested to provide such an audit letter.

The letter identifies a number of deficiencies in the areas of:

- General Ledger and Chart of Accounts;
- Reconciliation of debtors/receivables to General Ledger;
- Policy on doubtful debts provision;
- Council's Trust Fund;
- Technology One asset register;
- Inspection of Council's assets;

all of which have arisen because of a lack of resources.

It is imperative that Council continue to ensure that the finance area is adequately resourced to maintain the integrity of financial reporting systems, and the effective utilisation of Council's assets in accordance with the "Charter" of Local Government.

It is recommended that Council provide oversight of Council's financial capability by establishing an Audit Committee comprising no more than 4 (four) Councillors, 2 (two) relevantly qualified community representatives, recommended by the General Manager, and the General Manager. It is also recommended that Council consider the appointment of an Internal Auditor, responsible to the General Manager but reporting directly to the Audit Committee, to assist the Committee in its oversight of financial procedures and processes and to help ensure adequate resources are available to the finance function.

It is suggested that the Audit Committee would also play an important part in Council's strategic planning process by commenting on performance criteria reported quarterly to Council in attempts to measure progress towards achievement of Council's strategic objectives. An immediate task for the Audit Committee would be to critically assess the performance criteria in terms of effectiveness and materiality, i.e. is the performance measure realistic and meaningful?

RECOMMENDATION:

That:

1. Council, pursuant to Section 377 of the Local Government Act (1993), establish an Audit Committee comprising 4 (four) Councillors, 2 (two) relevantly qualified members of the community recommended by the General Manager, and the General Manager.
2. The Audit Committee so formed adopts as its constitution the draft Constitution appended to this paper cited as Attachment 1.
3. Council agree to the establishment of the position of Internal Auditor and direct the General Manager to undertake recruitment immediately, with funding reported to Council at its next meeting.

ATTACHMENTS:

AT-1 Hawkesbury City Council Audit Committee Constitution

Attachment 1

**Hawkesbury City Council
Audit Committee
Constitution**

1. Name

The Audit Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as the Hawkesbury City Council Audit Committee, and is hereinafter referred to as the 'Audit Committee'.

2. Objectives

- (a) To provide an oversight function to Council's financial reporting procedures
- (b) To develop strategic financial policy for Council consideration
- (c) To review and make recommendations to Council on matters referred to Committee by other committees
- (d) To monitor and report on the relevance of Council's medium and long-term financial policies to Council's overall strategic direction
- (e) To monitor and review strategic performance measurement criteria

3. Role and Authorities

- (a) Whereas the Audit Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Audit Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Audit Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to recommend to Council policies drawn up by professional staff for:
 - the ongoing review of financial reporting processes sustaining the long-term financial position of Council relevant to Council's adopted Strategic Plan
 - the monitoring and review of all performance measures adopted by Council
 - in concert with Council's External Auditors, the allocation of sufficient resources to ensure Council's financial reporting processes have integrity
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Audit Committee under section 377;

- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) supporting the Audit Committee in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Audit Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the Audit Committee any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Audit Committee under this Constitution may be varied by Council.

4. Term

The Audit Committee members' term shall be for 4 (four) years to coincide with Council's term of office. Audit Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Audit Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Audit Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) 4 (four) Councillors of the Hawkesbury City Council;
 - (ii) The General Manager; and
 - (iii) 2 (two) community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution
- (b) Whereas the appointments detailed in clause 5(a) will form the Audit Committee, the Director of Corporate and Community Services will be required to attend meetings of the Audit Committee;
- (c) The Director of the Department charged with the responsibility for the Audit Committee within the Hawkesbury City Council shall attend meetings and may delegate to his/her delegate when deemed necessary;
- (d) The Audit Committee shall, at its first meeting following appointment, and each 12 (twelve) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Audit Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;

- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Audit Committee;
- (h) Each member of the Audit Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Audit Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Audit Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Audit Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Audit Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 4 (four) Councillors will be appointed to the Audit Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community with appropriate accounting qualifications for membership to the Audit Committee;
- (c) The Council shall select and appoint 2 (two) community representatives to the Audit Committee upon the recommendation of the General Manager;
- (d) The Audit Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Audit Committee shall cease to hold office:
 - (i) if the Audit Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Audit Committee for 3 (three) consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Audit Committee shall be held no less than 6 (six) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Director of Corporate & Community Services shall be the Executive Officer to the Audit Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Audit Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Audit Committee meetings and for the distribution of Minutes followings meetings of the Audit Committee;
- (d) No meeting of the Audit Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Audit Committee meeting to all Audit Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Audit Committee meeting;
- (f) At any meeting of the Audit Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Audit Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Audit Committee shall be constituted by three (3) members being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Audit Committee shall declare such interest at the meeting of the Audit Committee and refrain from voting or discussion thereon.
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Audit Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Audit Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Audit Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific

investigations for the Audit Committee, and then to report back to the Audit Committee. These appointed sub-committees or work groups may be dissolved by the Audit Committee at any time;

- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Audit Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Audit Committee, or by the Council, as the case may be;
- (n) The Director of Corporate & Community Services shall prepare an Annual Report of the unit's activities for submission to the Audit Committee, who will, in turn, present such report to the Council.

LAST CLAUSE

oooO END OF ITEM 41 Oooo

ITEM: 42 **Establishment of E-Commerce/Markets Advisory Committee****FILE NUMBER:** 79351/GMA/ORD15SBX.G08

REPORT:

INSERT PICTURE HERE
(Flowchart of E-Commerce/Markets Committee)

E-Commerce is a phenomena that is now well established within most business sectors, and has enhanced not only the way in which business is undertaken between party and counter-party, but has perhaps had its biggest impact in enabling access to new markets for local and national businesses alike.

It is a legitimate function of Local Government to facilitate increased profitability of local business in an effort to contribute to the vibrancy of the Local Government area. It is in everybody's interest to have a financially healthy private sector to sustain continued economic growth and employment generation. The advantage of an E-Commerce/Markets promotional strategy for the Hawkesbury City Council lies in the fact that it can apply to existing locally based industries and assist in their continued growth, rather than rely on the attraction of outside industries to the area for employment generation. The strategy is akin to "*Grow your own local product*" with that local product being a local business. Importantly, Council's facilitatory efforts in undertaking an E-Commerce/Markets

strategy should not entertain subsidisation of private sector interests, but rather engagement in partnerships, and, most importantly, exploration of existing and emerging markets for Hawkesbury businesses and the means of accessing such markets.

The advisory committee should act as a policy advisory body to Council with the overriding objective of identifying markets for Hawkesbury businesses (retail, commercial, agribusiness, industrial, equine and health services) and facilitating access and business conduct to these markets using established E~Commerce/Markets techniques, e.g. Internet access.

The success of E-commerce strategies to date can be attributed to:

- the changing manner in which business is being conducted;
- the reduced cost of executing business via telecommunications platforms; and, perhaps most importantly,
- increased access to traditional, new and evolving markets for the product on offer i.e. markets that were geographically distant with access costs are now, virtual, and accessed via computer with minimal cost, and business is being transacted in those virtual markets.

Local Government Authorities should not on average provide financial or in-kind incentives to start up companies that approach the Authority as "Investor-of-last-resort". Indeed Local Councils should be wary of such an approach as it has been the practice in the recent past for Councils to be targeted by "interests" who are only too familiar with the political imperative faced by Local Authorities to react to the economic development crisis facing a number of communities.

Local Government generally needs to adopt a realistic and sanguine approach to its role in impacting economic development within the community. At any particular time, the state of the relevant industry/economic sectors within a community are a function of macro and micro economic forces in play on a globalised basis and most likely beyond the province of Local Government at any time.

Hawkesbury City Council needs to engage with the private sector, but in a manner that is cognisant of the fact that Local Government Authorities do not have the expertise to give direction to the private sector. Local Government is ostensibly a regulatory industry governed by statute, in contrast to private enterprise governed by profit motive.

Hawkesbury City Council needs to harness and respond to the decision-making processes inherent in commerce within our local authority so that we are able to factor those decisions based on profit motive into the decision framework of Council. One way to achieve this is to form an advisory body comprised of local business people who are free to make their recommendations to the full Council based on commercial imperatives for Council's consideration. This ensures that, while Council has the benefits of receiving recommendations from this advisory committee, Council makes the ultimate decision on any issue.

Purpose of the E Commerce/Markets Advisory Committee

- To assist businesses within the Hawkesbury local government area to increase their profitability;
- To assist in identifying new markets and additional means of access to existing and new markets for local businesses;
- To work towards providing a broad-based telecommunications platform for the Hawkesbury local government area so that locally based enterprises can compete on a similar or reduced cost structure to that enjoyed by business in the Sydney metropolitan area;
- To endeavour to aggregate and market consumer demand for telecommunication services within the Local Government area with a view to obtaining the most competitive services provided for Council's constituents;
- To assist in the education of the community of current telecommunications applications that have the potential to increase the community's' quality of life;
- To identify and engage those entities capable of entering into partnership with Council with a view to achieving Council's objectives in E-commerce;
- To identify deficiencies in existing telecommunications infrastructure within the Hawkesbury local government area with a view to making recommendations to Council on strategies to overcome these, where the deficiencies impede Council's pursuit of its objectives;
- To identify those industries which have a potential to use E-Commerce to grow to levels capable of generating employment within the area such that Hawkesbury residents have the opportunity to live and work proximately without the need for extensive travel between work and home;
- To 'network' with local businesses within the retail, commercial, industrial, rural and health sectors with a view to assisting in the development of commercial partnerships; and
- To explore the relevance and application of 'co-operatives' and joint ventures within the Hawkesbury.

RECOMMENDATION:

That:

1. Council abolish the Hawkesbury Economic Development Advisory Committee.
2. Council establish the E-Commerce/Markets Advisory Committee (as a successor committee to HEDAC) comprising:
 - (a) 4 (four) elected representatives

- (b) 7 (seven) members of the public with relevant commercial experience; and
 - (c) the General Manager.
- 3. The Constitution appended as Attachment A to this paper be adopted by the advisory committee and governs its operation.

ATTACHMENTS:

AT-1 Hawkesbury City Council E-Commerce/Markets Advisory Committee Constitution

Attachment 1

**Hawkesbury City Council
E-Commerce/Markets Advisory Committee
Constitution**

1. Name

The E-Commerce/Markets Advisory Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as the E-Commerce/Markets Advisory Committee, and is hereinafter referred to as the 'E-Commerce/Markets Advisory Committee'.

2. Objectives

- (a) To foster and support commercial activity within the Hawkesbury Local Government area to the extent that it generates diversity of economic activity and aids Council's environmental and social objectives.
- (b) To assist businesses within the Hawkesbury Local Government area to increase their profitability through e-commerce.
- (c) To assist in identifying new markets and additional means of access to existing and new markets for local businesses.
- (d) To work towards providing a broad based telecommunications platform for the Hawkesbury local government area so that locally based enterprises can compete on a similar or reduced cost structure to that enjoyed by business in the Sydney metropolitan area.
- (e) To endeavour to aggregate consumer demand for telecommunication services within the local government area with a view to obtaining the most competitive services provided for Council's constituents.
- (f) To assist in the education of the community of current telecommunications applications that have the potential to increase the community's' quality of life.
- (g) To identify those industries which have a potential to use e-commerce to grow to levels capable of generating employment within the area such that Hawkesbury residents have the opportunity to live and work proximately without the need for extensive travel between work and home.

3. Role and Authorities

- (a) Whereas the E-Commerce/Markets Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the E-Commerce/Markets Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).

- (b) The E-Commerce/Markets Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
- (i) to recommend to Council policies drawn up by professional staff for:
 - identifying new markets for local commercial enterprise
 - assisting local commercial enterprise to improve profitability
 - representing the interests of Council at Economic Development forums
 - representing the interests of Council to business and commercial interests
 - engaging with representatives of the business sector and government agencies to further Council's objectives in the area of economic commercial development;
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the E-Commerce/Markets Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) supporting the E-Commerce/Markets Advisory Committee in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The E-Commerce/Markets Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the support of the E-Commerce/Markets Advisory Committee, any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the E-Commerce/Markets Advisory Committee under this Constitution may be varied by Council.

4. Term

The E-Commerce/Markets Advisory Committee members' term shall be for 4 (four) years to coincide with Council's term of office. E-Commerce/Markets Advisory Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the E-Commerce/Markets Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the E-Commerce/Markets Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
- (i) 4 (four) Councillors of the Hawkesbury City Council;
 - (ii) 7 (seven) community appointments with technical and business skills relevant to the

field of e-commerce, appointed by Council following the calling of applications as detailed in clause 6(a) of this Constitution; and

(iii) The General Manager.

- (b) Whereas the appointments detailed in clause 5(a) will form the E-Commerce/Markets Advisory Committee, the Director Commercial Response Unit will be required to attend meetings of the E-Commerce/Markets Advisory Committee;
- (c) The Director of the Department charged with the responsibility for the Commercial Response Unit within the Hawkesbury City Council shall attend meetings;
- (d) The E-Commerce/Markets Advisory Committee shall, at its first meeting following appointment, and each 12 (twelve) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the E-Commerce/Markets Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;
- (f) The position of Deputy Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the E-Commerce/Markets Advisory Committee;
- (h) Each member of the E-Commerce/Markets Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The E-Commerce/Markets Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the E-Commerce/Markets Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The E-Commerce/Markets Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the E-Commerce/Markets Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 4 (four) Councillors will be appointed to the E-Commerce/Markets Advisory Committee in accordance with the practices and procedures of Council;
- (b) The Council shall, in the month of April following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the E-Commerce/Markets Advisory Committee;

- (c) The Council shall select and appoint the community representatives to the E-Commerce/Markets Advisory Committee on the recommendation of the General Manager;
- (d) The E-Commerce/Markets Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the E-Commerce/Markets Advisory Committee shall cease to hold office:
 - (i) if the E-Commerce/Markets Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the E-Commerce/Markets Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the E-Commerce/Markets Advisory Committee shall be held no less than 4 (four) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Director Commercial Response Unit shall be the Executive Officer to the E-Commerce/Markets Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the E-Commerce/Markets Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the E-Commerce/Markets Advisory Committee meetings and for the distribution of Minutes followings meetings of the E-Commerce/Markets Advisory Committee;
- (d) No meeting of the E-Commerce/Markets Advisory Committee shall be held unless 3 (three) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each E-Commerce/Markets Advisory Committee meeting to all E-Commerce/Markets Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such E-Commerce/Markets Advisory Committee meeting;
- (f) At any meeting of the E-Commerce/Markets Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (e) The rules governing meetings and the procedures of the E-Commerce/Markets Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;

- (f) A quorum of the E~Commerce/Markets Advisory Committee shall be constituted by 3 (three) members being present at meetings;
- (g) Any members having a pecuniary interest in any matters being discussed by the E-Commerce/Markets Advisory Committee shall declare such interest at the meeting of the E-Commerce/Markets Advisory Committee and refrain from voting or discussion thereon.
- (h) The requirements applying to pecuniary interests for members as detailed in clause 7(g) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (i) Any recommendations of the E-Commerce/Markets Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the E-Commerce/Markets Advisory Committee shall not have effect unless adopted by the Council;
- (j) It shall be competent for the E-Commerce/Markets Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the E-Commerce/Markets Advisory Committee, and then to report back to the E-Commerce/Markets Advisory Committee. These appointed sub-committees or work groups may be dissolved by the E-Commerce/Markets Advisory Committee at any time;
- (k) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the E-Commerce/Markets Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the E-Commerce/ Markets Advisory Committee, or by the Council, as the case may be;
- (l) The Director Commercial Response Unit shall prepare an Annual Report of the unit's activities for submission to the E-Commerce/Markets Advisory Committee, who will, in turn, present such report to the Council.

LAST CLAUSE

oooO END OF ITEM 42 Oooo

ITEM: 43 **Strategic Planning Committee****FILE NUMBER:** 79351/GMA/ORD15SBX.G12

REPORT:**Background**

Council, as part of its Management Planning process, produces a strategic plan summary document that outlines the different strategic areas Council works toward. It states the Council's mission and briefly identifies the issues Council will address over the years and the required allocation of resources. The strategic planning document provides an overview of the key activities and projects Council plans to undertake in the context of the annual budget.

Council's operational plan provides a detailed look at the projects Council is to undertake within the 12 (twelve) month budget framework. It includes performance measures and rolling 3 (three) year plans for all major infrastructures. Commentary in the management plan indicates that the operational plan gives details of each department's role in working towards the goals and objectives of the Council as a whole. Quarterly reviews are undertaken to track and report progress using the performance measures.

Report

There does not appear to be a vision for the Hawkesbury City, nor corporate objectives and strategies developed. A mission statement does exist, and discussions with elected officials and senior staff alike indicate that the vision for the city can most probably be derived from a number of strategies developed and implemented by Council, viz the HSAD strategy and the "Our City Our Future" document. This presents with some difficulty, as it is necessary to publicly communicate Council's vision and articulate its corporate objectives and strategies after consultation with stakeholders. A vision that is derived from secondary information is at best subjective in its interpretation and by definition is impossible to communicate. Not only is there a potential for Council's stakeholders to misinterpret such a derived vision, it makes it difficult for management to respond to the strategic direction that it perceives to have been given.

Currently Council meets once a year to discuss Hawkesbury's strategic plan, and it is now appropriate that more emphasis is placed on the process of strategic planning itself. To give further impetus to Council's existing strategic planning process and to assist in the development of medium and long-term corporate objectives, strategies and performance criteria, it is recommended that Council establish a Strategic Planning Committee comprising 4 (four) Councillors, 3 (three) members of the community with relevant expertise, and the General Manager, to meet no less than quarterly during each year for purposes of policy development and recommendation to Council. A draft Constitution of the Strategic Planning Committee is appended as Attachment 1.

The role of the Committee would extend, amongst other things:

1. To include a review of Council's current mission, and the strategies adopted, e.g. the HSAD strategy, which is focused on agricultural land retention; and
2. Develop policies relating to employment generation in the retail, manufacturing, construction, property and business sectors, in addition to agriculture, forestry and fishing.

The Strategic Planning Committee would also be responsible for developing and vetting meaningful performance criteria for implementation by management.

RECOMMENDATION:

That:

1. Pursuant to Section 377 of the Local Government Act (1993), Council establish a Strategic Planning Committee comprising 4 (four) Councillors, 3 (three) members of the community relevantly qualified and recommended by the General Manager, and the General Manager.
2. Council adopt the draft Constitution as set out in Attachment 1 to govern the operations of the Strategic Planning Committee.

ATTACHMENTS:

AT-1 Hawkesbury City Council Strategic Planning Committee Constitution

Attachment 1

**Hawkesbury City Council
Strategic Planning Committee
Constitution**

1. Name

The Strategic Planning Committee is appointed under the provisions of section 377 of the Local Government Act 1993.

2. Objectives

- (a) To assist in the establishment of a community consultation program for the purpose of setting Council's strategic direction
- (b) To develop and review Council's strategic plans and report progress to Council
- (c) To establish and monitor strategic performance indicators
- (d) To identify, review and correlate planning influences from agencies external to the City that impact on the City's future directions
- (e) To advise Council on the development of a strategic plan based on a 4 (four) yearly election cycle and to ensure its relevance in a 10 (ten) year horizon

3. Role and Authorities

- (a) Whereas the Strategic Planning Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Strategic Planning Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Strategic Planning Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to recommend to Council policies drawn up by professional staff
 - (ii) to invite participation in committee proceedings from relevantly qualified experts in strategic planning processes
 - (iii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Strategic Planning Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) supporting the Strategic Planning Committee in accordance with the Local Government Act 1993;

- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Strategic Planning Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the support of the Strategic Planning Committee any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Strategic Planning Committee under this Constitution may be varied by Council.

4. Term

The Strategic Planning Committee members' term shall be for 4 (four) years to coincide with Council's term of office. Strategic Planning Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Strategic Planning Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Strategic Planning Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) 4 (four) Councillors of the Hawkesbury City Council;
 - (ii) 3 (three) members of the community with relevant expertise in strategic planning; and
 - (iii) the General Manager.
- (b) Whereas the appointments detailed in clause 5(a) will form the Strategic Planning Committee, the Director of Environment & Development will be required to attend meetings of the Strategic Planning Committee;
- (c) The Director of the Department charged with the responsibility for Strategic Planning within the Hawkesbury City Council shall attend meetings and may delegate to his/her delegate when deemed necessary;
- (d) The Strategic Planning Committee shall, at its first meeting following appointment, and each 12 (twelve) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Strategic Planning Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;
- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than 3 (three) consecutive years;

- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Strategic Planning Committee;
- (h) Each member of the Strategic Planning Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Strategic Planning Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Strategic Planning Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Strategic Planning Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Strategic Planning Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 4 (four) Councillors will be appointed to the Strategic Planning Committee in accordance with practices and procedures of the Council;
- (b) 3 (three) members of the community with relevant expertise in strategic planning shall be appointed by Council on the recommendation of the General Manager;
- (c) The Council shall fill casual vacancies at its discretion;
- (d) Members of the Strategic Planning Committee shall cease to hold office:
 - (i) if the Strategic Planning Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Strategic Planning Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).

7. Procedures and General

- (a) Ordinary meetings of the Strategic Planning Committee shall be held no less than 4 (four) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Director charged with the responsibility for the Strategic Planning Committee shall be the Executive Officer to the Strategic Planning Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Strategic Planning Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Strategic Planning Committee meetings and for the distribution of Minutes following meetings of the Strategic Planning Committee;

- (d) The Minute Clerk shall forward a copy of the Minutes of each Strategic Planning Committee meeting to all Strategic Planning Committee members, as well as to Council, as soon as possible following such Strategic Planning Committee meeting;
- (e) At any meeting of the Strategic Planning Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (f) The rules governing meetings and the procedures of the Strategic Planning Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (g) A quorum of the Strategic Planning Committee shall be constituted by 3 (three) members being present at meetings;
- (h) Any members having a pecuniary interest in any matters being discussed by the Strategic Planning Committee shall declare such interest at the meeting of the Strategic Planning Committee and refrain from voting or discussion thereon;
- (i) The requirements applying to pecuniary interests for members as detailed in clause 7(h) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (j) Any recommendations of the Strategic Planning Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Strategic Planning Committee shall not have effect unless adopted by the Council;
- (k) It shall be competent for the Strategic Planning Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Strategic Planning Committee, and then to report back to the Strategic Planning Committee. These appointed sub-committees or work groups may be dissolved by the Strategic Planning Committee at any time; and
- (l) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Strategic Planning Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Strategic Planning Committee, or by the Council, as the case may be.

LAST CLAUSE

oooO END OF ITEM 43 Oooo

ITEM: 44 **Pro-forma Constitution - Council Advisory Committees**

FILE NUMBER: 79351/ORD15SBX.G10

REPORT:

Council will recall debate during the latter half of 2003 concerning the pecuniary interest provision of the Local Government Act (1993) and more particularly the relevance of those matters to the consideration of the Pitt Town issue by both Council and the Pitt Town Advisory Committee.

Attached by way of appendix for Council consideration is a draft pro-forma constitution for all advisory committees which could be adopted, and that addresses perceptions that have in the past been cause for anxiety within the community.

RECOMMENDATION:

That Council adopt the pro-forma advisory committee constitution to be used by all Council's advisory committees.

ATTACHMENTS:

AT-1 Draft pro-forma constitution for Council's advisory committees.

Attachment 1

Hawkesbury City Council
Hawkesbury.....
Advisory Committee Constitution

1. Name

The Advisory Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as theAdvisory Committee, and is hereinafter referred to as the 'Advisory Committee'.

2. Objectives

- (a)
- (b)
- (c)
- (d)
- (e)

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to recommend to Council policies drawn up by professional staff for:
 -
 -
 -
 -
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;

- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the....., any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

The Advisory Committee members' term shall be for four years to coincide with Council's term of office. Advisory Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i)(.) Councillors of the Hawkesbury City Council; and
 - (iii)(.)community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;
- (b) Whereas the appointments detailed in clause 5(a) will form the Advisory Committee, theDirector will be required to attend meetings of the Advisory Committee;
- (c) The Director of the Department charged with the responsibility for thewithin the Hawkesbury City Council shall attend meetings and may delegate the Manager ofas his/her delegate when deemed necessary;
- (d) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years;

- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (h) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a)(.) Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee;
- (c) The Council shall select and appoint the community representatives to the Advisory Committee;
- (d) The Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held no less than six times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Director shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes followings meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;
- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Advisory Committee shall be constituted by (.) members being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon.
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to

the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;

- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be;
- (n) The..... Director shall prepare an Annual Report of thes activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.

LAST CLAUSE

oooO END OF ITEM 44 Oooo



special
meeting

end of paper