

	Action Time Frame	YTD Progress Q3	Comments Q3
<b>12.4 Finance</b>			
<b>12.4.4 Revenue Services</b>			
Building and Infrastructure Renewals Ratio >1%	11/12	On Track	NB. Annual Ratio - due 30 June 2012.
Debt Service Ratio <15%	11/12	On Track	NB. Annual Ratio - due 30 June 2012.
Explore commercial and alternative opportunities for the funding of assets through the Economic and Property Development Unit.	1 Year	On Track	Economic and Property Development have reviewed Council's land use classifications and zoning subject to CLEP.
Rate Coverage Ratio 50%	11/12	On Track	NB. Annual Ratio - due 30 June 2012, next step Revenue Plan.
Rates Outstanding <5%	11/12	On Track	Intervention strategies have been implemented. Target remains ambitious. Current 6.8%.
Unrestricted Current Ratio >1.5%	11/12	On Track	NB. Annual Ratio - due 30 June 2012.
<b>12.5 Human Resources</b>			
<b>12.5.1 Recruitment</b>			
Annually promote Wyong Shire Council and create potential quality talent pool by attracting candidates at expos	11/12	On Track	Strong participation rate in the schools work experience program.
<b>12.5.3 Workers Compensation</b>			
WorkCover continue to approve Wyong Shire Council as a self insurer	1 Year	KPI Achieved	OHS progress excellent. Non compliance incidents down 90% to near zero.
<b>12.5.5 HR - Operations</b>			
Permanent staff turnover <10%	11/12	On Track	Currently at 4.9% YTD.
<b>12.5.6 Workforce Capability Development</b>			
Executive development program developed and implemented by 04/2012	11/12	Project Deferred	Currently on hold due to other priorities at this time.
Youth employment program developed and implemented by 10/2011	11/12	On Track	Further discussion at Senior Management level occurring.
Succession Planning Project completed by 30/06/12	1 Year	Not on Track	Draft developed.
<b>12.5.8 Safety</b>			
Lost Time Injury Frequency Rate of 25 per million hours worked	11/12	On Track	LTI FR YTD as at end of March 2012 is 24.78.
Prepare Council for Occupation Health & Safety Act and Regulations changes in accordance with National Harmonisation of Laws. Review Occupation Health & Safety system documents to ensure alignment to new laws	11/12	On Track	
<b>12.6 Information Management</b>			
<b>12.6.1 Applications</b>			
Business System Strategy developed by December 2011	11/12	Project Completed	
<b>12.6.3 Architecture</b>			
"Councils Online" computer system	1 Year	On Track	Council's Online contract renewed with CapGemini. Changeover from original contract completed. Business system requirements continue to evolve. Hence business rules and processes require review and re-engineering as detailed in the Information Management Strategy.
<b>12.6.5 Operations</b>			
Printer centralisation project implemented by September 2011	11/12	Project Completed	Project completed in September 2011.

	Action Time Frame	YTD Progress Q3	Comments Q3
<b>Principal Activity 12- Administration</b>			
<b>12.7 Integrated Planning</b>	<b>12.7.2 Integrated Business Planning</b>		
	A program and Community Engagement Strategy for a Central Coast Community Strategic Plan are formulated by 1 July 2012 and is endorsed by both councils for implementation	11/12	Project Deferred
	Complete the WSC Strategic Plan (2012) by 30 June 2012 that complies with Department of Local Government guidelines	11/12	On Track
	Councils Annual Report 2011/12 is completed by 1 December 2012 and complies with Department of Local Government guidelines	11/12	Project Completed
	<b>12.7.4 Measures and Reporting</b>		
	An integrated system of corporate measures and reporting is endorsed by the Executive and in place by 1 July 2012	11/12	Not on Track
	Progress has been delayed due to technical (IT) disruption and difficulties. Completion now due December 2012. Integrated Planning team is being reshaped to give an increased focus on reporting.		
<b>12.8 Legal and Risk Services</b>	<b>12.8.1 Internal Audit</b>		
	Compliance with the timelines and outcomes set out in the adopted Audit Plan	11/12	On Track
	<b>12.8.2 Internal Ombudsman</b>		
	Number of external investigations referred to Internal Ombudsman for investigation	11/12	On Track
	<b>12.8.3 Legal Actions and Advice - Corporate</b>		
	Compliance with statutory timetable for implementation of Government Information (Public Access) Act 2009, compliance with provisions for the processing of applications for access under the Government Information (Public Access) Act 2009, and drafting	11/12	On Track
<b>12.9 Plant, Fleet and Depots</b>	<b>12.9.3 Plant - Mobile Equipment and Vehicles</b>		
	Align with Gosford City Council fleet in the ordering of vehicles and plant in order to obtain greater purchasing power.	4 years	Not on Track
	All passenger vehicles in Councils fleet to be 4 cylinder or hybrid by 31 December 2013	4 years	On Track
	Greater support in the utilisation of assets between Wyong Shire Council and Gosford City Council	11/12	On Track
	With WSC utilisation at high levels, the opportunity to make our equipment available to GCC has been minimal. Rates provided by GCC for the few items of plant we would likely use are not commercially viable and so we have not made use of their equipment.		
	<b>12.9.6 Other Emergency Services</b>		
	Review of Emergency Services	11/12	On Track
	Project on track excluding timeframe where an extension has been sought.		

Blank

Local Government  
Association of NSW



Shires Association  
of NSW

Copy received for Mayor +  
Cm

15 November 2011

Cr Robert Graham  
Mayor  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Cr Graham,

As you would be well aware, the Local Government Association of NSW and the Shires Association of NSW have agreed in principle to form One Association to represent Local Government in NSW based on the 27 principles agreed to by the two Associations.

Attached is the copy of a draft constitution (the "sixth draft version") for One Association to be called tentatively, the "Local Government and Shires Association of NSW". The Association may also be known as "Local Government NSW", which is a business name currently owned by the two Associations.

The fifth draft of the constitution was submitted to Fair Work Australia (FWA) for a preliminary "without prejudice" review and the attached sixth draft now reflects amendments suggested by FWA. No major issues have been raised by FWA at this stage, although there are still matters which need to be resolved. Where appropriate, these matters are identified further in this letter.

#### The Board of Directors

The draft constitution provides for a Board of twenty four elected Directors:

1 X President,  
1 X Vice President (metropolitan/ urban),  
1 X Vice President (rural/ regional),  
1 X Treasurer and,  
20 other Directors, (10 from the metropolitan/ urban area and 10 from rural/regional area.)

The President and the Treasurer are elected by all members; the Vice Presidents and other Directors are elected by the appropriate membership constituency, i.e., the rural/ regional Directors and Vice President are drawn from and elected by the rural/ regional members; the metropolitan/ urban Directors and Vice President are drawn from and elected by the metropolitan/ urban members.

GPO Box 7003 Sydney NSW 2001  
L8, 28 Margaret St Sydney NSW 2000  
Tel: (02) 9242 4000 • Fax: (02) 9242 4111  
www.lgsa.org.au • lgsa@lgsa.org.au  
ABN 49 853 913 882

**Membership**

All general purpose NSW councils are eligible for ordinary membership of the new Association, and County Councils and the Aboriginal and Land Rights Act Regions (ALRA Regions) are eligible for ordinary membership or associate membership at their election. Subscriptions for County Councils and ALRA Regions will be adjusted to reflect their final membership choice.

**NSWALC Membership**

In the absence of long awaited advice from the Aboriginal Lands Council (ALC) as to how ALC membership should be reflected in the constitution, membership of the ALC has been based on the nine regions constituted under the Aboriginal Land Rights Act 1983. Each Region is treated as if it were a council constituted under the Local Government Act. The Sydney/ Newcastle Region is treated as a metropolitan/urban member and the remaining eight Regions are treated as rural/ regional members. If there is to be any change to this approach, it needs to be resolved quickly.

**Voting**

The voting methodology is described within the draft constitution at Clause 23. The critical point of the methodology is that it results in the number of votes for the election of the Board of Directors, and for dealing with Conference motions for both the rural/regional membership and the metropolitan/urban membership being equal. Current modelling has both regions having 251 votes (totalling 502 permissible voting delegates), however this will change slightly when the membership intentions of the County Councils and the NSWALC become clearer. Regardless of the decisions of the County Councils and the NSWALC and therefore the final number of votes, the voting numbers between the membership areas will remain equal.

**Quorum at Conference**

There has been some recent discussions regarding quorum at the annual Conference as a result of issues at the recent LGA Conference. It must be noted that the Quorum is the result of a mathematical calculation based on the number of total permissible voting delegates divided by two, plus 1. For example, under current modelling the quorum will be 502 (permissible voting delegates) divided by 2, plus 1 = 252.

The issue of quorum should be considered in a similar context to the rules which apply to councils. For example, if a Council has 12 Councillors, then the quorum will be  $12/2 + 1 = 7$ . The quorum does not change if a Councillor is absent, or otherwise chooses not to attend a meeting. In a similar way, the quorum of Conference will not change if Councils are unable to provide their full complement of voting delegates. Various proposals have been considered to overcome problems associated with the lack of a majority quorum. These have included, for example, reducing the quorum to a third of the delegates plus one, but the problem with these approaches is that they could allow the policies of the new Association to be set by a minority of members, not a majority. The impact on the stability of the Association is then open to question.

**Interim Board**

From the amalgamation day, and until the election of the Board of Directors takes place it is intended that there be an interim board, which will be made up of the current office bearers of both Associations, that is, the interim board will be the 2 Presidents, the 2 Treasurers, the 4 Vice Presidents, and the 2 Immediate Past Presidents (or Vice Presidents General) as the case may be.

**Rights of Directors – alternative Formulation**

It should be noted that under the current LGA rules, members of the Executive are entitled, by virtue of being an Executive Member, to both vote in the elections of Office Bearers, and in relation to motions at Conference. Under existing Shires Association rules, Executive members cannot vote in the election of Office Bearers simply because they are a member of the Executive (although they can vote in relation to motions).

At this stage, this issue has not been resolved between the two Associations and the views of members would be appreciated.

**What happens next?**

Hopefully, following feedback from Councils, the two Associations can resolve any differences which may still exist and then proceed to a final draft of the rules for a new Association. Until a final draft can be agreed to, it is extremely difficult to finalise a timetable for implementation. Strictly speaking, the new constitution does not have to be adopted by a Conference [Annual or Special] of each Association as the approval of the amalgamation and the new constitution occurs through a secret ballot under the auspices of Fair Work Australia and the Australian Electoral Commission. Each Association is yet to decide whether a Conference is required.

**What do councils need to do now?**

All Councils are requested to consider the attached draft rules and advise the Associations by 16 December 2011 of any further issues or concerns. General comments would also be appreciated.

Should you require any further information in relation to this matter, please contact the Associations' Director Corporate Services, Peter Coulton on 02 9242 4030 or [peter.coulton@lgsa.org.au](mailto:peter.coulton@lgsa.org.au).

Yours sincerely,



Cr Keith Rhoades AFSM  
President  
Local Government Association



Cr Ray Donald  
President  
Shires Association

**Confidential**

**Sixth Draft Rules for Proposed Amalgamated Organisation  
(following comments from FWA 14/10/11)**

10 November 2011

**LOCAL GOVERNMENT & SHIRES ASSOCIATION  
OF NEW SOUTH WALES**

**Carroll & O'Dea  
Lawyers,  
18/111 Elizabeth Street  
SYDNEY NSW 2000  
DX 183  
Tel: 9291 7100  
Ref: PJP:100769**

---

 INTERPRETATION
 

---

## LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NEW SOUTH WALES

### CONSTITUTION

1. (a) The name of the Organisation shall be the Local Government & Shires Association of New South Wales (the "Association") but may also be known as "[Name to be chosen]".
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

#### **PREAMBLE – AMALGAMATION COMPACT**

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales ("LGA NSW") and the Shires Association of New South Wales ("SA NSW") to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, metropolitan/urban councils and rural/regional councils respectively) would, post the amalgamation, each have an equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management ("Board of Directors"), and arrangements for alternative access to the office of President from the two different constituencies.

#### **INTERPRETATION**

3. Unless the context otherwise requires:

"Aboriginal Land Council" means the New South Wales Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).

"Administrator" means an Administrator appointed in accordance with Division 6 of Part 2 of Chapter 9 of the *Local Government Act 1993* (NSW) or Division 2 of Part 11 of the *Aboriginal Land Rights Act 1983* (NSW).

"ALRA Region" mean a Region constituted under the *Aboriginal Land Rights Act 1983* (NSW).

"Amalgamation" or "the Amalgamation" means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) immediately prior to the amalgamation date.



---

**INTERPRETATION**

---

"Amalgamation date" means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect.

"Associate member" means a member who is not an ordinary member.

"Association" means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

"Badge" means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a delegate at a Conference.

"Board" or "the Board" means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the relevant legislation.

"Chief Executive" means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 65.

"Conference" means the Annual Conference or a Special Conference of the Association as provided by these Rules.

"Council" means a council constituted under the *Local Government Act 1993* (NSW), other than a county council, and an ALRA Region.

"Councillor" means a person elected or appointed to civic office under the *Local Government Act 1993* (NSW), but does not include an Administrator.

"County Council" means a county council established under Part 5 of Chapter 12 of the *Local Government Act 1993* (NSW).

"Director" means a member of the Board including an Office Bearer (unless the *contrary intention appears from the context*)

"Delegate" means an elected member of a council or an elected member of ALRA Region or an Administrator who are by virtue of this Constitution entitled to vote at an Annual Conference.

"Financial year" means the period from July 1 in one year to 30 June in the following year.

"LGA NSW", means the Local Government Association of New South Wales, an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) until the Amalgamation Date.

"Member" means a council, county council or ALRA Region that is a member of the Association, whether as an ordinary member or as an associate member.

"Metropolitan/Urban County Council" means a county council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County Council.

"Metropolitan/Urban Council" means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban Council.

**OBJECTS**

"Office Bearer" means the President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

"Ordinary member" means a member that obtains and retains Ordinary membership pursuant to Rule 6 of these Rules.

"Relevant legislation" means Federal and State legislation relating to the registration and governance of industrial organisations of employers as applicable to the Association from time to time.

"Roll of Voters" shall mean all those delegates of members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

"Rural/Regional County Council" means a county council in the State of New South Wales other than a Metropolitan/Urban Council.

"Rural/Regional Council" means a council in the State of New South Wales which is either:

- (a) a council in the said State which is other than a Metropolitan/Urban Council; or
- (b) an ALRA Region identified in Schedule "A" attached to these Rules, other than the ALRA Region for Sydney/Newcastle.

"SA NSW" shall mean the Shires Association of New South Wales, an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) until the Amalgamation Date.

- The singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender.
- Headings are for convenience and do not affect meaning.
- A reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

**OBJECTS**

4. The objects of the Association shall be in New South Wales and elsewhere:
  - (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
  - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;

**POWERS**

---

- (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
- (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
- (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
- (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
- (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
- (h) to promote, support and encourage Local Government at a State and national level;
- (i) to provide an industrial relations service to members including:
  - (i) represent the interests of members in industrial matters before courts and tribunals;
  - (ii) assist in negotiations relating to the settlement of disputes between members and their employees;
  - (iii) represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
  - (iv) promote training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

**POWERS**

5. The Association is empowered:
- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;

**MEMBERSHIP**

---

- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;
- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

**MEMBERSHIP**

- 6. (a) Membership of the Association shall be open to Councils and County Councils in the State of New South Wales.
- (b) Membership of the Association shall be limited to:
  - (i) Ordinary Members; and
  - (ii) Associate Members.

---

**MEMBERSHIP**


---

- (c) Any Council shall be eligible for ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
  - (d) County Councils and ALRA Regions shall be eligible for ordinary membership or associate membership of the Association, at the election of the Council concerned, provided that:
    - (i) the original application for membership made by such Council complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
    - (ii) the election as to the category of membership that such Council wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
    - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
    - (iv) where a Council that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that Council's existing category of membership.
  - (e) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the relevant legislation.

**REGISTER OF MEMBERS**

---

8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
    - (i) on the day on which the notice is received by the Association; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
  - (b) in any other case:
    - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
    - (ii) on the day specified in the notice;whichever is the later.
9. A member shall cease to be a member in the following circumstances:
- (a) the member resigns in accordance with Rule 8;
  - (b) the member is a council that is dissolved;
  - (c) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
  - (d) by order of a court in accordance with the relevant legislation.
10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

**REGISTER OF MEMBERS**

11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the relevant legislation.
12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

**SPECIAL LEVIES**

---

**ANNUAL SUBSCRIPTIONS**

- 13 (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
- (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.
- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.

**SPECIAL LEVIES**

14. (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
- (i) The amount of the special levy payable by it; and
- (ii) The purpose for which such special levy is made.

## CONTROL AND GOVERNANCE OF THE ASSOCIATION

- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

### **Disbursement of Monies Raised by Levy**

15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

## **CONTROL AND GOVERNANCE OF THE ASSOCIATION**

17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
- (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
  - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
  - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
  - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution is for the purpose of carrying out any such resolution;
  - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
  - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control



## CONTROL AND GOVERNANCE OF THE ASSOCIATION

and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.

19. The Board is the Committee of Management of the Association for the purposes of the relevant legislation, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:
- (a) is consistent with any relevant policy decision of the members at a Conference; and
  - (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 65), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. The Senior Executive Group shall consist of :
- (a) the President, the two Vice Presidents and the Treasurer,
  - (b) two directors chosen by and from the ten (10) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
  - (c) two directors chosen by and from the ten (10) directors representing Rural/Regional members of the Association elected in the immediately preceding elections

The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (b) and (c)) from which they are to be chosen.

The Senior Executive Group shall have the following functions:

- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
- ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
- (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;

**CONFERENCES**

- (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;
  - (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
  - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
  - (vii) to recommend to the Board any expenses policies for the Association;
  - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
  - (b) are for the purpose of carrying out the objects of the Association ,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

**CONFERENCES****General**

- 22 A Conference shall consist of delegates from all members of the Association.
23. The voting delegation to which any member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

**STEP 1**

Determine the number of delegates for each member, applying the population statistics for each council area published by the Australian Bureau of Statistics in that edition of ABS publication entitled 3218.0 Regional Population Growth Australia last published prior to the amalgamation date, to the following scale:

Group No. (councils other than county councils)	Population	Delegates
(1)	Up to 10,000	1

**CONFERENCES**

(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
<b>County councils</b>		
	each Metropolitan/ Urban County Council	2
	each Rural/Regional County Council	1

[NOTE: When determining the population of an ALRA Region for the purpose of this scale only the aboriginal population registered with those local aboriginal land councils which fall within that ALRA Region is to be counted. However, the fact that such population in an ALRA Region will also be counted wholly or partially within another general purpose or county council (whether a Metropolitan/Urban council or a Rural/Regional council) is to be disregarded.]

**STEP 2**

Determine the total number of delegates from Metropolitan/Urban councils and county councils and the total number of delegates from Rural/Regional councils and county councils resulting from the application of Step 1.

**STEP 3**

Increase the total number of delegates from the Metropolitan/Urban councils and county councils so that that total number is the same as the total number of delegates from Rural/Regional Councils and county councils, then distribute that additional number of delegates among the Metropolitan/Urban councils by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

**Example**

Assume the difference between the number of delegates from the two regions is 68. Thus Metropolitan/Urban Councils must have distributed between them 68 extra delegates so that equality between the regions is achieved. As the formula requires rounding off to the nearest whole number when determining how many additional delegates (if any) a council must have, the multiplier number for delegates has to be altered from 68 to a somewhat lower number, to take into account the effect of rounding. In this case the multiplier that has to be applied to ensure that arithmetically exact equality will be achieved is 66.5. The formula is then applied to all Metropolitan/Urban Councils. Take then as an example Council "A", which has a population of 42,787 out of a total population for all Metropolitan/Urban councils of 4,069,794. Thus Council "A" has to receive one more delegate. That is the conclusion that follows from dividing 42,787 by 4,069,794 and then multiplying by 66.5 (precise result .6991) and then rounding up in this case to nearest whole number (1). The same formula is then applied to each other Metropolitan/Urban Council using the actual population of that Council divided by the total population then multiplying by 66.5. The eventual result will be the distribution of an extra 68 delegates among the Metropolitan/Urban councils and thus complete equality with Rural/Regional councils.

**STEP 4**

## CONFERENCES

---

If the adjustment required to be undertaken in Step 3 results arithmetically in a Metropolitan/Urban council being entitled to more than 15 delegates, that Council's delegation is capped at 15 delegates.

### STEP 5

For any Council that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, each councillor of such a member shall have a vote which is equal in number to the result derived from dividing the number of votes by the number of councillors.

#### *Example:*

*If a member is entitled to 10 votes but has only 8 councillors holding office, each councillor will be entitled to a "weighted" vote that is equal to 1.25 votes.*

### STEP 6

On each anniversary of the amalgamation date, carry out steps 1 to 4 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present.
26. Subject to Rule 68 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27. (a) A Conference shall be conducted in accordance with Standing Orders.  
(b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28. (a) A member may bring any matter before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than fourteen (14) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;  
(b) Where the Chief Executive receives a statement from a member that it wishes to bring a matter before a Conference and less than fourteen (14)

**CONFERENCES**

---

days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;

- (c) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;

**PROVIDED THAT** the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.

29. Subject to these Rules:

- (a) each delegate shall be entitled to one vote only;
- (b) Except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have, subject to the application of Rule 29 (b), one vote on such matter.

**ALTERNATIVE FORMULATION:** Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

**Annual Conference**

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.
32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

**Special Conferences**

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
- (ii) by resolution of the Board; or

**BOARD OF DIRECTORS**

---

- (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

**Delegates to a Conference**

- 34. (a) Each member shall nominate its delegates to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) If it is desired to change the nomination of a delegate prior to the first day of the Conference written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor or the General Manager of the council, or the Chairperson or Chief Executive Officer of the ALRA Region. The badge of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.
- (c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge is issued to the incoming delegate.
- 35. (a) Subject to clause 16 of Schedule C, a delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

**BOARD OF DIRECTORS**

- 36. The Board of the Association (which may be referred to as "the Board of Directors") is the Committee of Management of the Association and shall consist of a President, two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 20 Committee members titled "Directors" (10 from Metropolitan./Urban councils and 10 from Regional/Rural councils). All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the relevant legislation or any other law.
- 37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be a either a Councillor of a Council which is an Ordinary Member of the Association as prescribed by these Rules or, in the case of an ALRA Region, an elected officer of the ALRA Region.

**BOARD OF DIRECTORS**

---

- (b) An Administrator of a council that is an Ordinary Member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
- (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23.
- (d) In addition to the foregoing, in any instance where a Director (whether an Office Bearer or not) is not a delegate in the voting delegation of any Council, that member of the Board shall also have the right to vote in the elections for the Board next occurring.

**ALTERNATIVE FORMULATION FOR (d):** In addition to the foregoing, a Director shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.

- 38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
- 39.
  - (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between delegates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
  - (b) Subject to the limitations provided in the following provisions of this Rule, all councillors for Ordinary members are eligible to nominate for and vote in any election for the office of President.
  - (c) The term of office for the office of President shall be two years, commencing on the date of declaration of his or her election at an annual Conference in each alternate year, and concluding with the declaration of the next election for President.
  - (d) The delegate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that delegate standing again for the office of President at a subsequent election for that office, if otherwise eligible.
  - (e) If a delegate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other delegate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
  - (f) If a delegate from a Rural/Regional council holds of the office of President and, being eligible, nominates for a second term in that office, no other delegate from a Rural/Regional council is eligible to nominate for the office of President at such election.

### ELECTION PROCESS FOR MEMBERS OF THE BOARD

- (g) If a delegate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only delegates eligible to nominate for the next election for President are delegates from the other category of councils to that from which the retiring President was a delegate.
  - (h) If a delegate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 45 and (if applicable) Rule 49. In such a case, the delegate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (d), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40.
- (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by and from an electorate that shall consist of those delegates from Metropolitan/Urban councils who are councillors.
  - (b) The office of Vice President (Rural/Regional) shall be filled by election by and from an electorate that shall consist of councillors from Rural/Regional councils that are Ordinary members.
  - (c) The office of Treasurer shall be filled by election by and from all councillors of Ordinary members.
  - (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by and from an electorate that shall consist of those delegates from Metropolitan/Urban councils who are councillors.
  - (e) The various offices of other Directors (Rural/Regional) shall be filled by election by and from an electorate that shall consist of councillors from Rural/Regional councils.
  - (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (c), *mutatis mutandis*. All delegates holding these offices are eligible for re-election without limitation.

### **ELECTION PROCESS FOR MEMBERS OF THE BOARD**

#### **General**

41. Elections for Directors (including the Office Bearers) (hereafter "the elections") shall be conducted by a Returning Officer appointed or authorised under the relevant legislation.

#### **Election arrangements**



**CASUAL VACANCIES**

---

42. Subject to any decision of the Industrial Registrar pursuant to the relevant legislation to exempt the Association from the requirement to conduct the elections by secret postal ballot, the elections shall be conducted in accordance with the requirements of Schedule B.
43. Immediately following the commencement of these Rules, the Chief Executive shall make application to the Industrial Registrar under the relevant legislation for an exemption from the requirement to conduct the elections in accordance with Schedule B, so that the elections may be conducted in accordance with the requirements of Schedule C, or those requirements as modified by the Registrar.

**CASUAL VACANCIES**

44. A casual vacancy on the Board of the Association occurs when a Director
- (a) dies;
  - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
  - (c) is removed from office as a Director in the manner provided for in Rule 50; or
  - (d) ceases to be eligible under the Rules to hold office as a Director.
45. Subject to Rule 49, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
  - (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.
- If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.
46. Subject to Rule 49, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
47. (a) Subject to Rule 49, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

**REMOVAL FROM THE BOARD**

---

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

48. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
49. Where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

**REMOVAL FROM THE BOARD**

50. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
  - (ii) a substantial breach of the rules of the Association; or
  - (iii) gross misbehaviour or gross neglect of duty.

[Note: See Rule 36 and Rule 52: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 52 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]

- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
- (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
- (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
- (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
- (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.

**BOARD MEETINGS**

---

51. A person ceases to be a director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an ordinary member.

**BOARD MEETINGS**

52. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
53. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
  - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
54. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
55. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
56. No business shall be transacted at any meeting of the Board unless a quorum is present at the time when the meeting proceeds to business. Thirteen (13) members of the Board present in person or by telephone or video-conference or a combination of these forms at the same time shall constitute a quorum.
57. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

**FINANCE**

---

**AUDITOR**

58. (a) The Board shall appoint one or more auditors. No director nor employee of the Association shall be eligible for the appointment of auditor.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
  - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
    - a) the service is executed to an unprofessional standard; or
    - b) the auditor's costs are considered excessive; or
    - c) if the person ceases to be a registered company auditor.
  - (iii) at the expiration of the term of appointment.
59. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

**FINANCE**

60. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
  - (b) interest, rents or dividends derived from investments of the Association's funds;
  - (c) the proceeds of any disposal of parts of the funds;
  - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
61. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.

---

**FINANCE**

---

- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
  - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
  
- 62. The Board shall have management of the Association's property and investment of funds.
  
- 63. The Association's funds shall only be expended on the objects of the Association.
  
- 64. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the relevant legislation, and without limiting the generality of the foregoing:
  - (a) As soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
  
  - (b) As soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
  
  - (c) The Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
  
  - (d) The Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the relevant legislation;
  
  - (e) The Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;

**PATRON OF THE ASSOCIATION**

---

- (f) The Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the relevant legislation;
- (g) A copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

**CHIEF EXECUTIVE**

65. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by any relevant recommendations of the senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the President. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

**ACCESS TO RECORDS**

66. (a) Except as provided under Rule 62, all records, books, documents, and securities of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the relevant legislation.

**PATRON OF THE ASSOCIATION**

67. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.