



ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 27 September 2017
9am

at

Armidale Council Chambers

ATTACHMENTS

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Armidale Regional Council

Delegation to the Office of Mayor

Subject to the requirements of the Act and Regulations thereunder and any expressed policy or direction of the Council, the Council pursuant to the provision of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to exercise or perform on behalf of the Council the following powers, authorities, duties or functions, as well as those specifically described under Section 226 of the Act.

Common Seal

To affix the Council Seal to any document relating to the business of the Council and upon which Council has resolved to affix the Seal.

Conveyancing

To negotiate and execute (with the CEO) the purchase or sale of land within a maximum range adopted by Council and, subject to any other conditions the Council may require, where Council has resolved to purchase or sell land.

Conferences, Seminars and Meetings

To approve the attendance of Councillors at any seminar, conference, meeting or training course, where funds have been provided in the budget, provided that such delegation shall not be exercised if there is a Council meeting prior to the closing date of registration, unless the Mayor and CEO are of the view that a delay in registration will preclude Councillors' attendance.

(This delegation should be read in conjunction with the Payment of Expenses and Provision of Facilities to Councillors Policy)

Correspondence

Sign correspondence that does not require the consideration of the Council.

Legal

To authorise legal advice or legal representation in any matter in which the Council (as the corporate body) is already or likely to become involved. To have briefing sessions for Councillors provided by external consultancies in matters considered by the Mayor to be important to Council.

Meeting Recess

Notwithstanding any other provision of this Delegation, with the concurrence of the CEO, deal with and make decisions in respect of any matter that requires a resolution of the Council in the following periods, provided that if it is outside Council's existing adopted budget, only in urgent or extenuating circumstances as well:

- (a) between the last meeting of the Council for the year and the first meeting of the Council for the following year;
- (b) between the last meeting of a Council term and the date of an ordinary election of the Council.

Media Relations

To advise and respond to enquiries from the media and to issue media releases and statements in respect of the affairs of Council on behalf of the governing body and the local government area generally.

Temporary Appointment of Chief Executive Officer

- (a) To appoint a temporary replacement should the holder of the position of CEO be suspended from duty, sick or absent pursuant to Section 351(1)(a) of the Act;
- (b) Consider and approve or otherwise deal with all leave applications submitted by the CEO provided that applications for leave in excess of ten (10) weeks shall be referred to the Council for determination;
- (c) Approve attendance of the CEO at any seminar, conference or course, provided that if it is outside Council's existing adopted budget, only in urgent or extenuating circumstances.

Council Meetings

Call Extraordinary Council meetings when required.

(Note that Council's Code of Meeting Practice provides for certain powers that may be given to the Mayor as a delegation in order to assist with the effective conduct of a meeting. These include dealing with disorder at a council meeting).

These delegations and authorities are effective from the date of the Resolution of the Council, being 27 September 2017, and remain in force until amended or revoked by a resolution of the Council.

Mayor's acknowledgement of Delegations of Authority

I <Name> do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation.

Mayor
Date:

ARMIDALE REGIONAL COUNCIL**INSTRUMENT OF DELEGATION TO****CHIEF EXECUTIVE OFFICER**

Pursuant to Section 377(1) of the Local Government Act 1993, the Armidale Regional Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this instrument be revoked.
2. The person who from time to time holds the position of Chief Executive Officer of Council ("**CEO**"), being at the date of this instrument Peter Dennis, be delegated authority under:
 - 2.a Section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Acts and Regulations in force and as amended from time to time:
 - i. **Subject** to any condition or limitation on a Function specified in Schedule 1; and
 - ii. **Excluding** those Functions:
 1. that are expressly prohibited from delegation as listed under Section 377 the LG Act;
 2. which are expressly required by legislation to be exercised by a resolution of the Council.
 - 2.b Section 68 of the NW Act, to exercise and/or perform on behalf of Council the Functions of the Council (other than the power of delegation) under the NW Act.
3. The Chief Executive Officer be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The Chief Executive Officer be delegated any Function which is taken to be conferred or imposed on the council pursuant to section 381(1) of the LG Act.
5. In the absence of the Chief Executive Officer that a person appointed by resolution to act as Chief Executive Officer assume all Functions, delegations, and sub-delegations of the Chief Executive Officer for the period only of the absence of the Chief Executive Officer unless otherwise resolved by the Council.

6. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a.a the requirements of the relevant Legislation;
 - a.b any conditions or limitations set out in **Schedule 1**; and
 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
7. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
8. In this delegation:
 - **“Acts”** includes legislation enacted by the parliaments of New South Wales and of the Commonwealth of Australia;
 - **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - **“Legislation”** includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under an Act.
 - **“LG Act”** means the *Local Government Act 1993* as amended.
 - **“NW Act”** means *Noxious Weeds Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
NSW Local Government Act 1993 and NSW Local Government (General) Regulation 2005	Accept Council tenders with a contract value of up to \$500,000 where all other tender requirements of the Act and Regulation are met
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
N/A	N/A	N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday, 27 September 2017.

 <Name>
 Mayor

Date:

Chief Executive Officer's acknowledgement of Delegations of Authority

I, Peter Dennis, currently employed by the Council in the position of Chief Executive Officer, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

 Chief Executive Officer of Armidale Regional Council
 Date:



Media Policy

Purpose

The Media Policy aims to ensure communication by Council with the media is consistent, well informed, timely, appropriate and newsworthy. The Policy establishes a framework for an effective working relationship with the media, including the identification of council's authorised spokespersons.

Scope

This policy applies to communications between Council officials and the community either via the media or directly.

Policy Statement

Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. Media is a key influencer of Council's reputation, it is therefore important that Council has an established framework for interaction with the media. Council will proactively pursue media opportunities to connect in a genuine way with both the community and a broader audience.

Council will embrace the opportunities presented by the media and actively pursue media exposure. Media organisations and their representatives will be treated equally and without bias. All media enquiries coming into the organisation will be managed through Council's Communications Unit.

Council will actively engage with media to:

- protect and enhance Council's reputation.
- promote the projects and services of Council.
- inform the community about projects, policies and activities.
- engage the community on key decisions Council might be making.
- promote the local government area to visitors.
- provide essential updates to the community during a crisis or emergency.

Staff authority and delegation

The Mayor is the official spokesperson for the Council on Council affairs. He has the discretion to delegate to other Councillors. The Chief Executive Officer (CEO) is the official spokesperson on operational and financial matters. The CEO may delegate other Council staff to speak on his/her behalf where appropriate.

Staff as private citizens are entitled to enter into public debate and make comment on civic affairs provided they do not give the impression they are speaking in their official position or on behalf of Council. Staff must also ensure that any comments to the media are not in breach of the Code of Conduct.

Councillors

The Councillors engage with the community through various forums including media. Councillors have the responsibility to ensure that their interaction with media (including on social media) is appropriate and compliant with this policy. This includes:

- making it clear they are expressing their personal opinion and not purporting to represent the position of Council or a committee of the council.
- supporting Council's official decisions
- supporting Council's official release of information rather than releasing information independently.
- not disclosing information classified as confidential to the public or media.
- not disclosing information provided during briefings, workshops or meetings to the public or media.
- refraining from using the media to make negative personal reflections on each other, or Council staff, or Council generally that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council.

Reputation and risk

Council will openly discuss matters of interest with media unless disclosure of information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe on other laws or regulations that govern its operations.

To ensure consistency of communication with media, key messages will be developed and used. Council acknowledges that not all media coverage will reflect positively on the organisation however it will seek to ensure that any media coverage of matters is balanced. Whilst it is not always appropriate or timely for Council to make comment on specific issues, Council will endeavour to provide a response to media enquiries.

Media enquiries and request for interviews should be directed to council's Program Leader – Media, Communications and Engagement.

Staff delegated to speak to the media and the process for escalation of issues will be identified in communications plans. Wherever possible, media enquiries will be addressed by the staff member with the appropriate delegation and responsibility for the matter, with escalation occurring when the matter becomes controversial, sensitive or crosses groups within the Council. In addition, the CEO will be the spokesperson for the organisation in crisis situations, projects of a significant nature or where an individual communications plan identified the CEO as the spokesperson.

Council will collect, retain and dispose of media communication in line with Council's Records Management Policy.

Proactive engagement and transparency

Council will wherever possible proactively release information to media and make the Mayor, CEO or their approved delegate available for comment or interview in a timely manner.

It is the responsibility of all staff to identify media opportunities. The Communications Unit will foster productive relationships with the media, being respectful of media needs including deadlines. Conversely gaining media respect for the environment within which Council operates and which may limit Council's ability to fully respond to all matters.

Council meeting agendas

Media releases will be developed for matters of interest arising from the meeting and will be released following the Council meetings in consultation with the Mayor.

To ensure a central point of information dissemination, only the Communications Unit will provide real time social media updates regarding notable resolutions at Council meetings. Councillors are encouraged to share this information at the conclusion of the Council meeting. It is acknowledged that the minutes of Council meetings remain the official record of resolutions.

Legislation and Associated Documents

- NSW Local Government Act 1993
- Government Information Public Access Act 2009
- NSW Privacy and Personal Information Act 1998
- NSW State Records Act 1998
- Code of Conduct
- Complaint Management Policy
- Privacy Management Plan
- Interaction between Councillors and Staff Policy
- Records Management Policy

Definitions

"Council affairs" – includes matters before the council and other council affairs and business, policy, interpretation of policy, management of council business or staff, or other matters that may commit the council's resources.

"Council official" – includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council.

"Media" - includes broadcast, print and online outlets including social media and freelance journalists.

Authorisation

Adopted by Council:



Councillor and Staff Interaction Policy

Purpose

The Councillor and Staff Interaction Policy provides a framework for Councillors in exercising their civic duties by specifically addressing their ability to interact and receive advice from authorised staff. This Policy supports the provisions of the Code of Conduct and forms a central part of Council's Code of Conduct Framework.

Scope

This Policy applies to Councillors and Council employees, including contract and casual employees engaged by Council.

Policy Statement

The Local Government Act 1993 defines the roles and responsibilities of the Mayor and Councillors, and specifies that the Chief Executive Officer is to direct staff in the performance of their duties. Interactions between Councillors and staff are necessary to facilitate well-informed decisions and the provision of Council services.

In accordance with Council's Code of Conduct, Councillors, Administrators and staff are expected to conduct their interactions with each other with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour. This Policy supplements the Code and nominates those Council staff (Appendix A) that Councillors may access to exercise their civic leadership and represent the views of the community.

Access to staff by Councillors other than the CEO

All access to staff by Councillors, other than the CEO, is to be authorised by the CEO. Only those staff nominated by the CEO can provide advice to Councillors. Should a Council officer be acting in any of the nominated positions, the person so acting will be a nominated officer unless otherwise determined by the CEO.

Councillors may also approach staff designated to support Advisory Committees of Council and any other body in which a Councillor(s) is a delegate of Council, for advice in relation to the activities of that Committee or body. Such staff may contact Councillors involved to advise, or seek advice, in relation to the activities of that Committee.

Councillor and Council staff interaction

Councillors must not attempt to direct Council staff in the performance of their duties or request that staff undertake work on their behalf.

A Councillor or member of Council staff must not take advantage of their official position to improperly influence other Councillors or members of Council staff in the performance of their civic or professional duties for the purpose of securing private benefit for themselves or for another person.

Staff should only provide information to, or respond to a request from a Councillor if their Group Leader or the CEO has given approval.

Breaches of this Policy

The protocols governing Councillor Access to Information and Council Resources are incorporated in Council's Code of Conduct. Non-compliance with this Policy may be considered a breach of the Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Code of Conduct or disciplinary policies.

Related Legislation and Associated Documents

- Local Government Act 1993
- Local Government Amendment (Governance and Planning) Act 2016
- Code of Conduct
- Procedures for the Administration of the Code of Conduct

Definitions

"Authorised staff" - staff nominated by the CEO who can interact with or provide advice to Councillors.

Authorisation

Adopted by Council:

Appendix A – Nominated staff authorised to interact with Councillors

Chief Executive Officer
Chief Executive Officer
Executive Officer - CEO
Executive Officer - Mayor
Organisation Services
Group Leader
Service Delivery
Group Leader