



## BUSINESS PAPER

### ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 28 August 2019  
4pm

at

Armidale Council Chambers

#### **Members**

Councillor Simon Murray (Mayor)  
Councillor Dorothy Robinson (Deputy Mayor)  
Councillor Peter Bailey  
Councillor Jon Galletly  
Councillor Diane Gray  
Councillor Libby Martin  
Councillor Andrew Murat  
Councillor Debra O'Brien  
Councillor Margaret O'Connor  
Councillor Ian Tiley  
Councillor Bradley Widders

SUPPLEMENTARY AGENDA

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19.4	Questions on Notice - Cr O'Brien, O'Connor, Robinson <i>As this report deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	

<b>Item:</b>	8.1	<b>Ref:</b> AINT/2019/19732
<b>Title:</b>	FOR DECISION: Resolution 147/19 part (e) - 24 July 2019 Ordinary Council Meeting	<b>Container:</b> ARC16/0025
<b>Author:</b>	Deb O'Brien, Councillor	
<b>Attachments:</b>	Nil	

#### **MOTION**

**That motion 147/19 part (e) to the 24th July Ordinary Council Meeting, supported by six of the ten Councillors present, but declared lost on the casting vote of the Mayor, be now recommitted to a fresh vote.**

**Item:** 8.2 **Ref:** AINT/2019/19737  
**Title:** FOR DECISION: LGNSW Annual Conference - Motions **Container:**  
ARC16/0025  
**Author:** Dorothy Robinson, Councillor  
**Attachments:** Nil

#### **MOTION**

- a) **That ARC submits the motions below to the LGNSW Annual Conferences, noting the statement on the LGNSW website that motions can be accepted for inclusion in the Conference Business Paper until 12 midnight, Monday 16 September 2019 - <https://lgnsw.org.au/events-training/local-government-nsw-annual-conference/motions> :**
- i. **That LGNSW lobbies the NSW Government to consider extending pensioner concessions to low-income renters.**
  - ii. **That LGNSW lobbies the NSW Government to cover any increases in election charges by the NSW Electoral Commission.**

#### Motion (i)

Background: The report 'IPART Review of the Local Government Rating System', released 21 June 2019 states: "*The current concession provides no assistance to pensioners who rent property, who on average have significantly lower wealth and income than pensioners who own property*" (Chapter 7, p131). It is desirable to address such inequities. This could be achieved, for example, by providing tenants whose address and length of residents can be verified, with a voucher that could be given to landlords instead of the equivalent amount of rent, or any other way considered practical.

#### Motion (ii)

Background: The draft report 'IPART Review of local government election costs', dated June 2019 recommends a 62% increase in the charge to local councils from the NSW Electoral Commission for conducting local government elections. Councils in NSW are subject to severe financial constraints because of rate pegging and cost shifting and should not be expected to absorb even more cost shifting. If the NSW Government accepts the IPART recommendation, additional payments should be provided to councils to cover the increased costs.

<b>Item:</b>	8.3	<b>Ref:</b> AINT/2019/19739
<b>Title:</b>	FOR DECISION: Climate Change	<b>Container:</b> ARC16/0025
<b>Author:</b>	Deb O'Brien, Councillor	
<b>Attachments:</b>	Nil	

#### **MOTION**

- a) **That ARC offers moral support to student climate strikers who are asking the Government to enact laws and policies that put Australia at the forefront of proper action on climate change, and commend them for taking the lead in our community to protect Australia's future.**
  
- b) **That ARC also recognises that many councils, including Sydney City Council, have included adapting to climate change as part of their strategic planning. A number have also declared a climate change emergency. It is well recognised that this is a major issue particularly impacting Australia with an increase in extreme weather events, record temperatures, and lower rainfall.**

#### **Background**

It's now time to move on from debate and start implementing appropriate solutions. We're a lucky country, with access to abundant solar, wind, geothermal and wave energy. We have a talented workforce and a healthy economy with all the skills, resources and knowledge required to lead the world in renewable energy.

In order to meet our global obligations and to protect our economy and environment, our young Australians are imploring us to rise to the challenge. It is our young who will feel the effects of climate change most strongly and it is our young who are fighting for their future.

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<b>Item:</b>	18.1	<b>Ref:</b> AINT/2019/19719
<b>Title:</b>	Questions on Notice - Cr O'Brien, O'Connor, Robinson	<b>Container:</b> ARC16/0025
<b>Author:</b>	Deb O'Brien, Councillor	
<b>Attachments:</b>	Nil	

**Question on Notice 3.** (Crs O'Brien, Robinson, O'Connor)

Please report whether any advice was obtained from a qualified legal practitioner to determine why council staff, but not councillors, were entitled to see the legal advice referred to in relation to item 19.3 of the 26 June ARC meeting. Please also advise on what basis the governing body (elected members of Armidale Regional Council) who are clients of the legal organization that provided the advice, deemed not to be entitled to see it?

**Question on Notice 4.** (Crs O'Brien, Robinson, O'Connor)

The text of an email dated 11 June 2019 by Cr Simon Murray (which also included a confidential attachment) advised all councillors about their obligations under the Code of Conduct. Councillors have since been advised that over a 12 month period ARC has incurred legal costs of \$64,659 'for reviewing various matters relating to the interaction between councillors and between councillors and the CEO.' Please advise:

- on what legal basis under the Local Government Act 1993, was the letter dated 11 June 2019 attached to the Mayor's email of 11 June 2019 marked "confidential" and
- what connection is there between the contents of the Mayor's email dated 11 June 2019 and the expenditure on legal costs of \$64,659?

**Question on Notice 5.** (Crs O'Brien, Robinson, O'Connor)

Has ARC incurred any legal costs for HR management in relation to the transformation program, e.g. for representation at, or advice in relation to, industrial tribunals? If so, please provide details.

**Question on Notice 6.** (Crs O'Brien, Robinson, O'Connor)

**ARC Resolution 283/18 (12 Dec 2018) is:**

That Council notes the formation of an external advisory group **to provide advice to the Mayor and all Councillors** to inform them on its views of the issues related to woodsmoke and its air quality impact on air quality in Armidale including related health issues such that:

- the external advisory group complete its work and provide its advice in the form of a written report to Council in due course; and
- councillors may provide submissions in writing to the advisory group, at which the advisory group can invite Councillors to further discuss submissions as deemed relevant by the advisory group.
- the external advisory group meet with any Armidale Regional Councillor and the CEO if they wish to make submissions to it or discuss any relevant issue with it; and
- the external advisory group meet with Council's Environmental Sustainability Committee in February 2019 to discuss its brief (issues related to woodsmoke and its impact on air quality in Armidale including related health issues) with that committee of Council.

**Has the Mayor or any other councillor been provided with a draft of the report and if so, why hasn't it been provided to all councillors as required by ARC motion 283/12?**

**Question on Notice 3**

**Answer:**

No advice was sought to determine why Council staff but not Councillors are entitled to see legal advice.

**Question on Notice 4**

**Answer:**

- (a) The letter dealt with potential code of conduct breaches and as such it is appropriate for it to be confidential to the Councillors and not be more broadly disseminated. Its intended audience was the Councillors and no other people, except staff members involved in procuring the advice.
- (b) The advice referred to in the Mayor's email contributed to but was not the only matter leading to the quoted expenditure.

**Question on Notice 5**

**Answer:**

Council did not incur any legal costs for HR management in relation to the transformation program.

**Question on Notice 6**

**Answer:**

The Mayor has received a draft report for comment.