

## Item 14.7

### Notices of Motion

#### LGNSW Rules Amendments

By Councillor Scott

It is resolved that:

(A) Council submit the following constitutional amendments for consideration at the upcoming Local Government NSW Conference:

(i) delete sub-rules 34(b) and 34(c) and insert in their stead the following:

“(b) Substitution of voting delegates for voting on motions

If it is desired to change the nomination of a delegate for voting on motions 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 Deputy Mayor with the Mayor’s written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager’s written delegated authority), or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

(c) Substitution of voting delegates for voting in Board elections

If it is desired to change the nomination of a delegate for voting in an election, written notice signed by either the Mayor (or Deputy Mayor with the Mayor’s written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager’s written delegated authority), or in the case of the ALC, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.”

(ii) in Schedule B, after paragraph 11 and before paragraph 12 insert the following:

“11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper.”

- (iii) in Schedule B, after sub-paragraph 5(b) and before paragraph 6 insert the following:
- “(c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.”
- (iv) delete paragraph 15(b) of Schedule B in its entirety and insert in its stead the following:
- “(b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
- (i) the Returning Officer’s initials;
- (ii) the name of each candidate for the office/position to be filled, including the candidate’s declared registered political party membership(s);
- (iii) such other information as the Returning Officer deems appropriate.”
- (v) after Rule 21 and before Rule 22 insert the following:
- “21A
- (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee’s terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.”
- (vi) delete the text of sub rule 36(b) and insert in its stead the following:
- “(b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.”
- (vii) after rule 70 and before rule 71 insert the following:
- “COMMON SEAL

- 70A (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.”
- (viii) delete rule 1(a) in its entirety and insert in its stead the following:
- “1. (a) The name of the Organisation shall be “Local Government NSW” (the “Association”) but may also be known as “Local Government and Shires Association of New South Wales”.”
- (ix) delete the text of the definition of “Roll of Voters” in rule 3(a) and insert in its stead the following:
- “Roll of Voters” shall mean all those members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.”
- (x) delete rule 28 and in its stead insert the following:
- “28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.
- (b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.
- (c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) 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;
- (d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (e) 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.”

- (xi) at the end of sub rule 73(b)(ii), before the words beginning with “and any such amendments shall be taken to be validly made if...” delete the comma (“,”) and then insert the following:

“; or

(iii) to correct minor clerical and/or administrative errors,”

- (xii) delete rule 28 and in its stead insert the following:

“74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive’s delegated authority.”

- (xiii) delete rule 76 in its entirety.

- (xiv) delete the text of the definition of “calculation date” in rule 3(a) and in its stead insert the following:

““calculation date” means the first day of March last occurring prior to a Conference.”