

# Extraordinary Council Meeting Minutes

3 December 2021

Grafton – 4.00pm



## Agenda

- |    |                                                                                                                                                     |      |      |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| 01 | OPENING OF EXTRAORDINARY MEETING                                                                                                                    |      |      |
|    | <ul style="list-style-type: none"><li>• Opening Prayer</li><li>• Acknowledgement of Country</li><li>• Announcement – Recording of Meeting</li></ul> |      |      |
| 02 | APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE                                                                                                     |      |      |
| 03 | DISCLOSURES AND DECLARATION OF INTERESTS                                                                                                            |      |      |
| 04 | REPORT                                                                                                                                              | Page | Att. |
|    | 6a.21.059 Removal of Residents from the Unreasonable Complainants Conduct List                                                                      | 2    | Conf |
| 05 | LATE ITEMS OF BUSINESS AND MATTERS ARISING                                                                                                          |      |      |
|    | 10.21.006 Annual Report 2020/21                                                                                                                     | 11   | TBT  |
| 06 | CLOSE OF EXTRAORDINARY MEETING                                                                                                                      |      |      |

**MINUTES of the EXTRAORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Grafton, 3 December 2021 commencing at 4.00 pm and closing at 6.40 pm.**

**OPENING PRAYER** – The opening prayer was said by the Mayor.

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**COUNCIL RESOLUTION**

Simmons/Lysaught

That the Mayor vacate the chair for the remainder of the meeting and that the Deputy Mayor take the chair for the remainder of the meeting.

Voting recorded as follows:

For: Williamson, Baker, Novak, Toms, Ellem, Kingsley, Clancy, Lysaught, Simmons

Against: Nil

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**ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND**

I acknowledge the traditional custodians of these lands on which this meeting is taking place and pay tribute and respect to the Elders both past and present of the Bundjalung, Gumbaynggirr and Yaegl nations which lie within the Council boundaries.

**ANNOUNCEMENT**

All present are advised that this meeting is being broadcast live and audio recorded. Your attendance at this meeting is your acceptance that your image may be recorded and streamed to the internet as well as being retained in the archive of the record of the Council meeting.

Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

**MEMBERS**

Cr Jim Simmons (Mayor), Cr Jason Kingsley (Deputy Mayor), Cr Andrew Baker, Cr Greg Clancy, Cr Peter Ellem, Cr Arthur Lysaught, Cr Debrah Novak, Cr Karen Toms and Cr Richie Williamson

**PRESENT**

Acting General Manager (Laura Black), Director Environment & Planning (Adam Cameron), Director Works & Civil (Jamie Fleeting) and Minutes Secretary (Karlle Chevalley).

**01. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE** – Nil

**02. DISCLOSURES AND DECLARATIONS OF INTEREST** – 03.21.011

**Declarations received at the commencement of and during the Ordinary Meeting** - Nil

RECEIVED 10.08 AM  
FRIDAY 26/11/21  
J.

## REQUEST FOR EXTRAORDINARY MEETING

25 November 2021

Dear Mayor Simmons.

I write to request an Extraordinary Meeting be held in accordance to 3.2.1 of Council's Code of Meeting Practice which reflects s365 of the Local Government Act 1993, before Friday December 3, the last day of this term.

As you are aware, I have received advice from the General Manager Mr. Lindsay today Thursday 25 November, advising me this is the course of action that must be taken for my request to remove Mr and Mrs. Cairns and Mr Shane Powell from the Unreasonable Complainants Conduct List.

### Motion

#### That Council

1. Direct the Acting General Manager to release Mr and Mrs Robert Cairns and Mr Shane Powell from their classification under Council's Unreasonable Complainants Conduct Policy immediately
2. Advise them in writing within seven days their restricted access to services has been lifted by council resolution and include an apology for departing from its UCC procedure.

Attachment: Yes Unreasonable Complainants Conduct Policy and Procedures

### Background

Ombudsman Investigator Mr Michael Conaty has recently written to Mrs Cairns advising her he has spoken to Mr Lindsay and told him it was his view, Council had departed from its UCC procedure which states:

*Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Director of Corporate & Governance will provide them with a written warning letter about their conduct in the first instance.*

K. Torns

Cr Karen Torns

Cr Debrah Novak

D. Novak

### Budget Implications

Staff resources to write a letter and send to Mr and Mrs Cairns and Mr Powell can be taken from existing budget allocations from the General Fund.

ITEM	6a.21.059	REMOVAL OF RESIDENTS FROM THE UNREASONABLE COMPLAINANTS CONDUCT LIST
<b>Meeting</b>	Council	3 December 2021
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	A/General Manager - (Laura Black)	
<b>Attachment</b>	Confidential	

## SUMMARY

The report is provided in response to a request by Crs Toms and Novak that an Extraordinary Meeting of Council be held to consider removal of Mr and Mrs Cairns and Mr Powell from the Unreasonable Complainants Conduct List.

This report provides the background to the application of the Unreasonable Complainant Conduct Policy in this instance.

Council's Unreasonable Complainant Conduct Policy was adopted in May 2020 by Council and is scheduled for review by the new Council in May 2024.

The Policy provides for management of unreasonable complainant conduct to ensure the success of Council and in particular:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible.
- The health, safety and security of our staff.
- The ability to allocate Council resources fairly across all the complaints it receives.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

The Unreasonable Complainant Conduct Procedure provides guidance on implementation of the Policy.

## OFFICER RECOMMENDATION

That the information contained in the report be noted in considering the motion put by Councillors Toms and Novak.

## MOTION

Toms/Novak – 19:06

That Council

1. Release Mr and Mrs Robert Cairns and Mr Shane Powell from their classification under Council's Unreasonable Complainants Conduct Policy immediately,
2. Advise them in writing within seven days their restricted access to services has been lifted by council resolution and include an apology for departing from its UCC procedure.

Point of Order (1) – Cr Toms

The Chair rules against the Point of Order and continues to advise the information should not be discussed in open session.

Point of Order (2) – Cr Williamson - What is going on.

The Chair upholds the Point of Order.

**MOTION**

Baker/Williamson

That Council move into confidential session in regards to any conversations regarding the confidential attachments.

**AMENDMENT TO MOTION**

Lysaught/Simmons

That Council move into a 5 minute confidential session in regards to any conversations regarding the confidential attachments.

Voting recorded as follows:

For: Williamson, Lysaught, Simmons, Kingsley, Baker

Against: Ellem, Clancy, Toms, Novak

Point of Order (3) – Cr Lysaught – you have already called on this order 4 times and now its going on again, Cr Toms is out of order.

The Chair upheld the Point of Order.

Point of Order (4) – Cr Lysaught – Cr Clancy is not speaking to the amendment.

Clancy disagrees and asks not to be interrupted.

The Chair rules against the point of order and asks Cr Clancy not to raise his voice and allows him to continue debate.

Point of Order (5) – Cr Baker – The amendment is only about the additional 5 minutes.

The Chair upheld the Point of Order.

Point of Order (6) – Cr Toms – Cr Baker talked about the confidential document being ‘ours’.

The Chair rules against the Point of Order and says regardless it is a confidential document in our paper.

**MOTION**

Baker/Williamson

That Council move into closed session to consider the item 6a.21.059 in accordance with the Local Government Act 1993 10A 2 (b) The report contains information dealing with the personal hardship of a resident or ratepayer.

Voting recorded as follows:

For: Williamson, Lysaught, Simmons, Kingsley, Baker

Against: Ellem, Clancy, Toms, Novak

**MOTION CARRIED**

Point of Order (7) – Cr Kingsley - Cr Toms you drew my attention to the motion in front of us stating we needed to reference part of the act.

*Council moved into closed session at 4.49pm. The meeting broadcast was turned off.*

*Council moved into open forum at 4.47pm. The broadcast was resumed.*

Point of Order (8) – Cr Toms – Very unbecoming comments of a Councillor.

The Chair upheld the Point of Order and reminded Councillors to be a little bit more professional.

**MOTION**

Williamson/Lysaught

That Cr Toms Motions be dealt with in two separate motions.

Voting recorded as follows:

For: Williamson, Baker, Novak, Toms, Ellem, Kingsley, Clancy, Lysaught, Simmons

Against: Nil

**MOITION CARRIED**

Point of Order (9) – Cr Baker – Cr Clancy is misleading in suggesting that Council is entitled to overrule policy.

The Chair upheld the Point of Order

Point of Order (10) – Cr Toms - Cr Baker is incorrect.

The Chair rules against the Point of Order

**MOTION OF DISSENT**

Clancy

That Cr Toms pointed out that policies are there to guide us and Crs do have the right to change them.

Voting recorded as follows:

For: Novak, Toms, Ellem, Clancy

Against: Williamson, Lysaught, Simmons, Kingsley, Baker

**DISSENT IS LOST**

Point of Order (11) – Cr Clancy – Cr Baker is totally out of line.

The Chair upheld the Point of Order

Point of Order (12) – Cr Ellem – Statements are in danger of taking the Council into disrepute, Cr Toms has done all the right channels to bring this to Council.

The Chair upheld the Point of Order and advised Cr Baker his words were a bit strong.

**MOTION OF DISSENT**

Toms

It is in the motion correct, it's also in the report that the officer has put forward today so to say council haven't named and shamed them, its in here and it's a very bias report so I believe Cr Williamson is in correct when he said Council haven't named them they actually have.

Voting recorded as follows:

For: Novak, Toms, Ellem, Clancy

Against: Williamson, Lysaught, Simmons, Kingsley, Baker

**DISSENT IS LOST**

Point of Order (13) – Cr Toms – Cr Simmons is speculating there is no evidence that any staff member has been hurt or injured.

The Chair rules against the Point of Order.

Point of Order (14) – Cr Toms – The amount of emails listed in this report has a caveat, they are not separate emails counted.

The Chair rules against the Point of Order.

Point of Order (15) – Cr Baker - If the report tells us that there were discussions with Local Government comment then it is reporting something true and if Cr Toms says its untrue and can prove it then she is fine to do so if not then she is out of order.

The Chair upheld the Point of Order.

MOTION 1/2

Toms/Novak

That Council release Mr and Mrs Robert Cairns and Mr Shane Powell from their classification under Council's Unreasonable Complainants Conduct Policy immediately.

Voting recorded as follows:

For: Novak, Toms, Clancy, Ellem

Against: Williamson, Lysaught, Simmons, Kingsley, Baker

MOTION LOST

MOTION 2/2

Toms/Novak

Advise them in writing within seven days their restricted access to services has been lifted by council resolution and include an apology for departing from its UCC procedure.

MOTION 2 NOT CONSIDERED DUE TO MOTION 1 BEING LOST

Point of Order (16) Cr Baker – Debate is on the motion before us not a previous issue that has already been resolved.

The Chair upheld the Point of Order

Point of Order (17) Cr Clancy – Making assumptions about what I believe or think, and I think that's inappropriate.

The Chair upheld the Point of Order.

Point of Order (18) Cr Ellem – Language bringing council into disrepute again. Failure to adhere to council policy.

The Chair upheld the Point of Order and asked Cr Baker to consider his words better.

FORESHADOWED MOTION

Baker/Lysaught

That Council:

1. Affirms the importance and legal responsibility to provide Council staff and management with a safe and secure work environment free of unreasonable conduct by complainants.
2. Affirms the Unreasonable Complainant Conduct (UCC) Policy as being the sole instrument within Council power to identify and deal with unreasonable conduct and that; the Unreasonable Complainants Conduct (UCC) Procedure document provides the sole Council administrative power available to the implementation of the UCC Policy and noting; the current UCC Policy document and current UCC Procedure document are each published and available to the public free of charge on Council website.
3. In the Cairns & Powell matter subject of this meeting; supports and endorses the operational application of the UCC Policy as resulting in an outcome wholly in line with the intent and spirit of Council's unanimously adopted UCC Policy.
4. Recognises that Councillors individually and/or collectively have no lawful role or right to participate in or attempt to participate in the implementation of the UCC Policy (or implementation of any resolution or Policy) and noting importantly that the Local Government Act prescribes the implementation of adopted Policy and other lawful decisions of Council to be exclusively a function of the General Manager.
5. Further affirms the adequacy of the current UCC Policy and UCC Procedure wherein any person dissatisfied with the implementation of the Policy and/or Procedure is provided, by each of the Policy and Procedure, the right to at least one review by a senior-position staff person and if dissatisfied with that review is then directed to put their dissatisfaction to the NSW Ombudsman.
6. Notes that it is open to Council to review and amend Policy at any time and it is open to any serving councillor to bring forward a lawful Notice of Motion seeking Council resolution to review and/or amend



the Policy providing such proposal is within any legislative requirements or constraints in force at the time.

Voting recorded as follows:

For: Williamson, Lysaught, Simmons, Kingsley, Baker

Against: Novak, Toms, Clancy, Ellem

**MOTION CARRIED**

#### **COUNCIL RESOLUTION – 6a.21.059**

**Baker/Lysaught**

**That Council:**

1. Affirms the importance and legal responsibility to provide Council staff and management with a safe and secure work environment free of unreasonable conduct by complainants.
2. Affirms the Unreasonable Complainant Conduct (UCC) Policy as being the sole instrument within Council power to identify and deal with unreasonable conduct and that; the Unreasonable Complainants Conduct (UCC) Procedure document provides the sole Council administrative power available to the implementation of the UCC Policy and noting; the current UCC Policy document and current UCC Procedure document are each published and available to the public free of charge on Council website.
3. In the Cairns & Powell matter subject of this meeting; supports and endorses the operational application of the UCC Policy as resulting in an outcome wholly in line with the intent and spirit of Council's unanimously adopted UCC Policy.
4. Recognises that Councillors individually and/or collectively have no lawful role or right to participate in or attempt to participate in the implementation of the UCC Policy (or implementation of any resolution or Policy) and noting importantly that the Local Government Act prescribes the implementation of adopted Policy and other lawful decisions of Council to be exclusively a function of the General Manager.
5. Further affirms the adequacy of the current UCC Policy and UCC Procedure wherein any person dissatisfied with the implementation of the Policy and/or Procedure is provided, by each of the Policy and Procedure, the right to at least one review by a senior-position staff person and if dissatisfied with that review is then directed to put their dissatisfaction to the NSW Ombudsman.
6. Notes that it is open to Council to review and amend Policy at any time and it is open to any serving councillor to bring forward a lawful Notice of Motion seeking Council resolution to review and/or amend the Policy providing such proposal is within any legislative requirements or constraints in force at the time.

Voting recorded as follows:

For: Williamson, Lysaught, Simmons, Kingsley, Baker

Against: Novak, Toms, Clancy, Ellem

**MOTION CARRIED**

#### **LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.4 Ensure a safe and healthy work environment

#### **BACKGROUND**

In July 2021, Council's Executive, following consultation with staff across Council's Planning, Property, Governance and Executive Support sections, formed a substantiated view that the behaviour of two customers had escalated to a point where it amply fulfilled the criteria to be classified as Unreasonable Complainant Conduct (UCC) specifically 'unreasonable persistence', defined as 'continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources' Specifically, the Executive was aware of the direct impact on the health and wellbeing staff of the unreasonable persistence and demands of the residents, and the disproportionate Council resources allocated to resolving, responding and satisfying the residents' demands.

In particular, it is noted that one of the residents had commenced Requesting Information on the residential address of a staff member about whom the residents had lodged a number of complaints. Concern at the time was sufficient that discussions were held with the Local Area Command.

Under the UCC Policy a restriction on access to Council services for a period of six months (except in the case of emergency or electoral matters) was enacted . Under the associated Procedure this is due to be reviewed in February 2022 (refer **Attachment A**).

At no point in time did Council staff discuss the application of the UCC Policy with anyone other than communicating the matter with the complainants themselves.

### KEY ISSUES

Prior to the application of the restriction, the following correspondence pertaining to Requests for Information (RFIs) and complaints were received from the residents and were recorded by Council officers in Council's Electronic Content Management (ECM) system at that time:

Cairns, L: 174 (please see **Attachment B** for both raw and itemised lists).

Powell, S 59 (please see **Attachment B** for both raw and itemised lists).

Examining Attachment B, alongside the large amount of correspondence pertaining to DAs generally and the DAs for 19 Gumnut Road in particular, it is also evident that:

- Continually processing these requests and responding to correspondence absorbed, and continues to absorb, considerable Council resources.
  - The disproportionate amount of time spent responding to the 19 Gumnut Road DA, in particular, has distracted three staff in particular from DA assessment generally and the Executive team more broadly from attending to other more pressing matters.
- The decision to invoke the UCC by the AGM followed from:
  - (1) Termination of responding to enquiries regarding 19 Gumnut Road on 28 June;
  - (2) the multitude of RFIs (17) and other correspondence from that date until the date the UCC was invoked—29 July, and
  - (3) concerns about staff generally, and one staff member in particular, the details of whose property were being requested (see above).
- Three Code of Conduct complaints being made against Councillors and staff, all of which have been assessed as unfounded in the opinion of the NSW Ombudsman (refer **Attachment C**);
- Three offices of state government—the NSW Ombudsman; the Information and Privacy Commission and the Office of Local Government--have been involved in these issues *writ large* since March 2021, alongside an independent assessor engaged by Council for assessing the validity of the Code of Conduct complaints at a cost of \$455.00 (see, in particular pp. 17-22 of **Attachment B**);
- On occasions, the requests have been duplicate requests that have already been fulfilled;
- The residents have not been required to make payment, in accordance with Council Fees and Charges 2021/2022 for any of these services except for lodgement of one formal access (GIPA) application (\$30.00).

A search of Outlook files across Council for the email addresses of both residents from 1 December 2020—i.e., to determine any correspondence not uploaded to the ECM system was undertaken. The results are as follows:

Email for Cairns, L: N=2,353 (refer **Attachment D**)

Email for Powell, S: N=826 (refer **Attachment D**)

There are important caveats to these numbers. First, the whole numbers do not represent examples of individual emails, Rather,

- (i) they are computed from emails being sent to another email address (thus, the one email can have multiple recipients—e.g., multiple staff members) and
- (ii) each email with a Council address (i.e., @Clarence.nsw.gov.au—i.e., for Councillors and staff) is replicated for a 'journal entry'.

Nevertheless, this represents a significant amount of email traffic/correspondence beyond what was uploaded to ECM (Attachment B).

There are multiple entries for the Mayor and all Councillors, the GM and the three Directors as well as multiple entries for no less than nine other staff, the majority of whom are not responsible for handling RFIs or complaints.

Notably, this does not include Council's Customer Service Team.

Where an email may take between 5 and 15 minutes to read and comprehend in full, this is multiplied significantly when there are multiple recipients reading emails prior to the most appropriate officer, and appropriate action, being determined.

The amount of staff time allocated to correspondence from Mr and Mrs Cairns and Mr Powell is disproportionately higher than any other resident.

When emails are sent to individuals as well as council@clarence, this is exacerbated, as individual recipients read and determine action and the Customer Service team also allocate the correspondence for action in either the Electronic Content Management system or the Customer Request Management system, dependent on the nature of the request, which requires a duplicate layer of administrative action.

In effect, each piece of correspondence is being dealt with by numerous staff in various ways, regularly unbeknownst to the next.

The two email addresses are intertwined, with all three complainants being included in the signature to most if not all correspondence prior to 29 July 2021. In the absence of any objection from one or the other to being made a party to the correspondence, the application of the Unreasonable Complainant Conduct Policy was applied to all three.

Council has a role in balancing residents' rights for information against the cost of providing that information. These rights are encapsulated in the GIPA instruments and ought to be respected. However, ss. 53 and 60 of the GIPA Act also place important caveats on the resources that can be reasonably expected to be devoted to this. This qualification is reinforced by Council's Unreasonable Complainant Conduct Policy, as it is informed by the advice of Ombudsman, stating that one of the grounds for assessing a complainant as unreasonable is 'unreasonable persistence', defined as 'continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources'.

It is noted, the information represents a point in time. However, there is evidence that the voluminous nature of correspondence, request for information and complaints is a pattern of behaviour, which in April and May 2021, was commented on by the Mayor in correspondence addressed to the Cairns.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

Staff report an inordinate amount of time spent resourcing the persistent demands of the Mr and Mrs Cairns and Mr Powell that is disproportionate to the time spent on other resident requests. While the cost of staff time has not been quantified in dollar terms, any estimate should take into account the hourly rate plus 30% oncost for the various staff involved.

### **Asset Management**

N/A

### **Policy or Regulation**

Unreasonable Complainant Policy

**Consultation**

N/A

**Legal and Risk Management**

The Unreasonable Complainant Policy provides mitigating risk management action where the unreasonably persistent demands of a resident compromise the success of Council as detailed in the policy and affect the health and wellbeing of staff.

**Climate Change**

N/A

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Prepared by	Bligh Grant, Governance Officer
Confidential	Attachment A. 29-Jul-2021. UCC notifications Attachment B. ECM Correspondence re RFIs and complaints 1 Dec 20-30 Nov 21 Attachment C. Ombudsman. 2021 078453 2021-06-10 Attachment D. Email records

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**5. LATE ITEMS OF BUSINESS AND MATTERS ARISING****MOTION**

Kingsley/Toms

That late Item 10.21.006 Annual Report 2020/21 be considered at the extraordinary meeting even though due notice of the business has not been given, as the business to be considered is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

Voting recorded as follows:

For: Williamson, Toms, Lysaught, Simmons, Kingsley, Baker, Clancy

Against: Ellem, Novak

**MOTION CARRIED**

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**COUNCIL RESOLUTION**

**Kingsley/Toms**

**That late Item 10.21.006 Annual Report 2020/21 be considered at the extraordinary meeting even though due notice of the business has not been given, as the business to be considered is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.**

**Voting recorded as follows:**

**For: Williamson, Toms, Lysaught, Simmons, Kingsley, Baker, Clancy**

**Against: Ellem, Novak**

**MOTION CARRIED**

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**ITEM 10.21.006 ANNUAL REPORT 2020/21**


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<b>Meeting</b>	Council	3 December 2021
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	A/General Manager - (Laura Black)	
<b>Attachment</b>	To be tabled	

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**SUMMARY**

The Annual Report is one of the key points of communicating the Council's achievements in meeting statutory compliance requirements throughout the year and also provides a snapshot of activities across Council's diverse remit.

The 2020/2021 Annual Report is being tabled a second time, because figures from the 2019/2020 Annual Report were incorrectly included in the document that was tabled at the November Ordinary Meeting.

**OFFICER RECOMMENDATION**

That:

1. Council note the 2020/21 Annual Report attached to the report.
2. The 2020/2021 Annual Report currently available to the community on Council's website be replaced with the 2020/2021 Annual Report attached to the report.
3. The URL link to the updated 2020/2021 Annual Report be sent to the Office of Local Government.

**POINT OF ORDER WILLIAMSON – Question stated to the General Manager “you” implying the Acting General Manager did something wrong. Kingsley – Ruling upheld 2:40**

**COUNCIL RESOLUTION – 6a.21.059**

**Toms/Lysaught**

That:

1. Council note the 2020/21 Annual Report attached to the report.
2. The 2020/2021 Annual Report currently available to the community on Council's website be replaced with the 2020/2021 Annual Report attached to the report.
3. The URL link to the updated 2020/2021 Annual Report be sent to the Office of Local Government.

**Voting recorded as follows:**

**For: Williamson, Toms, Lysaught, Simmons, Kingsley, Baker**

**Against: Novak, Clancy, Ellem**

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**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.8 Ensure good governance, effective risk management and statutory compliance

**BACKGROUND**

The revised Guidelines for Integrated Planning and Reporting (September 2021) instruct councils to prepare an annual report within five months of the end of the financial year, to make it available on Council's website and to provide a URL for the Annual Report to the OLG.

On finding administrative errors in the copy previously noted by Council, corrections were made post the Council resolution and a copy of the link forwarded ensuring Council complied technically with the timing requirements of the OLG.

However, the final document should have been resubmitted to Council for consideration prior to the link being provided to the OLG. The error in administrative process will be reviewed.

**KEY ISSUES**

The report covers all reportable aspects of Council operations under the Office of Local Government Annual Reporting requirements.

Errors in the Annual Report previously considered by Council and now amended, include:

1. Page 11 in the table containing payments to councillors by councillor.
2. Page 12 in the table of Contractors.
3. Page 30 in Table B the number of applications by type of applications and outcome.

The footer in the document now reflects the correct year – 2020/2021 rather than 2019/2020.

It is recommended an updated link be sent to the OLG to ensure the amended footer is noted.

**COUNCIL IMPLICATIONS****Budget/Financial**

The Annual Report references Council's audited financial statements achievement for the year.

**Asset Management**

N/A

**Policy or Regulation**

Sections 406 and 428 of the *Local Government Act 1993* and Clause 217 of the *Local Government Regulation 2021*

**Consultation**

All managers were consulted in the development of the Annual Report.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Laura Black, Acting General Manager
To be tabled	Annual Report 2020/21

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**EXTRAORDINARY COUNCIL MEETING CONFIDENTIAL MINUTES**

MOTION

Williamson/Baker

That Council move out of confidential session to consider the item 6a.21.059.

Voting recorded as follows:

For: Williamson, Baker, Novak, Toms, Ellem, Kingsley, Clancy, Lysaught, Simmons

Against: Nil

**CLOSE OF EXTRAORDINARY MEETING**

There being no further business the Extraordinary Meeting closed at 6:40pm.