

19/11 CORRESPONDENCE FROM THE DEPARTMENT OF LOCAL GOVERNMENT, DIVISION OF THE DEPARTMENT OF PREMIER AND CABINET - The Mayor, Councillor Artin Etmekdjian

File Number: CLM/12/1/4/8 - BP12/106

Attached is correspondence received from Mr Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet relating to difficulties in conducting Council business due to a lack of a quorum.

As required by Mr Woodward, I am tabling a copy of his correspondence dated 2 February 2012.

RECOMMENDATION:

- (a) That the correspondence from Mr Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet dated 2 February 2012 be received.
- (b) That Council accordingly advise the Department of Local Government.

ATTACHMENTS

- 1 Letter from Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet dated 2 February 2012 regarding conducting Council business due to the lack of a quorum

Report Prepared By:

**Councillor Artin Etmekdjian
The Mayor**

MM 19/11 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

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Our Reference: A269719
Your Reference:
Contact: Ross Woodward
Phone: 02 4428 4100

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670



Dear Mr Neish

I refer to your letter of 23 December 2011, regarding difficulties in conducting Council business due to the lack of quorum at recent Council meetings.

I understand that Council has been left inquorate on seven (7) occasions between May and December 2011 with the result that it has been unable to conduct or complete its business, and that this again occurred on 17 January 2012 when Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg failed to attend the Council Meeting, which had been previously adjourned on 13, 14 and 20 December 2011.

From the information provided, it appears that, of those occasions where Council has been left without a quorum, only one Councillor's absence was further to a leave of absence granted by Council (Councillor Petch – 13 and 14 December 2011).

I also note that on 8 November 2011 and 14 December 2011 the meetings were adjourned following the departure of Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg at 11:06 pm and Councillors Butterworth, Li, Silvestro-Martin and Tagg at 10:20 pm, respectively. I note that apologies had been received from Councillors Perram and Petch and that they were not present at the Meeting of 14 December 2011.

While the circumstances of each Councillor are not known, I observe that only Councillor O'Donnell has been present at all meetings between May and December, and that only Councillors Campbell and Petch have been granted a leave of absence by Council for any meeting held during that period.

Although it does not appear that any Councillor has missed three (3) consecutive meetings, I would remind Councillors of the provisions of section 234(1) of the *Local Government Act 1993*, which provides that if any councillor fails to attend three consecutive ordinary council meetings without leave of the council it is deemed that there is a vacancy in civic office. This happens automatically by operation of that section of the Act.

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ATTACHMENT 1

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I would also note that, while councils are free to make provision for the tendering of apologies in their codes of meeting practice, such apologies are not recognised in the Act or in the Local Government (General) Regulation 2005 and do not constitute a leave of absence, which is a formal permission granted by a council to a councillor not to attend a particular meeting(s).


Section 439 of the Act requires that councillors exercise a reasonable degree of care and diligence in carrying out their functions. Absent exceptional circumstances, councillors are expected to attend meetings of councils, and to remain at those meetings to deal with council business in an orderly and timely manner. Furthermore, the community would expect its elected representatives to act responsibly and to demonstrate leadership, particularly with respect to controversial or unpopular proposals or issues.

Council must be able to effect its business in a timely and efficient manner. It is of serious concern that the transaction of Council business appears to have been impeded by the failure of Councillors to either attend or remain at meetings of Council, thereby leaving Council inquorate. The impact of this situation, should it continue, on the reputation of Council in the local community, and on local government more generally, needs to be fully appreciated by each and every Councillor.

I expect an immediate and sustained improvement in Councillor attendance patterns. The Division will closely monitor the situation. In the event that Council continues to be unable to transact its business in a proper and timely manner, or demonstrates an unwillingness to do so, I will provide advice to the Minister on the possible exercise of his powers under section 740 of the Act to call a public inquiry into the operations of Council.

I request that you provide a copy of this letter to the Mayor and each Councillor, and that this letter be tabled at the next available Council meeting.

Yours sincerely



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet