

142N: Incorporates alterations of 23/01/2015 [R2014/313]  
[replaces 01/01/2014 version in matter R2013/79]

I CERTIFY under section 161 of the Fair Work  
(Registered Organisations) Act 2009 that the pages  
herein numbered 1 to 45 both inclusive contain a  
true and correct copy of the registered rules of the  
Local Government and Shires Association of New South Wales.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

## Contents

Rules of the Local Government and Shires Association of New South Wales

|  |           |
|--|-----------|
| <b>CONSTITUTION</b>                              | <b>1</b>  |
| <b>PREAMBLE – AMALGAMATION COMPACT</b>           | <b>1</b>  |
| <b>INTERPRETATION</b>                            | <b>1</b>  |
| <b>OBJECTS</b>                                   | <b>5</b>  |
| <b>POWERS</b>                                    | <b>6</b>  |
| <b>MEMBERSHIP</b>                                | <b>7</b>  |
| <b>REGISTER OF MEMBERS</b>                       | <b>9</b>  |
| <b>ANNUAL SUBSCRIPTIONS</b>                      | <b>9</b>  |
| <b>SPECIAL LEVIES</b>                            | <b>10</b> |
| <b>DISBURSEMENT OF MONIES RAISED BY LEVY</b>     | <b>10</b> |
| <b>CONTROL AND GOVERNANCE OF THE ASSOCIATION</b> | <b>10</b> |
| <b>CONFERENCES</b>                               | <b>13</b> |
| <b>ANNUAL CONFERENCES</b>                        | <b>16</b> |
| <b>SPECIAL CONFERENCES</b>                       | <b>16</b> |
| <b>DELEGATES TO A CONFERENCE</b>                 | <b>17</b> |
| <b>BOARD OF DIRECTORS</b>                        | <b>17</b> |
| <b>ELECTION PROCESS FOR MEMBERS OF THE BOARD</b> | <b>20</b> |
| <b>GENERAL</b>                                   | <b>20</b> |
| <b>ELECTION ARRANGEMENTS</b>                     | <b>20</b> |
| <b>CASUAL VACANCIES</b>                          | <b>20</b> |
| <b>REMOVAL FROM THE BOARD</b>                    | <b>21</b> |
| <b>BOARD MEETINGS</b>                            | <b>22</b> |
| <b>AUDITOR</b>                                   | <b>24</b> |
| <b>FINANCE</b>                                   | <b>25</b> |
| <b>CHIEF EXECUTIVE</b>                           | <b>29</b> |

## CONTENTS

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|                                  |           |
|----------------------------------|-----------|
| <b>ACCESS TO RECORDS</b>         | <b>29</b> |
| <b>PATRON OF THE ASSOCIATION</b> | <b>29</b> |
| <b>AMENDMENT</b>                 | <b>29</b> |
| <b>NOTIFICATION OF DISPUTES</b>  | <b>30</b> |
| <b>DISSOLUTION</b>               | <b>30</b> |
| <b>SCHEDULE A</b>                | <b>31</b> |
| <b>SCHEDULE B</b>                | <b>32</b> |
| <b>SCHEDULE C</b>                | <b>37</b> |

## **Rules of the Local Government and Shires Association of New South Wales**

### **CONSTITUTION**

1. (a) The name of the Organisation shall be the Local Government and Shires Association of New South Wales (the “Association”) but may also be known as “[Local Government NSW]”.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

### **PREAMBLE – AMALGAMATION COMPACT**

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales (“LGA NSW”) and the Shires Association of New South Wales (“SA NSW”) to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, Metropolitan/Urban councils and Rural/Regional councils respectively) would, post the amalgamation, each have an approximately equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management (“Board of Directors”), and arrangements for alternative access to the office of President from the two different constituencies.

### **INTERPRETATION**

3. (a) Unless the context otherwise requires:

“Aboriginal Land Council” or “the ALC” means the New South Wales Aboriginal Land Council as constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Act” or “the Act” means the Fair Work (Registered Organisations) Act 2009 (Cth).

“Administrator” means an Administrator appointed in accordance with Division 6 of Part 2 of Chapter 9 of the Local Government Act 1993 (NSW) or Division 2 of Part 11 of the Aboriginal Land Rights Act 1983 (NSW).

“ALC Region” mean a Region constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Amalgamation” or “the Amalgamation” means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the Act immediately prior to the amalgamation date.

## INTERPRETATION

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“Amalgamation date” means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect, being such date as Fair Work Australia determines but being no earlier than 1 March 2013

“Approved training” means training approved by the General Manager pursuant to Section 154C of the Act.

“Associate member” means a member who is not an Ordinary member.

“Association” means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

“Badge” means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a Delegate at a Conference.

“Board” or “the Board” means, except in Rule 66 the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a board of directors (other than the Board).

“Chief Executive” means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 70.

“Conference” means the Annual Conference or a Special Conference of the Association as provided by these Rules.

“Constitution” or “this Constitution” means these Rules as they provide from time to time.

“Council” means a council constituted under the Local Government Act 1993 (NSW) and the ALC but does not include a County council.

“Councillor” means a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator.

“County council” means a County council established under Part 5 of Chapter 12 of the Local Government Act 1993 (NSW).

“Director” means a member of the Board including an Office Bearer (unless the contrary intention appears from the context).

“Declared person or body” - A person is a declared person or body if:

- (i) an officer of the Association has disclosed a material personal interest under Rule 56; and
- (ii) the interest relates to, or is in, the person or body; and

- (iii) the officer has not notified the Association that the officer no longer has the interest.

“Disclosure period” - For the purpose of these Rules means the financial year unless a shorter period is specified.

“Delegate” means an elected member of a council or a member of the Board of the ALC or an Administrator who are by virtue of this Constitution entitled to vote at a Conference.

“Financial duties” means duties that relate to the financial management of the Association.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

“General Manager” means the General Manager of Fair Work Commission.

“LGA NSW”, means the Local Government Association of New South Wales, an organisation of employers registered under the Act until the Amalgamation Date.

“Member” means a Council, County council or the ALC that is a member of the Association, whether as an Ordinary member or as an Associate member.

“Metropolitan/Urban County council” means a County council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County council.

“Metropolitan/Urban council” means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban council.

“Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

“Office” has the same meaning as defined by section 9 of the Act, but to avoid doubt includes the office of Director.

“Office Bearer” means the President, Immediate Past President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

“Officer” has the same meaning as defined by section 6 of the Act, but to avoid doubt includes a Director.

## INTERPRETATION

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“Ordinary member” means a member that obtains and retains ordinary membership pursuant to Rule 6 of these Rules.

“Peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009 (Cth).

“Related party” has the same meaning as defined by section 9B of the Act.

“Relative” in relation to a person, means:

- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (ii) the spouse of the first mentioned person.

“Relevant non-cash benefits” - in relation to an officer of the Association ‘for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Association or by a related party of the Association.

“Relevant remuneration” in relation to an officer of the Association for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Association by the officer under Rule 66 during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the officer of the Association;

“Remuneration”:

- (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
- (ii) does not include a non-cash benefit; and
- (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

“Roll of Voters” shall mean all those Delegates of members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

“Rural/Regional County council” means a County council in the State of New South Wales other than a Metropolitan/Urban council.

“Rural/Regional council” means a council in the State of New South Wales which is a council in the said State which is other than a Metropolitan/Urban council.

“SA NSW” shall mean the Shires Association of New South Wales, an organisation of employers registered under the Act (until the Amalgamation Date).

- (b) Unless the contrary intention appears:
- the singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender;
  - headings are for convenience and do not affect meaning;
  - schedules shall form part of these Rules; and
  - a reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

### OBJECTS

4. The objects of the Association shall be in New South Wales and elsewhere:
- (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
  - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
  - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
  - (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
  - (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
  - (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
  - (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;



- (h) to promote, support and encourage Local Government at a State and national level;
- (i) to provide an industrial relations service to members including:
  - (i) representing the interests of members in industrial matters before courts and tribunals;
  - (ii) assisting in negotiations relating to the settlement of disputes between members and their employees;
  - (iii) representing the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
  - (iv) promoting training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

### POWERS

5. The Association is empowered:

- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;

- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;
- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

### MEMBERSHIP

- 6. (a) Membership of the Association shall be open to Councils, County councils in the State of New South Wales and the ALC.
- (b) Membership of the Association shall be limited to:
  - (i) Ordinary members; and
  - (ii) Associate members.
- (c) Any Council shall be eligible for Ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
- (d) County councils and the ALC (each of which is referred to in this sub rule as an "entity") shall be eligible for Ordinary membership or Associate membership of the Association, at the election of the entity concerned, provided that:
  - (i) the original application for membership made by such entity complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
  - (ii) the election as to the category of membership that such entity wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);

- (iii) any such election shall remain in force for not less than 3 (three) financial years; and
    - (iv) where an entity that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that entity's existing category of membership.
  - (e) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
- 7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.

Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:

  - (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the Act.
- 8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
  - (a) where the member ceases to be eligible to become a member of the Association:
    - (i) on the day on which the notice is received by the Association; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
  - (b) in any other case:
    - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or

(ii) on the day specified in the notice;

whichever is the later.

9. A member shall cease to be a member in the following circumstances:
- (c) the member resigns in accordance with Rule 8;
  - (d) the member is a council that is dissolved;
  - (e) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
  - (f) by order of a court in accordance with the Act.
10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

#### **REGISTER OF MEMBERS**

11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the Act.
12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

#### **ANNUAL SUBSCRIPTIONS**

- 13
- (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
  - (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
  - (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.
  - (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
  - (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate or councillor stand for office in the Association.
  - (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.

**SPECIAL LEVIES**

14. (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
- (i) the amount of the special levy payable by it; and
  - (ii) the purpose for which such special levy is made.
- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

**DISBURSEMENT OF MONIES RAISED BY LEVY**

15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

**CONTROL AND GOVERNANCE OF THE ASSOCIATION**

17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
- (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
  - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
  - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
  - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution for the purpose of carrying out any such resolution;

- (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
  - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.
19. The Board is the Committee of Management of the Association for the purposes of the Act, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:
- (a) is consistent with any relevant policy decision of the members at a Conference; and
  - (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 70), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. The Senior Executive Group shall consist of :
- (a) the President, the Immediate Past President (if applicable) the two Vice Presidents and the Treasurer,
  - (b) two directors chosen by and from the ten (10) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
  - (c) two directors chosen by and from the ten (10) directors representing Rural/Regional members of the Association elected in the immediately preceding elections

The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (b) and (c)) from which they are to be chosen.

The Senior Executive Group shall have the following functions:

- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
  - (ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
  - (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;
  - (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;
  - (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
  - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
  - (vii) to recommend to the Board any expenses policies for the Association;
  - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and

## CONFERENCES

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(b) are for the purpose of carrying out the objects of the Association,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

### CONFERENCES

#### General

- 22 A Conference shall consist of Delegates from all Members of the Association.
23. The voting delegation to which any Member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

#### STEP 1

Determine the number of delegates for each member (other than the ALC), applying the population statistics for each council area published by the Australian Bureau of Statistics in that edition of ABS publication entitled 3218.0 Regional Population Growth Australia last published prior to the amalgamation date, to the following scale:

| Group No.<br>(Councils other than County councils) | Population                                 | Delegates |
|--|--|-----------|
| (1)  | Up to 10,000                               | 1         |
| (2)  | 10,001 - 20,000                            | 2         |
| (3)  | 20,001 - 50,000                            | 3         |
| (4)  | 50,001 - 100,000                           | 4         |
| (5)  | 100,001 - 150,000                          | 5         |
| (6)  | Over 150,000                               | 7         |
| County councils                                    |  |           |
|  | each Metropolitan/<br>Urban County council | 2         |
|  | each Rural/<br>Regional County council     | 1         |

#### STEP 2

- (a) If the ALC is a member of the Association at a time when the formula in this Rule is to be applied, allocate the ALC 9 delegates.
- (b) The 9 delegates from the ALC shall consist of one delegate from each of the 9 ALC Regions constituted under the Aboriginal Land Rights Act 1983 (NSW), each such delegate being a member of the Board of the ALC.



- (c) Treat each such ALC Region as being a Rural/Regional council for the purpose of the Table in Step 1 above, except for the Region for Sydney/Newcastle, which Region shall be treated as a Metropolitan/Urban council for the purpose of that Table.
- (d) The ALC shall notify the Association in writing not later than 28 days prior to the relevant Conference as to allocation of the nine ALC Regions between the nine members of the ALC Board, identifying which ALC Region is to be represented by which ALC Board member.

### STEP 3

Determine the total voting strength of the Metropolitan/Urban Councils and the Rural Regional councils as follows.

1. Determine the total number of delegates from Metropolitan/Urban councils and County councils and the total number of delegates from Rural/Regional councils and County councils resulting from the application of Steps 1 and (if applicable) 2.
2. Then add to the total number of delegates from Metropolitan/Urban councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30 and add to the total number of delegates from Rural/Regional councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30.

### STEP 4

Increase the total number of delegates from the Metropolitan/Urban councils and County councils, so that that total number is the same as the total number of delegates from Rural/Regional councils and County councils, then distribute that additional number of delegates among the Metropolitan/Urban councils, except for the Sydney/Newcastle ALC Region, by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

[For an example of the application of this Step, see Schedule C.]

### STEP 5

If the adjustment required to be undertaken in Step 4 results arithmetically in a Metropolitan/Urban council being entitled to more than 15 delegates, that council's delegation is capped at 15 delegates.

### STEP 6

Except in the case of the ALC, where any member that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, the Council affected shall nominate the delegate (or delegates if applicable) who shall be allocated an extra vote . In the case of the ALC, the formula in Step 2 only shall apply.

Example: If a member is entitled to 10 votes but has only 8 councillors holding office, the Council affected will nominate in writing which 2 of those 8 councillors will have an extra vote each, the ultimate outcome being that 6 of the councillors will have 1 vote each and 2 of the councillors nominated by the Council will have 2 votes each.

### STEP 7

On each anniversary of the amalgamation date, carry out steps 1, 3 4, and 5 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present. In the event of the Conference not having a quorum:
  - (a) A record of the names of voting delegates that are present at the time be taken on return of the electronic handset and voting card.
  - (b) Each constituent council be provided with advice on which of their voting delegates were present and which were not at the time the meeting became inquorate.
  - (c) That all constituent councils be provided with a report detailing which councils had voting delegates who were not present at the time the meeting became inquorate.
26. Subject to Rule 73 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27.
  - (a) A Conference shall be conducted in accordance with Standing Orders.
  - (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28.
  - (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.

## SPECIAL CONFERENCES

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- (b) 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;
- (c) 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;
- (d) 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.

29. Subject to these Rules:

- (a) each Delegate shall be entitled to one vote only;
- (b) except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a Delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

## ANNUAL CONFERENCES

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.

32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

## SPECIAL CONFERENCES

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
  - (ii) by resolution of the Board; or

- (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

**DELEGATES TO A CONFERENCE**

- 34. (a) Each member shall nominate its Delegate(s) to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
  - (b) If it is desired to change the nomination of a delegate prior to the first day of the Conference 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 the General Manager of the Council, or the Chairperson or Chief Executive Officer of the ALC. The badge of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.
  - (c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge is issued to the incoming delegate.
- 35. (a) Subject to clause 16 of Schedule B, a Delegate may not appoint a proxy to attend or vote at a Conference.
  - (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

**BOARD OF DIRECTORS**

- 36. (a) Subject to Sub Rule (aa) of this Rule, the Board of the Association (which may be referred to as “the Board of Directors”) is the Committee of Management of the Association and shall consist of a President, the Immediate Past President (where applicable under Sub Rules (b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 20 Committee members titled “Directors” (10 from Metropolitan./Urban councils and 10 from Regional/Rural councils).
- (aa) Commencing from the conclusion of the Annual Conference in 2015, the Board of Directors shall consist of a President, the Immediate Past President (where applicable under Sub Rules (b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 14 Committee members titled “Directors” (7 from Metropolitan/Urban councils and 7 from Regional/Rural councils).
- (b) Upon the election of a new President of the Association, the person who immediately preceded in office as the President shall assume the office of “Immediate Past president”, provided that a President who resigns or is removed during his term shall not assume the office of Immediate Past President.

A person who assumes the office of Immediate Past President in accordance with this Sub Rule shall continue in that office for a maximum period of two (2) years. If after that period there is no new Immediate Past President (ie because the successor President is elected as President to serve an additional 2-year term), then the office of Immediate Past President shall lapse until a different person is eligible to assume the office of Immediate Past President.

- (c) All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the Act or any other law.
- 37.
- (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board
  - (b) An Administrator of a Council that is an Ordinary member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
  - (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23, and to avoid doubt each of the 9 delegates from the ALC Regions shall be entitled to cast only one vote each.
  - (d) In addition to the foregoing, a Director (whether an office bearer or not) shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.
38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
- 39.
- (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between eligible candidates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
  - (b) Subject to the limitations provided in the following provisions of this Rule, all Councillors for Ordinary members, or members of the Board of the ALC if it is an Ordinary member, are eligible to nominate for any election for the office of President. In this Rule, such person(s) shall be referred to as “eligible candidates” or “eligible candidate”.
  - (c) The electorate for the election of the President shall be Delegates of Ordinary members who are entitled to vote at a Conference.
  - (d) The term of office for the office of President shall be two years, commencing at the conclusion of the annual Conference in each alternate year, and concluding at the conclusion of the annual Conference in each alternate year thereafter.

- (e) The eligible candidate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that eligible candidate standing again for the office of President at a subsequent election for that office, if otherwise eligible.
  - (f) If an eligible candidate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
  - (g) If an eligible candidate from a Rural/Regional council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Rural/Regional council is eligible to nominate for the office of President at such election.
  - (h) If an eligible candidate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only eligible candidates eligible to nominate for the next election for President are eligible candidates from the other category of councils to that from which the retiring President was an eligible candidate.
  - (i) If an eligible candidate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 44 and (if applicable) Rule 49. In such a case, the eligible candidate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (e), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40
- (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC Region. The persons entitled to stand for such office are Councillors from Metropolitan/Urban Councils that are Ordinary members and, where the ALC is an Ordinary member, the member of the board of the ALC for the Sydney/Newcastle Metropolitan Region.
  - (b) The office of Vice President (Rural/Regional) shall be filled by election by an electorate that shall consist of those Delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members and, if the ALC is an Ordinary member, the members of the Board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23.
  - (c) The electorate for the election of the Treasurer shall be those delegates of Ordinary members who are entitled to vote at Conferences, together with the members of the board of the ALC if the ALC is an Ordinary member. The persons entitled to stand

for such office are Councillors from Councils that are Ordinary members together with members of the Board of the ALC if it is an Ordinary member.

- (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region. The persons entitled to stand for such offices are Councillors of Metropolitan/Urban Councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region.
- (e) The various offices of other Directors (Rural/Regional) shall be filled by an electorate that shall consist of those delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members, and, if the ALC is an Ordinary member, the members of the board of the ALC who are the delegates from those ALC Regions that are treated as Rural/Regional councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of rule 23.
- (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (c), mutatis mutandis. All delegates holding these offices are eligible for re-election without limitation.

### **ELECTION PROCESS FOR MEMBERS OF THE BOARD**

#### **GENERAL**

- 41. Elections for Directors (including the Office Bearers) (hereafter “the elections”) shall be conducted by a Returning Officer appointed or authorised under the Act.

#### **ELECTION ARRANGEMENTS**

- 42. The elections shall be conducted in accordance with the requirements of Schedule B.

#### **CASUAL VACANCIES**

- 43. A casual vacancy on the Board of the Association occurs when a Director
  - (a) dies;
  - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
  - (c) is removed from office as a Director in the manner provided for in Rule 50; or
  - (d) ceases to be eligible under the Rules to hold office as a Director.
- 44. Subject to Rule 48, a vacancy in the office of President shall be filled as follows:

## REMOVAL FROM THE BOARD

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- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
- (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.

If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.

- 45. Subject to Rule 48, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
- 46. (a) Subject to Rule 48, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.  
(b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

- 47. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
- 48. Where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

## REMOVAL FROM THE BOARD

- 49. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
  - (i) misappropriation of the funds of the Association; or
  - (ii) a substantial breach of the rules of the Association; or
  - (iii) gross misbehaviour or gross neglect of duty.

[Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]



- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
  - (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
  - (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
  - (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
  - (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.
50. A person ceases to be a Director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member.

### BOARD MEETINGS

51. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
52. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
  - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.

53. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
54. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
55. No business shall be transacted at any meeting of the Board unless a quorum is present at the time when the meeting proceeds to business. Thirteen (13) members of the Board present in person or by telephone or video-conference or a combination of these forms at the same time shall constitute a quorum.
56. (a) Each officer of the Association shall disclose to the Association any material personal interest in a matter that:
- (i) the officer has or acquires; or
  - (ii) a relative of the officer has or acquires;
- that relates to the affairs of the Association.
- (b) The disclosure required by sub-rule (a) shall be made to the Association:
- (i) as soon as practicable after the interest is acquired; and
  - (ii) in writing.
- (c) The Association shall disclose to the members of the Association any interests disclosed to the Association pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
- (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.
- (e) At a meeting of the Directors at which there is considered any contract or proposed contract or arrangement in which the Director has a direct or indirect material personal interest, a Director must not:
- (i) vote on the matter; or
  - (ii) be present while the matter is being considered.
- (f) If notice of the interest is given in accordance with Sub Rule (a) and the matter is voted on in accordance with Sub Rule (e) then:
- (iii) any transactions that relate to the interest may proceed; and
  - (iv) if the disclosure is made before the transaction is entered into:
    - A. the Directors may retain benefits under the transaction even though the Director has the interest; and

- B. the Association cannot avoid the transaction merely because of the existence of the interest.
  - (g) If the provisions of this Rule are observed by a Director with regard to any contract or arrangement in which the Director is in any way interested, the fact that the Director signs, affixes or witnesses the affixing of a seal to the document evidencing the contract or arrangement does not in any way affect its validity.
57. (a) The Directors must cause minutes to be made of:
- (i) all appointments of Directors and officers;
  - (ii) the names of the Directors present at each meeting of the Directors;
  - (iii) all orders made by the Directors;
  - (iv) all declarations made or notices given by any Director (either generally or specifically) of their interest in any contract or proposed contract or of their holding of any office or property whereby any conflict of duty or interest may arise; and
  - (v) all resolutions and proceedings or all general meetings and meetings of Directors and retain the minutes in a minute book for a period of at least 10 years or such other period as may be required under the Act.
- (b) The minutes of a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting.
- (c) In the absence of evidence to the contrary, contents of the minute book that is recorded and signed in accordance with this Sub Rule (d) is evidence of the matters shown in the minute.
58. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

#### AUDITOR

59. (a) The Board shall appoint one or more auditors. Neither a director nor employee of the Association shall be eligible for the appointment of auditor.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
  - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
    - A. the service is executed to an unprofessional standard; or
    - B. the auditor's costs are considered excessive; or
    - C. if the person ceases to be a registered company auditor.

(iii) at the expiration of the term of appointment.

60. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

### FINANCE

61. The sources from which the Association's funds may be derived are as follows:

- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
- (b) interest, rents or dividends derived from investments of the Association's funds;
- (c) the proceeds of any disposal of parts of the funds;
- (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.

62. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.

- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
  - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.

63. The Board shall have management of the Association's property and investment of funds.

64. The Association's funds shall only be expended on the objects of the Association.

65. The Association shall develop and implement policies and procedures relating to the expenditure of the Association.

66. (a) Each officer of the Association shall disclose to the Association any remuneration paid to the officer:
- (i) because the officer is a member of a board, if:
    - i. the officer is a member of the board only because the officer is an officer of the Association; or
    - ii. the officer was nominated for the position as a member of the board by the Association or a peak council; or
  - (ii) by any related party of the Association in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the Association:
- (i) as soon as practicable after the remuneration is paid to the officer; and
  - (ii) in writing.
- (c) The Association shall disclose to the members of the Association:
- (i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
  - (ii) for those officers:
    - A. the actual amount of the officers' relevant remuneration for the disclosure period; and
    - B. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (d) For the purposes of sub-rule (c), the disclosure shall be made:
- (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.
67. (a) The Association shall disclose to the members of the Association either:
- (i) each payment made by the Association, during the disclosure period:
    - (A) to a related party of the Association; or
    - (B) to a declared person or body of the Association; or

- (ii) the total of the payments made by the Association, during the disclosure period:
      - (A) to each related party of the Association; or
      - (B) to each declared person or body of the Association.
  - (b) Sub-rule (a) does not apply to:
    - (A) a payment to an officer of the Association which either consists of remuneration paid to the officer by the Association or is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties; or
    - (B) a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.
  - (c) For the purposes of sub-rule (a), the disclosures shall be made:
    - (i) in relation to each financial year;
    - (ii) within six months after the end of the financial year; and
    - (iii) in writing.
68. Each officer of the Association whose duties include duties that relate to the financial management of the Association shall undertake approved training that covers each of that Officer's financial duties and shall undertake that training:-
- (a) In the case of an officer holding such an office at the date of the certification of this Rule - not later than six (6) months after that date;
  - (b) In the case of an officer beginning to hold such an office after the date of certification of this Rule - not later than six (6) months after commencing to hold that office.

**NOTE:** All members of the Board have financial duties - see for example Rule 63.

69. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the Act, and without limiting the generality of the foregoing:
- (a) as soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
  - (b) as soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
  - (c) the Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
  - (d) the Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the Act;
  - (e) the Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
  - (f) the Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the Act;
  - (g) a copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

### CHIEF EXECUTIVE

70. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by, but not bound by any relevant recommendations of the Senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the Senior Executive Group or the President, as the case may be. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

### ACCESS TO RECORDS

71. (a) Except as provided under Rule 62, all records, books, documents, and securities of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the Act.

### PATRON OF THE ASSOCIATION

72. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.
- (c) In the case of former Presidents, the Board shall determine such appointment(s).

### AMENDMENT

73. (a) Subject to sub-rule (b) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) The Board may make such amendments to the Rules of the Association as it deems fit, on the recommendation of the Fair Work Commission or the advice of the Association's legal advisors, for the following purposes:
- (i) to ensure that the Rules comply with the Act or any other law; or
  - (ii) to ensure that the Rules remain consistent with the Rules of the industrial organisation of the same name registered under the *Industrial Relations Act 1996* (NSW),

and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.



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## **NOTIFICATION OF DISPUTES**

74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

## **DISSOLUTION**

75. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
  - (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

**SCHEDULE A**

**METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS**

See Definition in Rule 3

Metropolitan/Urban councils

Ashfield; Auburn; Bankstown; The Hills Shire; Blacktown; Botany Bay; Burwood; Camden; Campbelltown; Canada Bay; Canterbury; Fairfield; Hawkesbury City; Holroyd; Hornsby; Hunters Hill; Hurstville; Kogarah; Ku-ring-gai; Lane Cove; Leichhardt; Liverpool; Manly; Marrickville; Mosman; North Sydney; Parramatta; Penrith; Pittwater; Randwick; Rockdale; Ryde; Strathfield; Sutherland Shire; Sydney; Warringah; Waverley; Willoughby; and Woollahra.

NOTE: The Sydney/Newcastle region of the ALC is treated under the Rules as being a Metropolitan/Urban Council – see Rule 23, Step 2, paragraph (c).

Metropolitan/Urban County councils

Hawkesbury River

End of Schedule A

**SCHEDULE B**

**RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK  
COMMISSION/ INDUSTRIAL REGISTRAR**

General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the Act.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each Ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
  - (b) The Returning Officer may in any notice calling for nominations specify a facsimile number to which nominations can be forwarded. The Returning Officer may then accept nominations lodged at that facsimile number before the time and date specified for receipt of nominations. The Returning Officer shall require that the original of the facsimile nomination be forwarded within a time specified by the Returning Officer. Receipt of nomination by facsimile shall be deemed to be formal receipt of the nomination.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations received, together with details of Local Government service, shall be placed before constituent councils before the Annual Conference.
12. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
13.
  - (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
  - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

#### Conduct of Elections at the Annual Conference

14.
  - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference by way of a secret ballot using the standard preferential system of voting. Voters must mark a preference for all candidates.

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

- (b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

15.
  - (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
  - (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 candidates declared current registered political party membership;
    - (iii) such other information as the Returning Officer deems appropriate.
16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer prior to the commencement of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
  - (a) the ballot for the office of President shall be conducted first;
  - (b) after the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;

- 
- (c) the ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;
  - (d) the ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

#### Scrutineers

- 18. Each candidate at any election shall have the right, if he or she so desires, to appoint before the closing of the ballot a scrutineer to represent him or her at the ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.
- 19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
  - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
  - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
- 20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the Act, be final.
- 21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

**SCHEDULE C**  
EXAMPLES IN RELATION TO  
APPLICATION OF VOTING FORMULA IN RULE 23

Example in relation to application of Step 4

Assume the difference between the number of delegates from the two regions is 82. Thus Metropolitan/Urban councils must have distributed between them 82 extra delegates so that equality between the regions is achieved. As the formula requires rounding off to the nearest whole number when determining how many additional delegates (if any) a council must have, the multiplier number for delegates has to be altered from 82 to a different number, to take into account the effect of rounding. In this case the multiplier that has to be applied to ensure that arithmetically exact equality will be achieved is 82.1. The formula is then applied to all Metropolitan/Urban councils. Take then as an example Metropolitan/Urban council "A", which has a population of 42,787 out of a total population for all Metropolitan/Urban councils of 4,219,794. Thus council "A" has to receive one more delegate. That is the conclusion that follows from dividing 42,787 by 4,219,794 and then multiplying by 82.1 (precise result .8325) and then rounding up in this case to nearest whole number (1). The same formula is then applied to each other Metropolitan/Urban council using the actual population of that council divided by the total population then multiplying by 82.1. The eventual result will be the distribution of an extra 82 delegates among the Metropolitan/Urban councils and thus complete equality with Rural/Regional councils.



SCHEDULE C

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| Number | Council           | LGA /<br>SA | Region | Population | Councillors | Voting<br>LGA | Additional<br>Allocation | Balancing<br>Allocation | Voting No.s One<br>Association |
|--------|-------------------|-------------|--------|------------|-------------|---------------|--------------------------|-------------------------|--------------------------------|
| 1      | Albury            | LGA         | RR     | 51,112     | 9           | 4             |                          |                         | 4                              |
| 2      | Armidale Dumaresq | LGA         | RR     | 25,855     | 11          | 3             |                          |                         | 3                              |
| 3      | Ballina           | SA          | RR     | 42,708     | 10          | 3             |                          |                         | 3                              |
| 4      | Balranald         | SA          | RR     | 2,476      | 10          | 1             |                          |                         | 1                              |
| 5      | Bathurst Regional | LGA         | RR     | 39,915     | 9           | 3             |                          |                         | 3                              |
| 6      | Bega Valley       | SA          | RR     | 33,925     | 9           | 3             |                          |                         | 3                              |
| 7      | Bellingen         | SA          | RR     | 13,450     | 7           | 2             |                          |                         | 2                              |
| 8      | Berrigan          | SA          | RR     | 8,644      | 8           | 1             |                          |                         | 1                              |
| 9      | Bland             | SA          | RR     | 6,410      | 9           | 1             |                          |                         | 1                              |
| 10     | Blayney           | SA          | RR     | 7,259      | 7           | 1             |                          |                         | 1                              |
| 11     | Blue Mountains    | LGA         | RR     | 77,943     | 13          | 4             |                          |                         | 4                              |
| 12     | Bogan             | SA          | RR     | 3,003      | 9           | 1             |                          |                         | 1                              |
| 13     | Bombala           | SA          | RR     | 2,617      | 9           | 1             |                          |                         | 1                              |
| 14     | Boorowa           | SA          | RR     | 2,478      | 9           | 1             |                          |                         | 1                              |
| 15     | Bourke            | SA          | RR     | 3,079      | 10          | 1             |                          |                         | 1                              |
| 16     | Brewarrina        | SA          | RR     | 1,910      | 9           | 1             |                          |                         | 1                              |
| 17     | Broken Hill       | LGA         | RR     | 19,818     | 10          | 2             |                          |                         | 2                              |
| 18     | Byron             | LGA         | RR     | 32,378     | 9           | 3             |                          |                         | 3                              |
| 19     | Cabonne           | SA          | RR     | 13,351     | 12          | 2             |                          |                         | 2                              |
| 20     | Carrathool        | SA          | RR     | 2,954      | 10          | 1             |                          |                         | 1                              |
| 21     | Central Darling   | SA          | RR     | 2,014      | 8           | 1             |                          |                         | 1                              |
| 22     | Cessnock          | LGA         | RR     | 51,706     | 13          | 4             |                          |                         | 4                              |
| 23     | Clarence Valley   | LGA         | RR     | 52,592     | 9           | 4             |                          |                         | 4                              |
| 24     | Cobar             | SA          | RR     | 5,178      | 12          | 1             |                          |                         | 1                              |
| 25     | Coffs Harbour     | LGA         | RR     | 72,827     | 9           | 4             |                          |                         | 4                              |
| 26     | Conargo           | SA          | RR     | 1,689      | 8           | 1             |                          |                         | 1                              |
| 27     | Coolamon          | SA          | RR     | 4,233      | 10          | 1             |                          |                         | 1                              |
| 28     | Cooma-Monaro      | SA          | RR     | 10,453     | 9           | 2             |                          |                         | 2                              |

SCHEDULE C

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|    |                    |     |    |         |    |   |   |
|----|--------------------|-----|----|---------|----|---|---|
| 29 | Coonamble          | SA  | RR | 4,314   | 7  | 1 | 1 |
| 30 | Cootamundra        | SA  | RR | 7,729   | 9  | 1 | 1 |
| 31 | Corowa Shire       | SA  | RR | 11,773  | 9  | 2 | 2 |
| 32 | Cowra              | SA  | RR | 12,957  | 9  | 2 | 2 |
| 33 | Deniliquin         | SA  | RR | 7,633   | 9  | 1 | 1 |
| 34 | Dubbo              | LGA | RR | 41,763  | 11 | 3 | 3 |
| 35 | Dungog             | SA  | RR | 8,673   | 9  | 1 | 1 |
| 36 | Eurobodalla        | LGA | RR | 37,714  | 9  | 3 | 3 |
| 37 | Forbes             | SA  | RR | 9,748   | 10 | 1 | 1 |
| 38 | Gilgandra          | SA  | RR | 4,700   | 9  | 1 | 1 |
| 39 | Glen Innes Severn  | SA  | RR | 9,311   | 7  | 1 | 1 |
| 40 | Gloucester         | SA  | RR | 5,181   | 9  | 1 | 1 |
| 41 | Gosford            | LGA | RR | 168,188 | 10 | 7 | 7 |
| 42 | Goulburn Mulwaree  | LGA | RR | 28,702  | 9  | 3 | 3 |
| 43 | Great Lakes        | LGA | RR | 35,924  | 9  | 3 | 3 |
| 44 | Greater Hume Shire | SA  | RR | 10,447  | 9  | 2 | 2 |
| 45 | Greater Taree      | LGA | RR | 48,955  | 9  | 3 | 3 |
| 46 | Griffith           | SA  | RR | 25,879  | 12 | 3 | 3 |
| 47 | Gundagai           | SA  | RR | 3,902   | 7  | 1 | 1 |
| 48 | Gunnedah           | SA  | RR | 12,265  | 9  | 2 | 2 |
| 49 | Guyra              | SA  | RR | 4,550   | 6  | 1 | 1 |
| 50 | Gwydir             | SA  | RR | 5,425   | 8  | 1 | 1 |
| 51 | Harden             | SA  | RR | 3,669   | 6  | 1 | 1 |
| 52 | Hawkesbury         | LGA | RR | 64,030  | 12 | 4 | 4 |
| 53 | Hay                | SA  | RR | 3,349   | 8  | 1 | 1 |
| 54 | Inverell           | SA  | RR | 16,841  | 11 | 2 | 2 |
| 55 | Jerilderie         | SA  | RR | 1,674   | 7  | 1 | 1 |
| 56 | Junee              | SA  | RR | 6,298   | 9  | 1 | 1 |

SCHEDULE C

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|    |                         |     |    |         |      |   |   |
|----|-------------------------|-----|----|---------|------|---|---|
| 57 | Kempsey                 | SA  | RR | 29,442  | 9    | 3 | 3 |
| 58 | Kiama                   | LGA | RR | 20,906  | 9    | 3 | 3 |
| 59 | Kyogle                  | SA  | RR | 9,877   | 8    | 1 | 1 |
| 60 | Lachlan                 | SA  | RR | 6,844   | 15   | 1 | 1 |
| 61 | Lake Macquarie          | LGA | RR | 200,849 | 14   | 7 | 7 |
| 62 | Leeton                  | SA  | RR | 11,929  | 10   | 2 | 2 |
| 63 | Lismore                 | LGA | RR | 45,917  | 11   | 3 | 3 |
| 64 | Lithgow                 | LGA | RR | 21,094  | 10   | 3 | 3 |
| 65 | Liverpool Plains        | SA  | RR | 7,965   | 7    | 1 | 1 |
| 66 | Lockhart                | SA  | RR | 3,318   | 9    | 1 | 1 |
| 67 | Maitland                | LGA | RR | 70,296  | 13   | 4 | 4 |
| 68 | Mid-Western Regional    | LGA | RR | 22,860  | 9    | 3 | 3 |
| 69 | Moree Plains            | SA  | RR | 14,425  | 12   | 2 | 2 |
| 70 | Murray                  | SA  | RR | 7,319   | 9    | 1 | 1 |
| 71 | Murrumbidgee            | SA  | RR | 2,557   | 6    | 1 | 1 |
| 72 | Muswellbrook            | LGA | RR | 16,676  | 12   | 2 | 2 |
| 73 | Nambucca                | SA  | RR | 19,369  | 9    | 2 | 2 |
| 74 | Narrabri                | SA  | RR | 13,741  | 12   | 2 | 2 |
| 75 | Narrandera              | SA  | RR | 6,280   | 9    | 1 | 1 |
| 76 | Narromine               | SA  | RR | 6,841   | 9    | 1 | 1 |
| 77 | Newcastle               | LGA | RR | 156,112 | 13   | 7 | 7 |
| 78 | Oberon                  | SA  | RR | 5,438   | 9    | 1 | 1 |
| 79 | Orange                  | LGA | RR | 39,329  | 14   | 3 | 3 |
| 80 | Palerang                | SA  | RR | 14,652  | 9    | 2 | 2 |
| 81 | Parkes                  | SA  | RR | 15,192  | 10   | 2 | 2 |
| 82 | Port Macquarie-Hastings | LGA | RR | 76,323  | ***1 | 4 | 4 |
| 83 | Port Stephens           | LGA | RR | 67,825  | 12   | 4 | 4 |
| 84 | Queanbeyan              | LGA | RR | 41,430  | 10   | 3 | 3 |

SCHEDULE C

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|     |                     |     |    |         |    |   |   |
|-----|---------------------|-----|----|---------|----|---|---|
| 85  | Richmond Valley     | SA  | RR | 23,115  | 9  | 3 | 3 |
| 86  | Shellharbour        | LGA | RR | 67,797  | 7  | 4 | 4 |
| 87  | Shoalhaven          | LGA | RR | 96,967  | 13 | 4 | 4 |
| 88  | Singleton           | SA  | RR | 24,182  | 12 | 3 | 3 |
| 89  | Snowy River         | SA  | RR | 8,188   | 9  | 1 | 1 |
| 90  | Tamworth Regional   | LGA | RR | 59,461  | 9  | 4 | 4 |
| 91  | Temora              | SA  | RR | 6,216   | 9  | 1 | 1 |
| 92  | Tenterfield         | SA  | RR | 7,071   | 10 | 1 | 1 |
| 93  | Tumbarumba          | SA  | RR | 3,765   | 8  | 1 | 1 |
| 94  | Tumut Shire         | SA  | RR | 11,480  | 7  | 2 | 2 |
| 95  | Tweed               | SA  | RR | 90,090  | 7  | 4 | 4 |
| 96  | Upper Hunter Shire  | SA  | RR | 14,198  | 9  | 2 | 2 |
| 97  | Upper Lachlan Shire | SA  | RR | 7,559   | 9  | 1 | 1 |
| 98  | Uralla              | SA  | RR | 6,287   | 9  | 1 | 1 |
| 99  | Urana               | SA  | RR | 1,261   | 9  | 1 | 1 |
| 100 | Wagga Wagga         | LGA | RR | 63,500  | 11 | 4 | 4 |
| 101 | Wakool              | SA  | RR | 4,389   | 6  | 1 | 1 |
| 102 | Walcha              | SA  | RR | 3,299   | 8  | 1 | 1 |
| 103 | Walgett             | SA  | RR | 7,235   | 9  | 1 | 1 |
| 104 | Warren              | SA  | RR | 2,845   | 12 | 1 | 1 |
| 105 | Warrumbungle Shire  | SA  | RR | 10,330  | 9  | 2 | 2 |
| 106 | Weddin              | SA  | RR | 3,780   | 10 | 1 | 1 |
| 107 | Wellington          | SA  | RR | 8,875   | 9  | 1 | 1 |
| 108 | Wentworth           | SA  | RR | 7,120   | 9  | 1 | 1 |
| 109 | Wingecarribee       | LGA | RR | 46,960  | 9  | 3 | 3 |
| 110 | Wollondilly         | LGA | RR | 44,050  | 9  | 3 | 3 |
| 111 | Wollongong          | LGA | RR | 203,487 | 13 | 7 | 7 |
| 112 | Wyang               | LGA | RR | 151,527 | 10 | 7 | 7 |

SCHEDULE C

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|     |                          |    |    |        |   |   |   |
|-----|--------------------------|----|----|--------|---|---|---|
| 113 | Yass Valley              | SA | RR | 15,190 | 9 | 2 | 2 |
| 114 | Young                    | SA | RR | 13,078 | 9 | 2 | 2 |
|     | Castlereagh-Macquarie    | CC | RR |        |   | 1 | 1 |
|     | Central Murray           | CC | RR |        |   | 1 | 1 |
|     | Central tablelands Water | CC | RR |        |   | 1 | 1 |
|     | Far North Coast          | CC | RR |        |   | 1 | 1 |
|     | Goldenfields Water       | CC | RR |        |   | 1 | 1 |
|     | New England Tablelands   | CC | RR |        |   | 1 | 1 |
|     | Richmond River           | CC | RR |        |   | 1 | 1 |
|     | Riverina Water           | CC | RR |        |   | 1 | 1 |
|     | Rous Water               | CC | RR |        |   | 1 | 1 |
|     | Upper Macquarie          | CC | RR |        |   | 1 | 1 |
|     | NSWALC                   |    | RR |        |   | 8 | 8 |
|     | President                |    | RR |        |   | 1 | 1 |
|     | Treasurer                |    | RR |        |   | 1 | 1 |
|     | Vice President Country   |    | RR |        |   | 1 | 1 |
|     | Executive 1              |    | RR |        |   | 1 | 1 |
|     | Executive 2              |    | RR |        |   | 1 | 1 |
|     | Executive 3              |    | RR |        |   | 1 | 1 |
|     | Executive 4              |    | RR |        |   | 1 | 1 |
|     | Executive 5              |    | RR |        |   | 1 | 1 |
|     | Executive 6              |    | RR |        |   | 1 | 1 |
|     | Executive 7              |    | RR |        |   | 1 | 1 |
|     | Executive 8              |    | RR |        |   | 1 | 1 |
|     | Executive 9              |    | RR |        |   | 1 | 1 |

SCHEDULE C

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|    | Executive 10 |     | RR |           |    | 1   |      | 1   |
|----|--------------|-----|----|-----------|----|-----|------|-----|
|    |              |     |    | 3,161,679 |    | 282 |      | 282 |
|    |              |     |    |           |    |     | 82.1 |     |
| 1  | Ashfield     | LGA | MU | 42,787    | 12 | 3   | 1    | 4   |
| 2  | Auburn       | LGA | MU | 78,597    | 10 | 4   | 2    | 6   |
| 3  | Bankstown    | LGA | MU | 188,814   | 12 | 7   | 4    | 11  |
| 4  | Blacktown    | LGA | MU | 307,816   | 15 | 7   | 6    | 6   |
| 5  | Botany Bay   | LGA | MU | 40,463    | 7  | 3   | 1    | 4   |
| 6  | Burwood      | LGA | MU | 33,803    | 7  | 3   | 1    | 4   |
| 7  | Camden       | LGA | MU | 56,809    | 9  | 4   | 1    | 5   |
| 8  | Campbelltown | LGA | MU | 153,222   | 14 | 7   | 3    | 10  |
| 9  | Canada Bay   | LGA | MU | 78,735    | 9  | 4   | 2    | 6   |
| 10 | Canterbury   | LGA | MU | 145,668   | 10 | 5   | 3    | 8   |
| 11 | Fairfield    | LGA | MU | 196,567   | 13 | 7   | 4    | 11  |
| 12 | Holroyd      | LGA | MU | 102,188   | 11 | 5   | 2    | 7   |
| 13 | Hornsby      | LGA | MU | 164,034   | 10 | 7   | 3    | 10  |
| 14 | Hunters Hill | LGA | MU | 14,591    | 7  | 2   | -    | 2   |
| 15 | Hurstville   | LGA | MU | 80,823    | 12 | 4   | 2    | 6   |
| 16 | Kogarah      | LGA | MU | 59,200    | 12 | 4   | 1    | 5   |
| 17 | Ku-ring-gai  | LGA | MU | 114,142   | 10 | 5   | 2    | 7   |
| 18 | Lane Cove    | LGA | MU | 33,335    | 9  | 3   | 1    | 4   |
| 19 | Leichhardt   | LGA | MU | 55,596    | 12 | 4   | 1    | 5   |
| 20 | Liverpool    | LGA | MU | 185,481   | 11 | 7   | 4    | 11  |
| 21 | Manly        | LGA | MU | 41,925    | 12 | 3   | 1    | 4   |
| 22 | Marrickville | LGA | MU | 79,215    | 12 | 4   | 2    | 6   |
| 23 | Mosman       | LGA | MU | 29,232    | 9  | 3   | 1    | 4   |
| 24 | North Sydney | LGA | MU | 64,795    | 13 | 4   | 1    | 5   |

SCHEDULE C

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|    |                      |     |    |         |    |   |   |    |
|----|----------------------|-----|----|---------|----|---|---|----|
| 25 | Parramatta           | LGA | MU | 172,333 | 15 | 7 | 3 | 10 |
| 26 | Penrith              | LGA | MU | 186,221 | 15 | 7 | 4 | 11 |
| 27 | Pittwater            | LGA | MU | 59,847  | 9  | 4 | 1 | 5  |
| 28 | Randwick             | LGA | MU | 133,116 | 15 | 5 | 3 | 8  |
| 29 | Rockdale             | LGA | MU | 103,164 | 15 | 5 | 2 | 7  |
| 30 | Ryde                 | LGA | MU | 106,289 | 12 | 5 | 2 | 7  |
| 31 | Strathfield          | LGA | MU | 36,911  | 7  | 3 | 1 | 4  |
| 32 | Sutherland Shire     | LGA | MU | 220,835 | 15 | 7 | 4 | 11 |
| 33 | Sydney               | LGA | MU | 182,226 | 10 | 7 | 4 | 11 |
| 34 | The Hills Shire      | LGA | MU | 179,716 | 12 | 7 | 3 | 10 |
| 35 | Warringah            | LGA | MU | 145,865 | 10 | 5 | 3 | 8  |
| 36 | Waverley             | LGA | MU | 69,420  | 12 | 4 | 1 | 5  |
| 37 | Willoughby           | LGA | MU | 70,008  | 13 | 4 | 1 | 5  |
| 38 | Woollahra            | LGA | MU | 56,005  | 15 | 4 | 1 | 5  |
|    | Hawkesbury River     | CC  | MU |         |    | 2 |   | 2  |
|    | Midcoast Water       | CC  | MU |         |    | 2 |   | 2  |
|    | NSWALC               | ALC | MU | 150,000 |    | 1 |   | 1  |
|    | Vice President Metro |     | MU |         |    | 1 |   | 1  |
|    | Executive 1          |     | MU |         |    | 1 |   | 1  |
|    | Executive 2          |     | MU |         |    | 1 |   | 1  |
|    | Executive 3          |     | MU |         |    | 1 |   | 1  |
|    | Executive 4          |     | MU |         |    | 1 |   | 1  |
|    | Executive 5          |     | MU |         |    | 1 |   | 1  |
|    | Executive 6          |     | MU |         |    | 1 |   | 1  |
|    | Executive 7          |     | MU |         |    | 1 |   | 1  |

SCHEDULE C

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|                          |    |           |     |    |     |
|--------------------------|----|-----------|-----|----|-----|
| Executive 8              | MU |           | 1   |    | 1   |
| Executive 9              | MU |           | 1   |    | 1   |
| Executive 10             | MU |           | 1   |    | 1   |
| Immediate Past President | MU |           | 1   |    | 1   |
|                          |    | 4,219,794 | 200 | 82 | 282 |
|                          |    |           |     |    | 564 |
| Unincorporated Area      |    | 1,116     |     |    |     |
| Balance as per 3218.0    |    | 7,382,589 |     |    |     |

Notes:

RR = Rural/Regional

MU = Metropolitan/Urban

For the purposes of this example the positions of President and Treasurer have been included in the RR section however they could be elected from the MU section. The calculations would be re-done annually to account for any movements in Executive positions, and to account for changing council populations.

\*\*\*1 - Council is under administration

\*\*\*END OF RULES\*\*\*