

SUMMARY REPORT:

BUSINESS CONDUCTED AT THE 27 MAY 2010 MEETING AND THE 24 JUNE 2010 EXTRAORDINARY MEETING OF THE BOARD OF HUNTER COUNCILS

Responsible Officer: Roger Stephan, CEO

Report Author: Roger Stephan, CEO

EXECUTIVE SUMMARY:

The purpose of this report is to provide member Councils with an overview of the business conducted during the 27 May 2010 Meeting and the 24 June 2010 Extraordinary Meeting of the Board of Hunter Councils.

This overview should be read in conjunction with, and may be amended by, the Minutes of both meetings which will be formally considered by the Board at its 29 July 2010 Meeting at Lake Macquarie City Council.

RECOMMENDATION:

THAT the summary report be received and noted.

REPORT:

27 May 2010 Meeting:

The Board of Hunter Councils held its 27 May 2010 Meeting in the main Training Room at the Local Government Training Institute at Thornton.

The business of the meeting focused on three presentations and a number of reports by the CEO Hunter Councils.

Presentations:

Presentation on the National Broadband Network

The first presentation to the Board was provided by Mike Kaiser, Principal – Government Relations and External Affairs, for NBN Co. Mr Kaiser was accompanied by James Vidler, RDA – Hunter.

Mr Kaiser provided an overview of the purpose, scope and potential benefits of the rollout of the National Broadband Network. Key messages in his presentation included the size of the initiative, its potential ability to take Australia to the forefront of national economies in terms of access to communications resources and the critical role that local government would play both in terms of decision-making in regard to the selection of regions to be targeted as well as in the rollout of the Network itself.

Meeting with the Presidents and senior staff of the Local Government and Shires Associations

The Board had requested a meeting with the Presidents in relation to communication processes and the progress of discussions in relation to constitutional and structural change within the Associations.

The Presidents were accompanied by Cr Paul Braybrooks, Chair of Local Government Procurement. Bill Gillooly, General Manager of the LGSA and Peter Coulton, Director Corporate Services. The Presidents provided an update on the progress of the LGSA's business units and the relationship of those units with other businesses including those operated by Hunter Councils.

Progress towards a major overhaul of the structure of Local Government advocacy in the State was also discussed, with an indication that a Constitutional Convention involving members of both the Local Government and Shires Associations will be held in August of this year.

Meeting with the Minister for the Hunter, the Hon. Jodi McKay MP

The Minister for the Hunter met with the Board as part of her ongoing commitment to facilitate communication between the State Government and Local Government in the Hunter. The Minister was accompanied by the Regional Coordinator of the State Department of Premier and Cabinet.

A range of topics was addressed including the progress of tourism strategy at a State level (in the Minister's capacity as Minister for Tourism) and the recent review of Hunter Tourism.

Reports:

Board Policy on access to Hunter Councils Board and GMAC Agendas, Minutes and related items

A draft policy was provided to the Board in response to a request received for clarification of procedures relating to attendance at Board Meetings and access to Business Papers and Agendas.

The draft Policy – attached – was adopted without change.

International Leading Practices Symposium

A report was provided on the International Leading Practices Symposium held in Rotorua, New Zealand on 22 and 23 April 2010.

The CEO Hunter Councils was invited to the Symposium to provide local government practitioners in New Zealand, Australia, Canada, the United States and Pacific Island nations with insights into opportunities available for resource sharing in local government. Both the Hunter Councils presentation and subsequent workshops were well received with considerable surprise being expressed at the scale of the operations of Hunter Councils, the obvious commitment of member Councils and the achievement of expanded service provision at a time of substantially reduced member cost.

Costs associated with attendance at the Conference were met by the Symposium organisers.

The report also provided an update on recent changes to local government structures in New Zealand including creation of the Auckland "Super Council".

Proposed Hunter – Central Rivers Catchment Management Authority Regulation 2010

A report was provided on the pending repeal of the Hunter-Central Rivers Catchment Management Authority Regulation 2005 and the request by the NSW Department of Environment, Climate Change and Water (DECCW) for written submissions on the Regulatory Impact Statement and proposed regulation.

It was noted in the discussion that the timeframe provided by DECCW for feedback on the documents (9 June 2010) made it difficult, if not impossible, to respond given that they had only been made available a few days earlier. It was therefore determined to investigate opportunities for an extension of time with individual Councils to determine their position on the matter.

Financial Report: Year to Date Performance

A financial report was provided on income and expenditure for the financial year to date (end April 2010).

The financial report indicated that the organisation is tracking to achieve a better than projected end of year surplus (budgeted at \$253,435).

24 June 2010 Extraordinary Meeting:

The Board of Hunter Councils held an Extraordinary Meeting on 24 June 2010 in the main Training Room at the Local Government Training Institute at Thornton. This meeting was called to consider a number of urgent items that could not be held over to the next scheduled meeting of the Board (29 July 2010).

Reports:

Changes to Section 94 Contribution Plan Provisions

The first matter considered by the Board related to changes recently introduced by the State Government to Section 94 contributions plans.

Great concern was expressed at a number of issues including, but not limited to:

1. The lack of consultation with local government prior to the changes being introduced and the apparent indifference of the State Government to the impact that they will have on local communities
2. The lack of detail as to what constitutes "essential infrastructure"
3. The apparent unawareness, on the part of the State Government, of the critical importance of social and community infrastructure such as libraries, child care centres and recreational facilities on community development and viability

4. The profound implications of the changes on future infrastructure provision and financial planning especially as it relates to Community Strategic Plans developed in the context of the former Contributions Plan guidelines
5. The lack of any guidance as to what should be done with funds currently held in relation to Contributions Plan and the likely impact on the future development of Voluntary Planning Agreements.

The Board resolved to undertake a series of measures to enhance awareness of the potential impact of the measure on the communities of the Hunter Region and to better position local government both within the Hunter and across the State to lobby for a change to the State Government's approach.

Hunter Tourism Strategic Proposal

The Board considered a report on the Strategic Proposal received from Hunter Tourism in relation to its future roles and funding.

As a result of consideration of the report, the Board endorsed Hunter Councils as the future conduit for local government funding to Hunter Tourism. It also asked the General Managers Advisory Committee (GMAC) to determine the level of funding to be supplied by each member Council. GMAC is also to review in twelve months' time the performance of the new regional tourism organisation. The outcomes of this review will be reported to the Board.

National Broadband Network Update

The final report to the Board related to the National Broadband Network rollout.

As a result of its consideration of this report, the Board resolved to propose a partnership between Hunter Councils and Regional Development Australia (RDA) Hunter to better position the Hunter as a priority regional for the rollout. The Board also resolved to investigate the potential benefits that might accrue to the Hunter's case for early targeting in the rollout that might arise from implementation of the Smart Grid Smart City initiative.

A contribution of \$50,000 to support the National Broadband Network bid has been requested of Hunter Councils. It was resolved to support this request subject to a formula applying to determine individual Council contributions. This formula will be reported to the June Meeting of the GMAC.

General Business

A presentation was made to the recent National General Assembly of Local Government by Kerry Jones, Executive Director of the Constitution Education Fund of Australia (CEFA).

CEFA is an independent, non-partisan and non-profit organisation committed to increasing public understanding and appreciation of the Australian Constitution, its history and contemporary relevance.

CEFA believes that all Australians, young and old, those born here and those who have come from other lands should have a broad understanding of the system of government that has made our country one of the most successful democracies in the world.

From July on, CEFA will be running the “AusCivics” Festival to educate Australians, and most especially young Australians, about their constitution.

The AusCivics project identifies local government as being an essential link between the people of Australia and their national system of democracy. A number of Councils have expressed interest in supporting the project both in regard to its overall aims and, more specifically, the ambition to obtain constitutional recognition of local government. The Board therefore resolved to seek a significant presence of the AusCivics project in the Hunter.

PREVIOUS REPORTS:

There have been no previous reports on this matter. A summary report will be produced for all future Board Meetings.

FINANCIAL IMPLICATIONS:

As detailed in the report.

POLICY IMPLICATIONS:

There are no policy implications arising from this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications arising from this matter.

PUBLIC ACCESS TO MEETINGS, MEETING AGENDAS AND MINUTES OF THE HUNTER COUNCILS BOARD AND GENERAL MANAGERS ADVISORY COMMITTEE

Policy Name:	PUBLIC ACCESS TO MEETINGS, MEETING AGENDAS AND MINUTES OF THE HUNTER COUNCILS BOARD AND GENERAL MANAGERS ADVISORY COMMITTEE
File Number:	2 3 1 21
Committee	CEO
Date Approved:	27 May 2010
Policy Review Date:	2011
Purpose:	To provide guidelines in relation to public attendance at meetings of the Board of Hunter Councils and the Hunter Councils General Managers Advisory Committee (GMAC) and to access to the agendas and minutes of Board and GMAC Meetings.

POLICY AND OBJECTIVES STATEMENT

The purpose of the Policy is to provide guidance to Board Members, General Managers and Hunter Councils staff in relation to management of access to meetings of the Hunter Councils Board and GMAC Meetings and to documentation prepared for and arising from those meetings.

The policy seeks to achieve balance between appropriate regard for accountability with due reference to commercial and other considerations arising out of the operation of business units of Hunter Councils.

SCOPE

This policy applies to the Board of Hunter Councils Inc and the General Managers Advisory Committee.

Separate policy provisions apply to the Board of Hunter Councils Ltd.

LEGISLATIVE PROVISIONS

Hunter Councils Inc is an incorporated associations operating within the provisions of the Associations Incorporation Act 2009. That Act does not specifically address attendance at

meetings or access by the general public to meeting agendas and minutes. These matters are left for determination by the particular body involved.

OTHER POLICY PROVISIONS

Nil.

GENERAL PROVISIONS

1. Attendance at Hunter Councils Board Meetings and access to Board Meeting Agendas

The role of the Board of Hunter Councils is to monitor the performance of the Hunter Councils organisation, to establish its business and policy frameworks and to adopt annual estimates of revenue and expenditure.

The Board's constitution also identifies its principal goals as including:

To be recognised as the 'Voice of the Hunter'

To be recognised locally and nationally as the peak Hunter body that:

- *focuses and fosters cooperation, information and resource sharing,*
- *improves the image of the Hunter Region and Local Government, and*
- *effectively advocates on agreed regional positions and priorities.*

In a substantial way, the Board utilises the mechanism of Hunter Councils the organisation to achieve dot points 1 and 2. It is therefore appropriate that the Board from time to time commit the Hunter Councils organisation to action in pursuit of those goals.

These actions will not normally relate to business activities of the organisation.

In regard to dot point 3, in particular, it is may also be appropriate for the Board to communicate agreed positions to outside agencies. Additionally the Board might on occasions resolve to recommend a particular position to local councils for those councils to consider and determine a response.

Members of the public will generally be excluded from Board Meetings. At the discretion of the meeting chairperson, however, members of the public may be invited to present on a nominated topic to a Board meeting. In these circumstances the general business of the meeting will be suspended to allow the presentation, and it will recommence at the presentation's conclusion.

At the discretion of Board Members, limited access to Meeting Agendas may also be provided to members of that Board Member's own Board (i.e. to the Councillors of the local government area of which the Board Member is Mayor).

2. Minutes of Board Meetings

Minutes of Board Meetings will be published on the Hunter Councils website.

The CEO will also prepare a summary of the business of each Board Meeting. This summary will be made available to Board Members for distribution to their own networks.

3. Attendance at GMAC Meetings and access to Meeting Agendas and Minutes

According to the Constitution of Hunter Councils Inc., the role of the General Managers Advisory Committee focuses heavily on provision of advice to both the Board and the organisation in relation to the operation, future direction and funding of the various units of Hunter Councils.

Given the competitive environment in which the majority of the units of Hunter Councils operate and the effective elimination of any subsidisation by members it is appropriate to treat meetings of the GMAC as being Commercial in Confidence. On this basis public access to the meetings of the GMAC and to meeting agendas and minutes will not be allowed.

At the discretion of the meeting chairperson, members of the public may be invited to present on a nominated topic to a GMAC meeting. In these circumstances the general business of the meeting will be suspended to allow the presentation, and it will recommence at the presentation's conclusion.

No public access will be allowed to the agendas or minutes of GMAC Meetings except in those instances detailed in Section (4) below.

4. Referral of recommendations

The GMAC is not a policy setting group. From time to time, however, the GMAC may pass a resolution relevant to or containing recommendations for consideration by the Board of Hunter Councils. In these circumstances the resolution will specifically reference the Board and the CEO will thus be authorised to include the matter in a future Board Meeting Agenda.

From time to time the GMAC may also pass a resolution relevant to or containing recommendations for local government management within the Hunter Region. In these circumstances the resolution will specify the nature of the relevance or recommendation and how it is to be communicated by the CEO.

In both circumstances the content of the resolutions will, of necessity, have been made public. The balance of the Minutes of the relevant Meetings will remain commercial in confidence.