

A united voice for Local Government NSW

# ①ne Association Local Government NSW

TASKFORCE DISCUSSION PAPER



Local Government & Shires  
Associations of NSW

①ne Association  
Local Government NSW

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## **Message from Taskforce Chair**

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On behalf of the Taskforce it is our great privilege to present this Discussion Paper to all member Councils. The paper does not present a specific model, or models, for one association, rather it presents and proposes the principles on which a new association would be based. Once there is agreement on the basic principles, the model will emerge.

All members of the Taskforce are aware of how important the responsibility they have been given is. We have had the opportunity to review and discuss a great deal of relevant information, including how local government in other states – and indeed in other countries - achieved their goal of a single association. We have had open, thoughtful, and at times challenging discussions, but at no time have we disagreed that there must now be one association, headed up by the best possible leadership team, if local government in NSW is to successfully address the challenges it is currently facing – and will continue to face in the future.

On most of the 40 recommendations before you Taskforce members reached unanimous agreement – if not immediately then certainly after dialogue, debate and discussion. However there were a few critical areas where consensus or majority agreement was harder to reach – particularly those questions pertaining to how many representative regions there should be, and how many votes each council should have in electing the Board of the one association.

Without wanting to make any presumptions, I suspect these same issues will present a similar challenge for most councils as you each discuss the process of moving to one association, and the recommendations contained in the Discussion Paper.

I believe it is important to reflect on why these few issues are of such concern, when others - equally important - are not. In my experience of working with change processes in different areas I have found that there are two issues that are always the most difficult to overcome. They are a **lack of trust** in the process and in the people involved, and fear – fear that I/my council/my region etc. will lose power or control or representation. I believe it is no different in this process of change.

If there is one thing that, as Chair of the Taskforce, I would want to say to you it is this: whether or not you decide to hang on to the fears and that lack of trust, or whether you decide to rise to the challenge of change by transcending the fear of losing power and by risking that you can trust in the fairness of the process, will be **THE** pivotal point in achieving the level of change that everyone agrees is needed, or continuing with ‘business as usual’.

I think it will be a long time before local government in NSW is presented with this opportunity again. On behalf of the Taskforce I ask you to carefully consider the contents of this Discussion Paper with an open mind, and with the knowledge that it will ultimately be **your decision** to determine the effectiveness of your representative organisation, and the quality of the leadership who will represent the concerns of **all** of local government in NSW.

## **The Taskforce**

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The Associations have established the One Association Taskforce to progress the formation of One Association to provide a single united voice to represent Local Government in NSW.

The Taskforce has five (5) representatives from each Association, and an independent Chairperson. The Taskforce members are:

Libby Darlison, Independent Chairperson

Cr Vince Badalati (Hurstville)

Cr Paul Braybrooks OAM (Cootamundra)

Cr Allan Ezzy APM (Holroyd)

Cr Julie Lyford (Gloucester)

Cr Adam Marshall (Gunnedah)

Cr Denise Osborne (Greater Hume)

Cr James Ryan (Cessnock)

Cr Kevin Schreiber (Sutherland)

Cr Mark Troy (Bellingen)

Cr Gareth Ward (Shoalhaven)

## **How to read this Paper**

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This paper is a discussion paper; its primary function is to encourage consideration, debate and discussion. It is the beginning of the journey towards One Association, it is not the end, it is however a critical first consultative step.

The paper is predicated on a high level of assumed knowledge on the part of readers and as such does not attempt to delve into lengthy discussion in relation to each question or principle.

The paper is structured so that for each issue there is:

- The Term or Terms of Reference which are relevant to the issue
- The question/s relevant to the issue
- The Taskforce recommendation/s
- Discussion
- Alternatives or additional options

Issues are set out in a deliberate order which does not necessarily follow the Terms of Reference in numerical order. This is because some decisions may have a flow on effect, and must therefore be dealt with prior to others, for example, there is a likely nexus between the number of regions the state may be broken into for the purposes of representation, and the number of Vice Presidents on the Board of Directors.

## **Discussion – The Taskforce Journey**

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The Taskforce has held wide ranging discussions to consider and debate the merits of the:

- Local Government Association rules;
- Shires Association rules;
- LGA & SA Joint Venture Agreement;
- One Association Survey conducted in October 2009;
- One Association report undertaken by Emeritus Mayor Peter Woods OAM and Cr John Wearne AM;
- Constitutions of WALGA, LGAQ, MAV, LGAT and the Local Government Association of South Australia; and
- Learnings from the merging of three (3) western Australian Associations into one.

From these deliberations, a set of key questions and principles was distilled which the Taskforce believe are the key issues that need to be properly addressed to progress the formation of one Association.

The Taskforce then held further discussion and debate in an attempt to assess the merits of the various options which related to each key question, with the ultimate goal of providing a recommendation to each.

**It is important to note that the recommendations contained within this paper reflect the majority view of the Taskforce members; however they do not necessarily reflect a unanimous view in all cases.**

The Taskforce does not presume to know or understand the majority views of the current Associations' existing members but offers this paper, and the recommendations contained within, as a starting point for discussion.

The Taskforce appreciates that the successful formation of a new Association will require some level of compromise from all parties concerned, but believes that the benefits of achieving a single Industry voice will be well worth the effort.

## **Terminology**

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To avoid any confusion between current Associations' rules the terminology used when referring to the new Association is deliberately dissimilar.

Under the current terms of both Associations' rules the:

*“Executive Committee” means the Committee of Management of the Association.*

In the case of the Local Government Association (LGA):

*“Office Holder” means the President, Vice Presidents (Metropolitan and Country), Vice President General, Immediate Past President and/or Treasurer of the Association.*

In the case of the Shires Association (SA):

*“Office Holder” means either the President, Immediate Past President, Vice Presidents, Vice President General or Treasurer of the Association.*

**For the purposes of this paper the following definitions will apply:**

*“Board of Directors” means the Committee of Management of the new Association.*

*“Director” means a member of the Board of Directors.*

*“Office Holder” means the President, Vice Presidents (Metropolitan and Country), Vice Presidents and/or Treasurer of the new Association.*

*“Region/s” means the area/s in which the state is divided for the purposes of representation.*

## **Terms of Reference**

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The Taskforce is to investigate and make recommendations on models for a single association to provide effective representation for Local Government in NSW.

Without limiting the generality of the above, the taskforce is asked to –

- (i) Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;
- (ii) Examine and make recommendations on the number of delegates to formally represent a member council and vote on policy issues at an association Conference;
- (iii) Where a distinction is to be drawn in an association structure between metropolitan and non-metropolitan members, make recommendations as to which councils fall into each category. If further distinctions are to be made (e.g. for peri-urban councils), make recommendations as to what additional categories should be considered and how such categories would fit within such a structure;
- (iv) Examine whether it is necessary or desirable to have a process or requirements in place to ensure that the majority views of metropolitan members in the development of association policy cannot be overruled by the majority views of the nonmetropolitan members, and vice versa;
- (v) Examine whether a separate category of associate member is required, and, if so, under what terms and conditions;
- (vi) As some county councils are full members of either the Local Government Association or the Shires Association, provide advice on their status, rights and responsibilities under a single association structure and constitution;
- (vii) As Aboriginal Land Councils are currently full members of the Local Government Association, provide advice on their status, rights and responsibilities under a single association structure and constitution;
- (viii) Provide advice as to whether some form of transitional structure or arrangement should be put in place to facilitate acceptance of a single association by councils.

In addition, the Taskforce is requested to provide advice to the Presidents of both Associations, and the Joint Executive, on the format, agenda and standing orders of the proposed Constitutional Convention.

The Taskforce will also provide further advice on the process to achieve one association and the communications of the Taskforce are communicated to our membership via the Executives. *(This clause added by the Executive of the Local Government Association on 4 June 2010)*

## **Taskforce Recommendations**

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The Taskforce recommends that within One Association:

1. There be two (2) council membership categories; Ordinary & Associate and an additional category for Patrons, who would be individuals appointed by the Board of Directors.
2. All 152 general purpose councils will be eligible for ordinary membership.
3. The NSW Aboriginal Lands Council will be eligible for Associate membership.
4. All NSW County Councils will be eligible for Associate membership.
5. Elected Councillors from Ordinary members will be eligible to run for positions on the Board of Directors.
6. Elected Councillors from Ordinary members who are their Council's nominated voting delegates will be eligible to vote for positions on the Board of Directors.
7. Ordinary member Councils will be eligible to put motions to Conference .
8. Elected Councillors from Ordinary members who are their Council's nominated voting delegates will be eligible to vote for motions at Conference.
9. Elected Councillors from Associate members **will not** be eligible to run for positions on the Board of Directors.
10. Elected Councillors from Associate members **will not** be eligible to vote for positions on the Board of Directors
11. Associate member Councils **will** be eligible to put motions to Conference.
12. Elected Councillors from Associate members who are their Council's nominated voting delegates **will** be eligible to vote for motions at Conference.
13. For the purposes of representation NSW should be broken up into two (2) regions being a metropolitan/urban region and a rural/regional region.
14. The metropolitan/urban region to be defined as councils which fall within the County Cumberland plus Camden.
15. The rural/regional region to be defined as all other councils. This will include peri-urban councils, eg Newcastle, Wollongong etc.
16. For the first two(2) terms the Board of Directors should consist of a maximum of 17 members being:
  - a. 1 X President
  - b. 8 X Board members representing Metropolitan/Urban councils
  - c. 8 X Board members representing Rural/Regional councils
17. One (1) person be elected to the position of Metropolitan/Urban Vice President from among the 8 board members elected to represent the Metropolitan/Urban councils.

18. One (1) person be elected to the position of Rural/Regional Vice President from among the 8 board members elected to represent the Rural/Regional councils.
19. One person be elected to the position of Treasurer from among the 14 of the 17 board members who have not been elected to the positions of President or Vice President.
20. Commencing from the third term after the establishment of the new Association that the maximum number of board members be 13 being:
  - a. 1 X President
  - b. 6 X Board members representing Metropolitan/Urban councils
  - c. 6 X Board members representing Rural/Regional councils

And under this arrangement (recommendations 21, 22 and 23 which would then replace recommendations 17, 18 & 19):

21. One (1) person be elected to the position of Metropolitan/Urban Vice President from among the 6 board members elected to represent the Metropolitan/Urban councils.
22. One (1) person be elected to the position of Rural/Regional Vice President from among the 6 board members elected to represent the Rural/Regional councils.
23. One person be elected to the position of Treasurer from among the 10 of the 13 board members who have not been elected to the positions of President or Vice President.
24. There should not be a position of Immediate Past President nor Vice President General on the Board of Directors.
25. The position of President should be elected at large by all voting delegates.
26. The positions of Board members to represent the Metropolitan/Urban councils should be elected by all voting delegates from only those councils who are categorised as Metropolitan/Urban.
27. The positions of Board members to represent the Rural/Regional councils should be elected by all voting delegates from only those councils who are categorised as Rural/Regional.
28. The position of Metropolitan/Urban Vice President should be elected from among those elected as Board Members to represent the Metropolitan/Urban councils by all voting delegates from only those councils who are categorised as Metropolitan/Urban.
29. The position of Rural/Regional Vice President should be elected from among those elected as Board Members to represent the Rural/Regional councils by all voting delegates from only those councils who are categorised as Rural/Regional.
30. The position of Treasurer should be elected from among those Board Members who have not been elected as President or Vice Presidents by all voting delegates.
31. The terms of office for all Board members and Office Holders should be for a period of two (2) years.

32. A person may hold the position of President for no more than two 2-year consecutive terms (subject to being re-elected after the first term), before the position must alternate to another region.
33. There be no term limits for the positions of Vice Presidents (subject to being re-elected).
34. There be no term limits for the position of Treasurer (subject to being re-elected).
35. There be no term limits for the positions of Board Members (subject to being re-elected).
36. The position of President should be alternated between regions.
37. There is no need for the position of Treasurer to be alternated.
38. Ordinary member councils should all have equal voting rights for the election of the Board of Directors.
39. Ordinary member councils should all have equal voting rights when dealing with motions at Conference.
40. Associate members have 1 vote per member council when dealing with motions at Conference.

## Discussion Concerning the Taskforce Recommendations, Alternatives and Additional Options

### Association Membership

This addresses terms of reference (v), (vi) & (vii)

- (v) *Examine whether a separate category of associate member is required, and, if so, under what terms and conditions;*
- (vi) *As some county councils are full members of either the Local Government Association or the Shires Association, provide advice on their status, rights and responsibilities under a single association structure and constitution;*
- (vii) *As Aboriginal Land Councils are currently full members of the Local Government Association, provide advice on their status, rights and responsibilities under a single association structure and constitution;*

#### **The Questions**

- A Should there be any other membership category other than Ordinary & Associate?
- B Should the NSW Aboriginal Land Council be offered Ordinary Membership or Associate Membership?
- C Should NSW County Councils be offered Ordinary Membership or Associate membership?

*It is taken as read that in the case of Ordinary member Councils that:*

- Elected Councillors from Ordinary member will be eligible to run for positions on the Board of Directors.
- Elected Councillors from Ordinary members will be eligible to vote for positions on the Board of Directors.
- Ordinary members will be permitted to put motions to Conference.
- Elected Councillors from Ordinary members will be permitted to vote for motions at Conference.

What rights will be attributed to Associate members?

- D Should Councillors from Associate members be eligible to run for positions on the Board of Directors?
- E Should Councillors from Associate members be eligible to vote for positions on the Board of Directors?
- F Should Associate members be permitted to put motions to Conference?
- G Should Elected Councillors from Associate members be permitted to vote for motions at Conference?

## **Taskforce Recommendation**

The Taskforce recommends that:

1. There be two (2) council membership categories; Ordinary & Associate and an additional category for Patrons, who would be individually appointed by the Board of Directors.
2. All 152 general purpose councils will be eligible for ordinary membership.
3. The NSW Aboriginal Lands Council (ALC) will be eligible for Associate membership.
4. All NSW County Councils will be eligible for Associate membership.
5. Elected Councillors from Ordinary members will be eligible to run for positions on the Board of Directors.
6. Elected Councillors from Ordinary members who are their Council's nominated voting delegates will be eligible to vote for positions on the Board of Directors.
7. Ordinary member Councils will be eligible to put motions to Conference.
8. Elected Councillors from Ordinary members who are their Council's nominated voting delegates will be eligible to vote for motions at Conference.
9. Elected Councillors from Associate members **will not** be eligible to run for positions on the Board of Directors.
10. Elected Councillors from Associate members **will not** be eligible to vote for positions on the Board of Directors.
11. Associate member Councils **will** be eligible to put motions to Conference .
12. Elected Councillors from Associate members who are their Council's nominated voting delegates **will** be eligible to vote for motions at Conference.

## **Discussion**

The Taskforce agreed that there should be two (2) council membership categories; Ordinary & Associate and an additional category for Patrons, who would be individually appointed by the Board of Directors.

There is no question that every council constituted under the *Local Government Act 1993* should be entitled to membership. However there is a question as to the appropriate membership of County Councils, and the NSW Aboriginal Lands Council.

The issue largely surrounds the perception of "double dipping".

The debate revolves around the issue that NSW general purpose Councils collectively encompass and represent all the land and all the people of NSW. Councillors from the general purpose councils already represent their Aboriginal constituent base, as they do all other groups. This is a similar situation with the County Councils.

The contrary argument for permitting the NSW Aboriginal Land Council involves ensuring that the Association retains indigenous representation.

The argument for County Councils retaining Ordinary Membership relates to their specific areas of responsibility, primarily water and/or weeds. Responsibility for these important issues may lie outside the area of responsibility of general purpose councils. However the issues the County Councils deal with directly effect every general purpose council resident.

There may be an argument to make provision in the rules for the Board of Directors to be permitted, at their discretion, to accept organisations which are somehow connected to Local Government as Associate members.

With the exception of WALGA, no other equivalent state association has any other type of membership besides Ordinary or Full.

WALGA does have three types of membership, with Associate members being the LGMA and those granted membership for the purposes of utilising the WALGA procurement arm.

Currently, NSW County Councils are eligible for Ordinary membership of either NSW Association.

Currently, the NSW Aboriginal Land Council has Ordinary membership of the Local Government Association however delegates are not permitted to run for positions on the Executive nor vote at the election for positions on the Executive. They may vote for motions at conference.

No other State Aboriginal Land Council is eligible for membership of their respective state association.

### **Options**

Other options include allowing NSW Aboriginal Land Councils and/or County Councils to become Ordinary members.

In the case of this occurring; there may be no need to have two types of council membership categories. The individual category of Patron would still apply.

## Representational Structure

This addresses terms of reference (iii) & (iv)

- (iii) *Where a distinction is to be drawn in an association structure between metropolitan and non-metropolitan members, make recommendations as to which councils fall into each category. If further distinctions are to be made (e.g. for peri-urban councils), make recommendations as to what additional categories should be considered and how such categories would fit within such a structure;*
- (iv) *Examine whether it is necessary or desirable to have a process or requirements in place to ensure that the majority views of metropolitan members in the development of association policy cannot be overruled by the majority views of the nonmetropolitan members, and vice versa;*

### The Questions

- H Should a new Association be broken up into regions for the purpose of determining areas of representation?
- I If the answer to Question H is yes, how many regions should there be, and on what basis should members be categorised?

### Taskforce Recommendation

The Taskforce recommends that:

13. For the purposes of representation NSW should be broken up into two (2) regions being a metropolitan/urban region and a rural/regional region.
14. The metropolitan/urban region to be defined as councils which fall within the County Cumberland plus Camden.
15. The rural/regional region to be defined as all other councils. This will include peri-urban councils, eg Newcastle, Wollongong etc.

### Discussion

This is perhaps one of the most important decisions to be made, as there will be a number of flow on consequences.

The Taskforce generally agree that the new Association would require **at least** 2 Regions, that is

- (1) A Metropolitan / Urban Region; and
- (2) A Rural / Regional Region.

However there are many variations on this theme.

The Local Government Association has only two (2) Divisions, a Metropolitan Division and a Country Division.

There is an argument that the existing LGA Country division includes a number of councils which are not “country”, (for example Newcastle, Wollongong, Blue Mountains etc) and that this should be

recognised by establishing a new category. They are however, currently categorised in what is deemed LGA Country.

Alternatively, there are a number of councils which are peri-urban, sharing a mixture of metropolitan and country features, not sitting fully in either LGA category, yet being categorised as one or the other.

There are also a number of Councils who take the opportunity of being a full member of one Association, and an Associate member of the other.

Many Councils have coastal boundaries, and arguably share similar issues as a result (for example: climate change, rising sea levels, sea change issues).

The Metropolitan Division covers 38 Councils with a combined population of some four million. Is there any appetite to break the metropolitan area into smaller regions?

The Shires Association has nine (9) divisions, which are geographically based. Divisions vary significantly in terms of council membership, area and population. The Shires Association Conference has called for a review of the number of Divisions (but not the concept of a Divisional structure) , which has been put on hold while the One Association process is being pursued.

A Regional structure assumes that with regards to the election of positions on the Board of Directors, that only candidates who are elected Councillors of member Councils from within a particular Region are permitted to nominate.

## **Options**

There are a number of options and alternatives, these include adding to the two regions recommended by the Taskforce, for example:

- Adding a region with those classified as Peri-Urban,
- Adding a region with those classified as Coastal;
- Further classification of the Metropolitan / Urban region to include Wollongong, Newcastle and larger regional councils;
- Dividing the Rural / Regional region into a further number of geographically based zones;
- Dividing the Metropolitan / Urban region into a further number of geographically based zones, and therefore allow the regions to determine the method by which they vote for their delegates;
- Not having any regions at all.

Any options or alternatives chosen here will specifically affect recommendations 16 and 20, and indirectly affect 17, 18, 21, 22, 26, 27, 28, 29 and 36.

## **Size of the Board of Directors**

This addresses terms of reference (i)

- (i) *Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;*

### **The Questions**

- J How many positions should there be on the Board of Directors?  
K How many Vice Presidents should there be?  
L Should there be an Immediate Past President or Vice President General?  
    (i) If there is to be a Vice President General, should candidates for this position only be permitted from a Region different to that of the incumbent President? (that is, if the incumbent President is from a Metropolitan Region, should only non-metropolitan candidates be permitted, and vice versa?)  
    (ii) Should the position/s of Vice President/s be drawn from among elected Board Members or be positions in addition to elected Board members?  
    (iii) Should the position of Treasurer be drawn from among elected Board Members or be a position in addition to the elected Board members?  
M Should there be an equal numbers of Board Members for each region?

### **Taskforce Recommendation**

The Taskforce recommends that:

16. For the first two(2) terms the Board of Directors should consist of a maximum of 17 members being:
- a. 1 X President
  - b. 8 X Board members representing Metropolitan/Urban councils
  - c. 8 X Board members representing Rural/Regional councils
17. One (1) person be elected to the position of Metropolitan/Urban Vice President from among the 8 board members elected to represent the Metropolitan/Urban councils.
18. One (1) person be elected to the position of Rural/Regional Vice President from among the 8 board members elected to represent the Rural/Regional councils.
19. One person be elected to the position of Treasurer from among the 14 of the 17 board members who have not been elected to the positions of President or Vice President.
20. Commencing from the third term after the establishment of the new Association that the maximum number of board members be 13 being:
- a. 1 X President
  - b. 6 X Board members representing Metropolitan/Urban councils
  - c. 6 X Board members representing Rural/Regional councils

And under this arrangement (recommendations 21, 22 and 23 which would then replace

recommendations 17, 18 & 19):

21. One (1) person be elected to the position of Metropolitan/Urban Vice President from among the 6 board members elected to represent the Metropolitan/Urban councils.
22. One (1) person be elected to the position of Rural/Regional Vice President from among the 6 board members elected to represent the Rural/Regional councils.
23. One person be elected to the position of Treasurer from among the 10 of the 13 board members who have not been elected to the positions of President or Vice President.
24. There should not be a position of Immediate Past President nor a Vice President General on the Board of Directors.

### **Discussion**

The size of the Board of Directors will ultimately depend on:

- The number and make-up of Regions
- Whether under a regional structure, regions have an equal number of directors on the board
- Whether the positions of Vice Presidents and Treasurer will be elected from within an elected Board, or positions additional to an elected Board.

The Taskforce believes that it is important to ensure that the size of the Board of Directors is not so large that the Board becomes unwieldy but not too small such that representation is too limited.

The LGA currently has a Board of Management of 25, the SA has 11. The Taskforce believes that an appropriate number lies somewhere between these two positions and offers seventeen (17) as an initial number, with a reduction to thirteen (13) at the conclusion of two terms. This would enable a period of two complete 2-year terms with a larger group before reducing the numbers once the inevitable transitional issues have been dealt with.

### **Options**

Options and alternatives are dependent on the outcomes of recommendations 13 and 14.

For instance, if the decision is taken (at Recommendation 13) to have more than two regions, the board of directors will include representatives from the additional region.

## **Voting for the Board Members & Office Holders**

This addresses terms of reference (i)

- (i) *Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;*

### **The Questions**

- N How should the President be elected?  
O How should Board members be elected?  
P How should Vice Presidents be elected?  
Q How should the Treasurer be elected?

### **Taskforce Recommendation**

The Taskforce recommends that:

25. The position of President should be elected at large by all voting delegates
26. The positions of Board members to represent the Metropolitan/Urban councils should be elected by voting delegates from only those councils who are categorised as Metropolitan/Urban
27. The positions of Board members to represent the Rural/Regional councils should be elected by voting delegates from only those councils who are categorised as Rural/Regional
28. The position of Metropolitan/Urban Vice President should be elected from among those elected as Board Members to represent the Metropolitan/Urban councils by voting delegates from only those councils who are categorised as Metropolitan/Urban
29. The position of Rural/Regional Vice President should be elected from among those elected as Board Members to represent the Rural/Regional councils by voting delegates from only those councils who are categorised as Rural/Regional
30. The position of Treasurer should be elected from among those Board Members who have not been elected as President or Vice Presidents by all voting delegates

### **Discussion**

The Taskforce generally agrees that specific Regional Board Members and Vice Presidents should be elected only by delegates coming from ordinary member councils from the same regions.

*The Taskforce is conscious that the position of Treasurer is not an honorary role, as such it is in the Association's interest to ensure, as far as possible, that the position of Treasurer is filled by a suitably qualified and/or experienced candidate. There is some argument that candidates for the position of Treasurer should provide, so far as possible, their credentials/qualifications/experience as part of any election process.*

Equivalent state associations have broad methods of electing their board of directors.

### **Options**

Positions can be elected at large or by specific groups. There is a general agreement that the President should be elected at large by all voting delegates, however this election could occur as an alternative as a vote by Councils as members, and not by voting delegates, or the position could be elected by the Board of Directors, from among the Board of Directors once the Board is elected in its own right.

Board members could be elected at large by all voting delegates, that is, Metropolitan/Urban delegates could vote for Metropolitan/Urban candidates and Rural/Regional candidates, and vice versa.

The positions of Vice Presidents and Treasurer could be elected in addition to the Board members, as opposed to being elected from Board members.

## **Term Lengths**

This addresses terms of reference (i)

- (i) *Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;*

### **The Question**

R What should the term lengths be for members of the Board of Directors?

### **Taskforce Recommendation**

The Taskforce recommends that:

31. The terms of office for all Board members and Office Holders should be for a period of two (2) years.

### **Discussion**

As Board members would be required to be elected councillors from member councils regardless of term length, at some point a general election has the potential to cause vacancies on the Board due to incumbent Directors retiring or failing to be re-elected.

One (1) year terms are deemed to be inadequate by not being long enough to allow (especially new) Board members time to find their feet and be in a position to properly contribute.

The Taskforce generally agreed that two (2) year term lengths were satisfactory, and have the potential to allow almost two full terms between local government general elections.

Three (3) terms would only ever allow one full term between Local Government general elections and is not deemed to be a suitable term.

A four (4) year term is generally deemed to be too long and disruptive as it would not allow a full term to be served without disruption from Local Government general elections.

Equivalent state associations have term limits of two years, with the exception of Queensland who have four year terms

### **Options**

Term lengths could be defined as 1, 2, 3 or 4 years.

4 year terms would be an absolute maximum as the Fair Work (Registered Organisations) Act 2009, which would likely to apply to a new Association, as it does to the current Associations, does not permit a person to hold an elected office for more than four (4) years between elections.

## **Term Limits**

This addresses terms of reference (i)

- (i) *Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;*

### **The Questions**

S Should there be term limits applied to members of the Board of Directors?

- (i) Should the position of President be term limited?
- (ii) Should the positions of Vice Presidents be term limited?
- (iii) Should the position of Treasurer be term limited?
- (iv) Should the positions of Board members be term limited?

### **Taskforce Recommendation**

The Taskforce recommends that:

- 32. A person may hold the position of President for no more than two 2-year consecutive terms (subject to being re-elected after the first term), before the position must alternate to another region
- 33. There be no term limits for the positions of Vice Presidents (subject to being re-elected)
- 34. There be no term limits for the position of Treasurer (subject to being re-elected)
- 35. There be no term limits for the positions of Board Members (subject to being re-elected)

### **Discussion**

Term limits essentially means not allowing an incumbent to re-run for a position over consecutive terms. In each case, if there are no term limits, incumbents would still need to be re-elected.

The Taskforce generally agreed that the only position which should be term limited would be that of the President, but that a person should be allowed (subject to re-election) to serve two (2) consecutive, two (2) -year terms. This would allow a person, who retains the confidence of the members of the Association to serve a maximum of four (4) years prior to being required to stand down.

The Taskforce has no issue with a person, who has stood down after two (2) consecutive, two (2)-year terms, from re-nominating after another person (from another region) has served at least one 2-year term.

The Taskforce generally agrees that no individual should be able to hold the position of President indefinitely. The argument for term limits generally surrounds the issues of renewal and fresh blood.

The counter argument is that if a person is performing well, then, subject to re-election, they should be allowed to continue in the role in perpetuity.

The Taskforce generally agrees that there is no need to term limit any other position.

The WALGA and LGAT limit all representatives on their board of directors to two (2) year terms. The LGAT and the LGA SA limits the position of President to a two year term.

**Options**

For each of the positions on the Board the options are either to implement term limitations in some form, or not.

## Alternating the Positions of President & Treasurer

This addresses terms of reference (i)

- (i) *Examine and make recommendations on the number and roles of the President, Office Bearers and Executive Members of a single association and the manner in which the President, Office Bearers and Executive Members are elected;*

### **The Question**

- T Should the position of President be alternated between Regions?  
U Should the position of Treasurer be alternated between Regions?

### **Taskforce Recommendation**

The Taskforce recommends that:

36. The position of President should be alternated between regions.  
37. There is no need for the position of Treasurer to be alternated.

### **Discussion**

It is generally agreed that **if** there are two (2) Regions, the President should alternate between those Regions, thereby giving equal leadership opportunities to the Metropolitan and Non-Metropolitan areas.

Note that the Taskforce recommends that the position of President be term limited to a maximum of 2 2-year terms held consecutively.

The intention of this recommendation is to allow an incumbent President to serve one term, re-nominate, and subject to being re-elected, serve an additional 2-year term, after which the position must alternate to a person from within another region.

Only elected councillors from ordinary member councils from a region other the one from which an incumbent President was from and the incumbent President would be permitted to nominate for the position for the purposes of the election.

To illustrate:

- |                     |                                                                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Beginning term 1    | President elected from the Metropolitan/Urban region.                                                                                               |
| Election for term 2 | Nominations can be accepted from the incumbent President and elected councillors from ordinary member councils from the Rural/Regional region only. |

Assume the incumbent President is re-elected

- |                     |                                                                                                                                                                 |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Election for term 3 | Incumbent President will step down. Nominations can be accepted from the elected councillors from ordinary member councils from the Rural/Regional region only. |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|

In relation to the position of Treasurer the Taskforce felt that there was no particular need to alternate the position between regions.

In most cases, equivalent state associations alternate the position of President between geographical regions.

**Options**

The position of President can be alternated between regions, or not alternated.  
The position of Treasurer can be alternated between regions, or not alternated.

## Voting Rights

This addresses terms of reference (ii)

- (ii) *Examine and make recommendations on the number of delegates to formally represent a member council and vote on policy issues at an association Conference;*

### **The Questions**

V What voting rights should each Ordinary member have in relation to:

- (i) The Election of the Board of Directors
- (ii) Dealing with Motions at Conference

W What voting rights should each Associate member have in relation to:

- (i) Dealing with Motions at Conference

### **Taskforce Recommendation**

The Taskforce recommends that:

- 38. Ordinary member councils should all have equal voting rights for the election of the Board of Directors
- 39. Ordinary member councils should all have equal voting rights when dealing with motions at Conference
- 40. Associate members have 1 vote per member council when dealing with motions at Conference

### **Discussion**

The Taskforce concedes that this issue is likely to be the most controversial and difficult to resolve.

The Taskforce generally agrees that the voting rights should be the same when dealing with both the election of the Board of Directors **and** motions at Conference.

Having equal voting rights for all councils assumes that NSW councils are equal members of the Association in every way, and that the Association represents councils themselves, rather than a council's population.

A scaled voting arrangement recognises that councils range in size; in aspects of budgets, population, land mass and subscription levels. This argument suggests that councils who pay more should be entitled to more voting rights than a council who pays less.

The contrary argument deals with the issue of capacity to pay, and uses an example such as the taxation system whereby those who earn more, pay more tax, however they are not entitled to more votes at the ballot box.

If a system which provides for all councils to have an equal number of votes is not deemed acceptable then the Taskforce recommends that any scaled voting system provide at least one vote for all councils, but no more than four (4) votes for any one council.

## **Options**

In relation to voting at the elections of Board Members:

- All councils could have equal voting rights, that is, all councils have one vote, or all councils have two votes etc, or
- Councils could have scaled voting rights depending upon population, subscriptions paid or some other criteria.

It has been discussed by the Taskforce that the maximum number of votes for any council could be three (3), with those who pay between two thirds and the maximum subscription having the three (3) votes, those paying between two (2) thirds and one third of the maximum subscription having two (2) votes and those paying up to one (1) third of the maximum subscription having one (1) vote.

In relation to voting for motions at conference:

; all councils could have equal voting rights when dealing with the motions at Conference, that is, all councils have one vote, or all councils have two votes etc, or

- All councils could have equal voting rights, that is, all councils have one vote, or all councils have two votes etc, or
- Councils could have scaled voting rights depending upon population, subscriptions paid or some other criteria.

The same system as described above could be used.

Associate members could be given the same voting rights as ordinary members, or they could be scaled according to some criteria.

In relation to voting for motions at conference, if there is concern that there needs to be a process put in place so that one region cannot dominate the other there is an option to require that for motions to be carried at any conference that a majority of at least 66% would be required for the motion to be passed.

## **Transitional Arrangements**

This addresses terms of reference (viii)

*(viii) Provide advice as to whether some form of transitional structure or arrangement should be put in place to facilitate acceptance of a single association by councils.*

It is anticipated that the recommendations from the Taskforce will be considered at the forthcoming One Association Convention.

Decisions taken at the Convention will inform a draft Constitution.

Following the Convention the Taskforce will continue to work as directed by the Associations.

*The One Association Taskforce was established by the Local Government Association and Shires Association of NSW to progress the formation of One Association in NSW.*

**[www.lgsa.org.au/OneAssociation](http://www.lgsa.org.au/OneAssociation)**

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