



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

Extraordinary Council Meeting
10 January 2025

STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993 and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

CONFLICTS OF INTEREST

A conflict of interest arises when the Mayor or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Mayor or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Mayor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Mayor or Chief Executive Officer, or another Council employee to determine whether or not a person may have a conflict of interest.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Mayor or Chief Executive Officer are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Part 2, Division 1 of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Mayor, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Country

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

Webcasting

Council meetings are recorded and live streamed to the internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded and streamed on Council's website www.snowymonaro.nsw.gov.au

**EXTRAORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON FRIDAY 10 JANUARY 2025
COMMENCING AT 1:00 PM**

BUSINESS PAPER

- 1. OPENING MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL**
- 4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
- 5. DISCLOSURE OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 6. NOTICE OF MOTION**
 - 6.1 Proposed Letter to send to Minister for Local Government 2
- 7. CONFIDENTIAL MATTERS**
Nil

6.1 PROPOSED LETTER TO SEND TO MINISTER FOR LOCAL GOVERNMENT

Record No: I25/1

Councillor Williamson and Councillor Rose have given notice that at the Extraordinary Meeting of Council on 10 January 2025, they will move the following motion.

MOTION

That the Mayor immediately sign and email, CC'ing all councillors, the letter at attachment 1 to the Minister of Local Government.

RESPONSIBLE COUNCILLOR: Cr Williamson and Cr Rose

ATTACHMENTS

1. Proposed Letter to send to the Minister for Local Government - PIO
-

Request for an emergency extraordinary meeting sent 30 December 2024

Dear Mayor Hanna,

Councillors Williamson and Rose request that you call an emergency extraordinary meeting at which we will move the following motion.

Please see a Notice of Motion and the related attachment 1 below.

We believe it is appropriate to organise the meeting as quickly as possible. Section 367 (2) of the Local Government Act allows for an emergency meeting to be scheduled within 3 business days.

Please also schedule a councillor briefing before the meeting.

Regards



Clr Luke Williamson



Clr Reuben Rose

Notice of Motion for the extraordinary meeting

That the Mayor:

1. Immediately sign and email, CC'ing all councillors, the letter at Attachment 1 to the Minister of Local Government.

Attachment 1 – Proposed letter to send to the Minister for Local Government

Hon Ron Hoenig
NSW Minister for Local Government

Dear Minister Hoenig,

1. I write to you on behalf of the Councillors of the Snowy Monaro Regional Council in response to your recent notice advising that you are considering issuing a Performance Improvement Order (PIO) to councillors.
2. Council wishes to convey its apology that councillors in common did not write to you before the deadline you had nominated in your notice, after we did not adopt a motion to do so at an extraordinary meeting on the 23 of December 2024, and with no councillor foreshadowing an alternate motion. Under the Code of Meeting Practice our meeting then ended. Council understands that a number of councillors have written to you individually on this matter and asks that you personally read and consider their correspondence.
3. Having come together again through an additional extraordinary meeting, councillors resolved that I sign and send this letter to you.
4. Given our council has only recently been formed and contains four new members, and given our very large area and dispersed population, we believe that the issuance of the proposed performance improvement order is likely premature. Nevertheless, we are open to considering your proposal but have a number of questions which we think you will agree require answers before we could respond in full and with certainty:
 - a. You have suggested our meetings are too long. Could you provide guidance on how long you believe our meetings should take and your rationale? Do you have suggestions as to how our meetings could be shortened – for example by restabilising pre-meeting briefings to familiarise councillors with items on our meeting agendas, which our new interim CEO has agreed to do?
 - b. You have raised the extraordinarily large number of Codes of Conduct complaints raised against a councillor, but you have not advised how these are being managed or their status. We recognise that releasing or speaking about the details of matters under investigation can be prejudicial and believe it would also be a breach of the Code of Conduct for councillors to do so. Could you provide guidance on how we can respond to these matters?
 - c. The councillor who you named in your notice, advises that he has been told by OLG that the complaints raised against him are “Public Interest Disclosures” and must be managed as such. Could you please clarify nature of these complaints, how they are being managed and their status in respect to the applicable management procedures?
 - d. In respect to Codes of Conduct complaints and the councillor you named, have you considered options under section 440 of the Local Government Act instead of a PIO? If not, why not?
 - e. You have indicated that you may require councillors to enter into an undertaking to ensure, amount other things, that council maintain a minimum balance of \$500,000 in unrestricted funds at all times. Could you therefore please (i) clarify why you require that council does so, (ii) advise the rationale for your determination that \$500,000 is an appropriate threshold value, (iii) advise what achievability assessment you have done or received indicating that such a threshold is able to be maintained, and (iv) advise the implications for councillors personally and financially if, having entered into an undertaking, that the unrestricted funds value falls below \$500,000? Please note, the former resolution (52/23) authorising use of Internally Restricted funds to cover short term fluctuations in cash movements throughout the current 2022/23 financial year has expired and no similar authorisation has been put in place.
 - f. We do not understand why you appear to be questioning Council’s commitment to proceeding with the Towards Excellence Program (TEP) or the adoption of the recommendations contained the report from the Financial Sustainability Review (FSR). The TEP has been included in our

work program, is underway and is funded. The other recommendations of FSR have been endorsed, are underway and are being tracked – as per resolutions of the former council which remain in effect. Please provide the rationale for the concern you have raised?

5. We believe that you would benefit from the opportunity to contextualise the large size of the Snowy Monaro region and our very small and dispersed population; which are central to our financial challenges. Reading about such circumstances and contextualising them through first-hand experience are very different things. Therefore, we invite you to visit us here in the Snowy Monaro before making any decision. This will allow you tour the region to gain important context and to meet and hold a direct conversation between yourself and councillors (both in common and individually), so that you are fully informed before making any further decisions.
6. Thank you for your interest in our Council. It is welcomed.

Yours Sincerely

Chris Hanna
Mayor
Snowy Monaro Regional Council
