Local Government Association Tasmania

RULES

These Rules were adopted at the
Annual General Meeting of the Association on 26 June 2020

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PRELIMINARY

1. *THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA*

The Local Government Association of Tasmania is a body corporate in accordance with the Act.

2. *PURPOSE OF THE RULES*

The purposes of the Rules of the Association are to provide for:

(a) the management of the Association;

(b) the appointment of the General Management Committee;

(c) the membership of the Association;

(d) the imposition of fees and subscriptions; and

(e) such other matters concerning the operations of the Association as the Members in general meeting shall determine.

3. *INTERPRETATION AND DEFINITIONS*

(a) Headings inserted are for guidance purposes only and do not affect the interpretation of these Rules.

(b) Words importing the plural include the singular and vice versa.

(c) Words importing either gender shall include both genders.

(d) "Act" means the *Local Government Act* 1993 (Tas) or any amendment or substitution thereof.

(e) "ALGA" means the Australian Local Government Association;

(f) "Alter" in relation to these Rules includes:

(i) the insertion of a new Rule;

(ii) the insertion of a new Rule in substitution of an existing Rule;

(iii) the amendment of an existing Rule; and

(iv) the rescission of an existing Rule.

(g) "Annual General Meeting" means the meeting of the Association convened in accordance with Rule 11(a).

(h) "Association" means the Local Government Association of Tasmania.

(i) "Business Day" means a day on which banks are generally open for business in Tasmania (but does not include a Saturday, Sunday or public holiday).

(j) "Chair" means the person who chairs a meeting.

(k) "Chief Executive Officer" means the Chief Executive Officer of the Association appointed in accordance with these Rules.

(l) "Council" means a council established under section 18 of the Act.

(m) "Council Cost Index' means the annual index determined by the Association to reflect cost movements in council operations and the provision of services.

(n) "Council Election Year" means any year in which a Council Election is held.

(o) "Council Election" means an election held under Part 15 of the *Local Government Act* 1993 (Tas).

(p) "Electoral Commissioner of Tasmania" means the Electoral Commissioner appointed under Section 14(1) of the *Electoral Act* 2004 (Tas) and includes a person appointed pursuant to an Act substituted for the *Electoral Act* 2004 (Tas) who carries out functions the same as, or similar to, the functions of the Electoral Commissioner of Tasmania under the *Electoral Act 2004* (Tas) as at the date of these Rules.

(q) "General Management Committee" and "GMC" mean the General Management Committee elected in accordance with these Rules.

(r) "General Manager" means the person appointed as general manager of a Member in accordance with the Act.

(s) "General Meeting" means a meeting of the Association convened in accordance with Rule 11(b), other than the Association's Annual General Meeting.

(t) "LGAT ASSIST" means the Board established to provide Local Government employees with support and assistance in certain circumstances, and includes its successors and assigns.

(u) "Lord Mayor" means the Lord Mayor of the Hobart City Council.

(v) "Mayor" means the person appointed as mayor of a Member in accordance with the Act and includes, where relevant, the Lord Mayor.

(w) "Meeting of the Association" means:

(i) an Annual General Meeting;

(ii) a General Meeting; and

(iii) a Special General Meeting.

(x) "Member" means a member of the Association.

(y) "Mid Term Year" means each calendar year occurring two years after the holding of an Ordinary Election immediately following a Council Election Year.

(z) "Municipal area" has the same meaning as in the Act.

(aa) "Ordinary Election" means an election of members of the GMC pursuant to these Rules.

(bb) "Policy" means the principles adopted by the Association, from time to time, to further the objects of the Association as set out in Rule 4.

(cc) "Population" means the estimate for a municipal area taken closest to the proposed date of the Annual General Meeting in that year by the Australian Bureau of Statistics.

(dd) "Population category" shall mean a category outlined in Rule 18(b).

(ee) "President" means the President elected in accordance with these Rules.

(ff) "Returning Officer" means the person responsible for conducting an election under these Rules.

(gg) "Rules" means these Rules of the Association.

(hh) "Sector Matter" includes a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.

(ii) "Special General Meeting" means a meeting of the Association convened in accordance with Rule 10.

(jj) "State Grants Commission" means the commission established under the *State Grants Commission Act* 1976 (Tas) and includes any body established pursuant to an Act substituted for the *State Grants Commission Act* 1976 (Tas), which body carries out functions the same as, or similar to, the functions of the State Grants Commission under the *State Grants Commission Act* 1976 (Tas) as at the date of these Rules.

(kk) "Subscriptions" mean the subscriptions raised and payable in accordance with these Rules and the Act.

(ll) "Sub-Committee" means a Sub-Committee appointed in accordance with these Rules.

(mm) "Voting Representative" means a representative of a Member lawfully appointed by the Member and notified to the Association in accordance with Rule 13(f).

PURPOSE AND MEMBERSHIP OF THE ASSOCIATION

4. *OBJECTS OF THE ASSOCIATION*

The objects of the Association are to:

(a) protect and represent the interests and rights of Councils in Tasmania;

(b) promote an efficient and effective system of local government in Tasmania; and

(c) provide services to Members, councillors and employees of Councils.

5. *POWERS OF THE ASSOCIATION*

The Association has the power to do anything necessary or convenient for the attainment of its objects.

6. *MEMBERSHIP OF THE ASSOCIATION*

(a) Membership of the Association is restricted to Councils.

(b) Where there is a merger or amalgamation of two or more Councils that are Members, the Council resulting from the merger or amalgamation shall continue to be a Member.

(c) A Council which is not a member of the Association shall be admitted as a member upon written application by that Council. Upon the Association receiving the application of such a Council, that Council shall be bound by these Rules.

(d) A Member may resign from the Association provided:

(i) that the Member provides written notice of its intention to resign, detailing reasons, addressed to the Chief Executive Officer; and

(ii) that such resignation does not take effect until the completion of the Association's financial year following the Association's financial year in which written notice of the intention to resign is provided; and

(iii) that until the period referred to in Rule 6(d)(ii) expires, the Member pays the Subscriptions as determined by the Association in accordance with these Rules; and

(iv) that the notice of intention to resign may be withdrawn at any time in writing by that Member.

(e) A Member which does not withdraw its notice of intention to resign as permitted by Rule 6(d)(iv) ceases to be a member of the Association at the completion of the period referred to in Rule 6(d)(ii).

(f) The Association may refuse to renew the membership of a Member which:

(i) has not paid any Subscriptions due and owing; or

(ii) fails to comply with, or contravenes, these Rules or any other rule of the Association.

(g) A refusal to renew membership under Rule 6(f) shall not take effect until:

(i) the Association has provided the Council with at least one month's written notice; and

(ii) the Association has provided an opportunity for the Council to respond to the written notice at a Meeting of the Association.

7. RECOGNITION OF OTHER LOCAL GOVERNMENT ORGANISATIONS

(a) The Association recognises that other Council interest and regional groups established throughout Tasmania assist with representing and protecting the rights and interests of Local Government within Tasmania.

(b) The Association, where appropriate, will work with such other interest and regional groups established throughout Tasmania.

MEETINGS

8. ANNUAL GENERAL MEETING

(a) The functions of the Annual General Meeting are to:

(i) receive the President's report;

(ii) confirm the minutes of the previous Annual General Meeting;

(iii) receive and adopt the financial statements for the preceding financial year;

(iv) (A) determine the President's honorarium for the forthcoming year;

(B) determine any honorarium to be paid to the Vice President for the forthcoming year;

(v) determine allowances, sitting fees and expenses for attendance by committee members at meetings of the General Management Committee and Sub-Committees for the forthcoming year;

(vi) receive the declaration of the poll for the election of the President and General Management Committee elected in accordance with these Rules;

(vii) adopt a budget for the forthcoming financial year;

(viii) set Subscriptions for the forthcoming financial year in accordance with these Rules;

(ix) receive reports from Association representatives; and

(x) consider any amendments to these Rules.

(b) Notice of the Annual General Meeting shall be given to all Members at least 28 days prior to the date of the Annual General Meeting.

9 *GENERAL MEETINGS*

(a) In addition to the Annual General Meeting, there may be General Meetings.

(b) General Meetings may be called:

(i) by the President; or

(ii) by the General Management Committee.

(c) The functions of General Meetings include:

(i) to formulate and ratify policy of the Association;

(ii) to consider extending the term of office of the General Management Committee, the President, or the Vice-President for such period as the General Meeting thinks fit; and

(iii) subject to Rule 12, to conduct other business.

(d) Notice of any General Meeting shall be given to all Members at least 14 days prior to the date of the General Meeting.

10 *SPECIAL GENERAL MEETINGS*

(a) In addition to the Annual General Meeting and General Meetings, there may be Special General Meetings.

(b) Special General Meetings may be called:

(i) by the President; or

(ii) by any 3 members of the General Management Committee acting together; or

(iii) by 3 or more of the Members in writing to the President stating the reasons for calling a Special General Meeting.

(c) Notice of any Special General Meeting shall be given to all Members at least 14 days prior to the date of the Special General Meeting.

(d) Subject to Rule 10(e), at any Special General Meeting, only business of which notice is given shall be transacted.

(e) The General Management Committee may notify the Members that, due to an emergency, amendments to these Rules will be considered at a Special General Meeting called pursuant to Rule 10(b).

CONDUCT OF MEETINGS

11 WHEN AND WHERE MEETINGS OF THE ASSOCIATION ARE TO BE HELD; USE OF TECHNOLOGY

(a) The Annual General Meeting of the Association is to be held, if possible, in July of each year.

(b) There shall be at least 3 General Meetings in addition to the Annual General Meeting, in every financial year of the Association.

(c) Subject to Rule 11(d) and (e), Meetings of the Association are to be held in a city or town in Tasmania as determined by the General Management Committee.

(d) Meetings of the Association may be held by telephone or other technology (whether audio or audio-visual) as determined by the General Management Committee.

(e) A Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d) is treated as being held at the place where the Chair of the Meeting of the Association is located.

(f) Notwithstanding that the Members are not present together in one place at the time of a Meeting of the Association that is held solely or partly by using technology in accordance with Rule 11(d), a resolution passed will be deemed to have been passed at a Meeting of the Association held on the day on which and at the time at which the Meeting of the Association was held solely or partly by using technology.

(g) The provisions of these Rules relating to the Meetings of the Association apply to Meetings of the Association held solely or partly by using technology pursuant to Rule 11(d) to the extent that they are capable of applying, and with the necessary changes.

(h) A Member present at the commencement of a Meeting of the Association held solely or partly by using technology pursuant to Rule 11(d) will be conclusively presumed to have been present and, subject to other provisions of these Rules, to have formed part of the quorum throughout that Meeting.

12 BUSINESS OF MEETINGS OF THE ASSOCIATION

(a) Subject to Rules 12(b) and (d), any Member may bring forward for discussion at a General Meeting any subject connected with the objects of the Association or pertaining to matters of common concern to Members, on giving to the Chief Executive Officer 35 days written notice of such intention.

(b) In March each year the Chief Executive Officer shall invite each Member to provide written notice to the Chief Executive Officer of items the Member wishes to include in the agenda of the General Meeting to be held immediately following the Annual General Meeting, such items to be received by the date determined by the Chief Executive Officer.

(c) Within 7 days of receipt of the same, the Chief Executive Officer is to provide to each member of the General Management Committee a copy of written notices the Chief Executive Officer receives pursuant to Rules 12(a) and (b) that the Chief Executive Officer believes (acting reasonably) the General Management Committee should consider pursuant to Rule 12(d).

(d) The General Management Committee may negotiate with a Member regarding the inclusion, or not, on the agenda of

(i) a subject matter sought to be discussed by a Member at a General Meeting in accordance with Rule 12(a); or

(ii) items sought by a Member in accordance with Rule 12(b) to be included in the agenda of a General Meeting.

if the subject matter or item:

(iii) does not advance or concern the objects of the Association;

(iv) has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;

(v) is not considered by the General Management Committee to concern a Sector Matter; or

(vi) requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.

(e) The Chief Executive Officer is to prepare an agenda for a Meeting of the Association and provide each Member with the agenda and any supporting documents at least 14 days before the Meeting of the Association (and 28 days before an Annual General Meeting), which agenda is to include the matters and items specified by the General Management Committee (taking into account the notices received pursuant to Rules 12(a) and (b), but subject to Rule 12(d)).

(f) Provided that the time limit in Rule 12(c) is complied with, the Chief Executive Officer may liaise with a Member in relation to a notice received pursuant to Rules 12(a) or (b) to, with the Member's consent, amend the notice so that its subject matter is connected with the objects of the Association and pertains to matters of common concern to Members.

(g) The Association is not required to do anything, including taking any action or adopting any procedure, in respect of a resolution passed at a Meeting of the Association that concerns or relates to a Sector Matter, unless the resolution provides otherwise.

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

(a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).

(b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.

(c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.

(d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.

(e) Members may send other elected members or Council officers as observers to any Meeting of the Association.

(f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

14. PROXIES AT MEETINGS

(a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.

(b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.

(c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.

(d) Proxies count for the purposes of voting and quorum at any meeting.

15. QUORUM AT MEETINGS

(a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

(b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

(a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	**Number of votes entitled to be exercised by the Voting Representative**	**Colour placard to be raised by the Voting Representative when voting**
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

(b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.

(c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.

(d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.

(e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.

(f)

(i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.

(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.

(iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes

capable of being cast by Members, whether present at the meeting or not.

(g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

(h) In respect of a Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d):

(i) other than the table at Rule 16(a), Rules 16(a) to (d) will not apply to voting at those meetings;

(ii) the General Management Committee will determine the method of voting in lieu of electronic voting buttons and placards; and

(iii) for the avoidance of doubt, each Member must be permitted to exercise the number of votes determined according to the table at Rule 16(a).

GENERAL MANAGEMENT COMMITTEE AND OTHER COMMITTEES

17. FUNCTION OF THE GENERAL MANAGEMENT COMMITTEE

(a) The functions of the General Management Committee include:

(i) appointing and reviewing the performance of the Chief Executive Officer of the Association;

(ii) determining Association Policy, with such policy to be ratified at a Meeting of the Association;

(iii) providing strategic direction to the Association in accordance with policies resolved by Meetings of the Association;

(iv) carrying out such delegations as may be made to it by Meetings of the Association;

(v) providing for the good management and administration of the Association;

(vi) ensuring that the accounts of the Association are:

(A) prepared in accordance with these Rules; and

(B) circulated to all Members not less than 28 days prior to the date of the Annual General Meeting;

(vii) investing the funds of the Association;

(viii) borrowing, raising or securing the payment of money in such manner as the General Management Committee may think fit;

(ix) taking or holding mortgages, liens, charges, and any other form of security to secure payment of the purchase price or any part thereof;

(x) making nominations to various statutory and other bodies related to the operations of Local Government;

(xi) nominating representatives to the Australian Local Government Association in accordance with Rule 30;

(xii) approving the appointment of the members of the Board of LGAT ASSIST;

(xiii) nominating Directors for appointment to the Board of Directors of Tasplan Ltd in accordance with the Constitution of Tasplan Ltd as amended from time to time;

(xiv) Determining if a Meeting of the Association will be held by telephone or other technology (whether audio or audio-visual) in accordance with Rule 11(d); and

(xv) In accordance with Rule 16(h)(ii), determining the method of voting (in lieu of electronic voting buttons and placards) at a Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d).

(b) The General Management Committee may, by resolution, delegate with or without conditions any of its powers, functions or delegations other than this power of delegation, to an employee, contractor or other entity.

(c) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.

18. COMPOSITION OF THE GENERAL MANAGEMENT COMMITTEE

(a) The General Management Committee shall consist of:

(i) the President;

(ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and

(iii) six members to be elected, as provided in Rule 18(b), from the three electoral districts set out in Rule 19.

(b) The 3 electoral districts referred to in Rule 19 shall elect 2 members as follows:

(i) one from a Member within the electoral district having a population of 20,000 or more; and

(ii) one from a Member within the electoral district having a population of less than 20,000.

(c) Where a member of the General Management Committee is subsequently elected President, a recount of votes for the Population category in the electoral district the President represented shall be held to fill the vacancy. If there are no votes to recount, the Council or Councils concerned shall fill the vacancy in accordance with Rule 20 in so far as practicable.

19. ELECTORAL DISTRICTS FOR THE PURPOSE OF ELECTING MEMBERS TO THE GENERAL MANAGEMENT COMMITTEE

The 3 electoral districts for the purposes of electing members to the General Management Committee are as follows:

(a) NORTH WEST & WEST COAST ELECTORAL DISTRICT comprising the Burnie City Council, the Devonport City Council, the Central Coast Council, the Circular Head Council, the King Island Council, the Waratah-Wynyard Council, the Kentish Council, the Latrobe Council, and the West Coast Council;

(b) NORTHERN ELECTORAL DISTRICT comprising the Launceston City Council, the Break O'Day Council, the Flinders Council, the Meander Valley Council, the West Tamar Council, the Dorset Council, the George Town Council, and the Northern Midlands Council; an

(c) SOUTHERN ELECTORAL DISTRICT comprising the Clarence City Council, the Glenorchy City Council, the Kingborough Council, the Brighton Council, the Glamorgan-Spring Bay Council, the Derwent Valley Council, the Southern Midlands Council, the Central Highlands Council, the Huon Valley Council, the Sorell Council, and the Tasman Council.

20. CONDUCT OF ELECTIONS FOR MEMBERSHIP TO THE GENERAL MANAGEMENT COMMITTEE

Elections for the General Management Committee shall be conducted in accordance with the following procedures:

(a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.

(b) In the month of March:

(i) following a Council Election; and

(ii) in each Mid Term Year;

the Returning Officer shall request nominations for the General Management Committee from Members within the 3 electoral districts.

(c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

(d) In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is for an elected member from a Member Council in the same electoral district and the same Population category as the nominating Member.

(e) Nominations:

(i) are to be submitted on a form approved and issued by the Returning Officer;

(ii) must be accompanied by a copy of a certified copy of the Resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election to the General Management Committee; and

(iii) shall close on a date determined by the Returning Officer;

(f) Nominations cannot be withdrawn after the closing of nominations.

(g) If at the end of the time for nominations the number of candidates for any office:

(i) does not exceed the number then to be elected, those candidates shall be deemed to be duly elected; or

(ii) exceeds that number, a poll shall be conducted by postal ballot in accordance with these Rules.

(h) The Returning Officer shall prepare a postal ballot paper and material for each electoral district detailing nominations within each Population category. Candidates shall be listed on the ballot paper in alphabetical order.

(i) The postal voting material shall be posted by registered mail to the Mayor of each Member Council within 10 Business Days of the close of nominations. The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.

(j) Each Member shall have one vote for both population categories within its electoral district.

(k) The ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.

(l) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.

(m) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

(n) Where more than 1 nomination is received for a Population category within an electoral district, the person polling second shall automatically be the proxy.

(o) If at the ordinary elections for the General Management Committee there is only one nomination for a Population category, or if the position of proxy for a Population category becomes vacant and there were no further nominations at the last General Management Committee elections from which to draw a proxy, the Chief Executive Officer is to call nominations from Members in the Population category and, if a ballot is necessary, conduct a ballot as soon as practicable.

21. TERM OF OFFICE

(a) Subject to Rule 21(c), members of the General Management Committee shall take up office at the conclusion of the Annual General Meeting at which his or her election is declared and shall hold office for a 2 year term concluding at the end of the relevant Annual General Meeting or as determined by the Annual General Meeting.

(b) The office of any member of the General Management Committee shall be vacated if that member:

(i) resigns by notice in writing addressed to the Chief Executive Officer;

(ii) is absent without leave for three consecutive meetings of the General Management Committee;

(iii) ceases to be a Councillor or Alderman; or

(iv) has not been lawfully nominated as a candidate for election to the General Management Committee in accordance with Rule 20.

(c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.

(d) A casual vacancy on the General Management Committee shall be filled as soon as practicable by the conduct of a by-election in accordance with Rule 20.

22. CALLING MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

(a) The General Management Committee shall determine the frequency, date, time and venue of its meetings.

(b) At least 7 days before the date of holding any meeting of the General Management Committee, notice of the time and place and of the business to be brought forward at the meeting shall be given to each Member by the Chief Executive Officer.

(c) Meetings of the General Management Committee may be held by telephone or other technology (whether audio or audio-visual) as determined by the General Management Committee.

(d) A resolution signed by the majority of members of the General Management Committee or the written acceptance (including by email transmission) of a resolution by the majority of members of the General Management Committee shall be deemed to be a resolution made at a meeting of the General Management Committee.

23. *QUORUM FOR AND VOTING AT GENERAL MANAGEMENT COMMITTEE*

(a) At any meeting of the General Management Committee, no business shall be transacted unless:

(i) there is a majority of the General Management Committee present; and

(ii) there is at least one representative of a Member having a population of 20,000 or more; and

(iii) there is at least one representative of a Member having a population of less than 20,000.

(b) Each member of the General Management Committee shall have one vote.

24. *WHO MAY ATTEND MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE*

Meetings of the General Management Committee may be attended by:

(a) any Councillor or Alderman from any Member Council; and

(b) such other persons as the Committee determines,

and, with the permission of the President, they may address the Committee.

25. *PRESIDENT*

(a) The President shall be a Councillor or Alderman of a Member Council.

(b) The functions of the President are to:

(i) chair Meetings of the Association and the General Management Committee;

(ii) be the spokesperson of the Association;

(iii) provide leadership and direction in furthering the objects of the Association.

(c) The President has the power to delegate any of his or her functions to other members of the General Management Committee.

(d) At any Meeting of the Association and of the General Management Committee at which the President is present, he or she:

(i) has no deliberative vote on any question at a Meeting of the Association by virtue of being in the chair, but may exercise the vote or votes of a Member as the Voting Representative;

(ii) in the case of equality of votes on any matter, does not have a casting vote.

26. ELECTION OF PRESIDENT

Elections for the President shall be conducted in accordance with the following procedures:

(a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.

(b) The Returning Officer shall request nominations for the office of President at the following times:

(i) in the month of March following a Council Election;

(ii) in the month of March in each Mid Term Year;

(iii) where a President vacates the office of President pursuant to Rule 27(b);

(iv) where the President gives advance notice that he or she intends to resign or cease to be a Councillor or Alderman pursuant to Rule 27(c).

(c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

(d) Nominations for the office of President:

(i) shall be submitted on a form approved and issued by the Returning Officer;

(ii) must be accompanied by a copy of a certified copy of the resolution passed by the Member at a duty convened meeting of the Member that lawfully nominated the candidate for election as the President; and

(iii) shall close on the date determined by the Returning Officer.

(e) Nominations cannot be withdrawn after the close of nominations.

(f) If upon the close of nominations:

(i) only one nomination has been received, that candidate shall be deemed duly elected; or

(ii) more than one nomination has been received, a poll shall be conducted by postal ballot in accordance with these Rules.

(g) The Returning Officer shall prepare a postal ballot paper and material. Candidates shall be listed on the ballot paper in alphabetical order.

(h) The postal voting material shall be posted by registered mail to the Mayor of each Member within 10 working days of the close of nominations.

(i) Each Member is entitled to one vote.

(j) The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.

(k) Subject to Rule 26(l) the ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.

(l) If an election is called pursuant to Rule 27(b) or 27(c), the ballot shall close at a date determined by the Returning Officer.

(m) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.

(n) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

27. TERM OF OFFICE OF PRESIDENT

(a) Subject to Rule 27(d), the President shall take up office at the conclusion of the combined Annual General Meeting and General Meeting which immediately precede the LGAT Conference following his or her election and shall hold office for a two year term concluding at the end of the relevant combined Annual General Meeting and General Meeting.

(b) The office of the President shall be vacated if the President:

(i) resigns by notice in writing addressed to the Chief Executive Officer;

(ii) is absent without leave for three consecutive meetings of the General Management Committee;

(iii) ceases to be a Councillor or Alderman; or

(iv) has not been lawfully nominated as a candidate for election as President in accordance with Rule 26,

and if the office of President becomes vacant more than twelve months before the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), then Rule 27(g) applies.

(c) If the President gives notice in writing to the Chief Executive Officer that he or she:

(i) intends to resign as President; or

(ii) intends to cease being a Councillor or Alderman,

and if the office of President becomes vacant more than six months before the next AGM where a President is due to take up office in accordance with Rule 27(a), a new President shall be elected in accordance with the procedures in Rule 26.

(d) Where a President is elected in an election held by operation of Rule 27(b) or 27(c), they shall take up office at the time of declaration of their election or at the date the office of President is vacated, whichever is later.

(e) If the office of President becomes vacant within six months of the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), the Vice President shall assume office as President until a new President is elected at that Annual General Meeting in accordance with Rule 26.

(f) The term of office of the President may be extended by any Meeting of the Association for such periods as it determines.

28 VICE PRESIDENT

(a) At its first meeting following the Annual General Meeting, the General Management Committee shall elect one of its members to be the Vice President of the Association.

(b) Where the President is absent or ill, the Vice President shall be the acting President.

(c) If the term of office of the General Management Committee is extended under Rule 21(c) the term of office of the Vice-President shall be extended for the same period of time as that of the General Management Committee.

(d) If, on any count, 2 or more candidates for Vice President have an equal number of votes, the President is to decide which of them is to be elected by the drawing or casting of lots in the manner prescribed in Rule 29(b).

29. DRAWING OR CASTING OF LOTS

(a) If, in an election or appointment under these Rules, 2 or more candidates have an equal number of votes and if applicable, the Returning Officer is unable or not otherwise empowered to resolve which candidate is to be elected or appointed, a drawing or casting of lots in the manner prescribed in Rule 29(b) is to apply.

(b) To draw or cast lots, the Returning Officer (or President in the appointment of the Vice President) is to –

(i) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and

(ii) place each slip in a non-transparent container sufficiently large to allow them to move about freely when shaken or rotated; and

(iii) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and

(iv) take out of the container one of the enclosed slips; and

(v) record the name of the candidate which appeared on that slip.

(c) The candidate elected or appointed is the candidate whose name is first recorded in accordance with Rule 29(b)(v).

30. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

(a) The President and the Vice President shall be the Tasmanian delegates to the Annual General Meeting of the ALGA unless otherwise determined by a Meeting of the Association.

(b) The President and the Vice President shall be the Tasmanian delegates to the Executive of the ALGA unless otherwise determined by the General Management Committee

(c) Due to the absence or incapacity of the President or Vice President, the General Management Committee may nominate alternate delegates to the Executive of the ALGA.

31. SUB-COMMITTEES

(a) The General Management Committee or a Meeting of the Association may appoint Sub-committees as required.

(b) The composition of Sub-committees shall:

(i) include a member of the General Management Committee who shall be the Chair of the Sub-committee;

(ii) as far as possible, comprise such elected members and employees from Members as the General Management Committee determines as being appropriate;

(iii) be representative of the diversities of the composition of the Association, taking into account population categories, specific interest groups within Member Councils, and regional diversities; and

(iv) contain such employees of Members who may be appropriate in assisting with consideration of the specific issue being examined by the Sub-committee.

(c) A Sub-committee shall:

(i) carry out such delegations as may be given to it by a Meeting of the Association, in which case the Sub-committee need only report back to General Meetings upon progress of the matter; or

(ii) investigate and report upon the specific issue to a Meeting of the Association; and

(iii) act in accordance with policies established by a Meeting of the Association.

(d) At any meeting of a Sub-committee, no business shall be transacted unless there is a majority of the Sub-committee present.

RULES FOR CONDUCT OF DEBATE

The rules of procedure for the conduct of debates at Meetings of the Association and within Sub-committees and the General Management Committee shall be as follows:

32. AUTHORITY OF THE CHAIR

(a) The Chair shall be heard without interruption.

(b) The Chair may call any representative to order whenever, in the opinion of the Chair, the necessity arises to do so.

(c) The ruling of the Chair on all questions of order or the proper conduct of the meeting shall be final.

33. ORDER OF BUSINESS

(a) At every meeting, the first business shall be the confirmation of the minutes of the previous meeting, and no discussion shall be permitted in relation to those minutes except as to their accuracy as a record of proceedings.

(b) The order of business at any meeting shall be as in the notice of the meeting, but such order may be altered by resolution to that effect.

34. DEBATE OF MOTIONS

(a) A motion shall not be debated until it has been seconded.

(b) When a motion has been proposed and seconded, it shall become subject to the control of the meeting, and shall not be withdrawn without the consent of the meeting.

(c) Nothing shall prevent either a Meeting of the Association or the General Management Committee from dealing with any issue "in committee" and making only its conclusions public.

35. AMENDMENT OF MOTIONS

(a) When a motion has been proposed and seconded, a Member may move an amendment, but such amendment shall not be debated until it has been seconded.

(b) A second or subsequent amendment shall not be considered until the previous amendment has been dealt with.

(c) If an amendment has been carried, the motion as amended shall become the motion before the meeting, whereupon any further amendment upon such motion may be moved.

(d) If an amendment, whether on the original motion or on an amended motion, is lost, a further amendment to the motion before the meeting may be moved.

36. SPEAKING TO MOTIONS

(a) A Member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any Member who has seconded any motion or amendment, without any further observation than that they second the same, may speak once on every such motion or amendment.

(b) Subject to these Rules, every Member, other than the mover of the original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereto.

(c) Except with the consent of the meeting, a Member shall not speak more than once on any motion unless misunderstood or misrepresented, in which case the speaker shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

(d) Except with the consent of the meeting, a speaker shall not speak for more than 3 minutes at any one time, except that the mover of the original motion in their opening speech may speak for 5 minutes.

(e) At the discretion of the Chair, when a motion or amendment has been moved and seconded, further speech in support of such motion shall not be heard until someone shall have spoken in opposition to such motion, and thereafter speakers shall only be entitled to speak for or against the motion in rotation PROVIDED that in any case where the same motion has been submitted by more than one Member, a representative from each Member so submitting the motion shall be entitled to be heard.

(f) Every speaker shall confine his or her remarks to the matter under consideration.

(g) The Chair may call the attention of the meeting to continued irrelevance or tedious repetition on the part of any speaker, and may direct the speaker to discontinue.

(h) No speaker shall make personal reflections on or impute improper motives to any other speaker.

(i) If 2 or more representatives rise to speak at the same time, the Chair shall decide which shall be first heard.

(j) A Member shall be represented by the Voting Representative, unless an observer has been introduced to the Chair for that debate.

37. POINTS OF ORDER

(a) Any representative who considers that any other representative is out of order may call the attention of the Chair thereto.

(b) Upon a question being raised, the representative called to order shall immediately resume his or her seat unless explicitly permitted to offer an explanation, retraction or apology, in which case the representative may explain, retract or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction or apology is deemed satisfactory, no further discussion on the question of order shall be permitted.

38. CLOSURE OF DEBATE

(a) The closure of a debate may be obtained by a motion, according to the evident sense of the meeting, "that the question be now put", and discussion shall not ensue thereon.

39. HOW QUESTIONS ARE TO BE PUT

(a) The Chair shall put to the meeting all questions on which it is necessary that a vote be taken, first in the affirmative and then in the negative and Voting Representatives shall, subject to Rule 16(h)(ii), vote:

(i) at a Meeting of the Association, by voting cards identifying their voting entitlements in accordance with these Rules; or

(ii) at meetings, other than a Meeting of the Association, by show of hands,

and the Chair shall declare the result to the meeting.

(b) The Chair may put any question as often as is necessary to enable the Chair to form an opinion as to the result of the voting, or the Chair may appoint tellers to count the number of votes for and against the question, and to announce the result to the meeting.

(c) Alternative methods of putting the question are permissible if deemed appropriate by the Chair.

40. SUSPENSION OF RULES

(a) Any one or more of the rules of procedure for debate may be suspended by resolution at any Meeting of the Association PROVIDED that there shall be a distinct statement in every such resolution of the purpose and duration of the suspension, and that for every matter for which suspension is required there shall be a separate resolution.

(b) In addition to Rule 40(a), the rules of procedure for debate will be automatically suspended:

(i) whilst the meeting is being addressed by a guest speaker in respect of a subject matter not the subject of a motion at the meeting and during questioning of the guest speaker; and

(ii) during any discussion in respect of a subject matter not the subject of a motion at the meeting and determined by the Chair to not require the rules of procedure for debate to apply.

41. VALIDITY OF PROCEEDINGS

Business conducted at any meeting at which a quorum is present is valid notwithstanding:

(a) that there is some defect in the appointment of any representative present at that meeting; or

(b) that there is an informality or irregularity in the proceedings to which attention is not called at the time, provided that such want of formality or irregularity does not materially affect the results of such proceedings.

EMPLOYEES

42. CHIEF EXECUTIVE OFFICER

(a) The Chief Executive Officer has the following powers and functions:

(i) to provide advice to Members, Meetings of the Association, the General Management Committee and any Sub-committees;

(ii) to co-ordinate the development of objectives, policies and programs for consideration by Meetings of the Association or the General Management Committee;

(iii) to prepare strategic and operational plans for the Association;

(iv) to manage the resources of the Association;

(v) to establish and maintain human resource policies and procedures;

(vi) to appoint employees of the Association in accordance with approved organisational structures and policies, to allocate duties to employees, and to suspend or dismiss employees; and

(vii) to sign contracts on behalf of the Association.

(b) The Chief Executive Officer shall be responsible to the General Management Committee.

43. EMPLOYEES

The employees of the Association shall be responsible to the Chief Executive Officer.

FINANCES

44. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of July and end on the 30th day of June in the following year.

45. SUBSCRIPTIONS

(a) Every Member shall pay such annual subscriptions as are set and determined in accordance with these Rules.

(i) Each Council will pay an equal share as a flat fee, with the total to be equal to 40% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(ii) Each Council will be placed within the appropriate population category as reported by the ABS annually. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(iii) Each Council will be placed within the appropriate total assessed revenue category, as reported in the Annual Report of the State Grants Commission. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(iv) At the absolute discretion of the General Management Committee, rounding up or down of the percentages referred to in Rule 45(b)(ii) and 45(b)(iii) may occur in the development of the budget for approval at the Annual General Meeting.

(v) The category parameters for Assessed Revenue are to be adjusted in line with the annual Council Cost Index as set by the Association.

(b) The subscriptions formula as set out above and the average percent payable by each category shall apply as of 1 July 2018.

(c) The annual subscription is due and payable at the office of the Association on the first day of July in the financial year to which it relates. The subscription must be paid within one month after a written notice specifying the amount payable has been delivered or sent by post to the General Manager of the Member.

Population Categories

Population	Category number	Percentage
<1000	1	0
1,000 to 4,999	2	0.5
5,000 to 9,999	3	2.5
10,000 to 14,999	4	3.0
15,000 to 24,999	5	4.5
25,000 to 34,999	6	5.5
35,000 to 54,999	7	6.6
55,000+	8	7.6

Revenue categories

Revenue range		Category number	Percentage
$0.00	$4,999,999.00	1	0.8
$5,000,000.00	$7,999,999.00	2	2.0
$8,000,000.00	$9,999,999.00	3	2.5
$10,000,000.00	$14,999,999.00	4	3.5
$15,000,000.00	$24,999,999.00	5	4.8
$25,000,000.00	$34,999,999.00	6	5.8
$35,000,000.00	$59,999,999.00	7	6.8
$60,000,000.00	and above	8	7.0

46. ACCOUNTS

The General Management Committee shall ensure that the accounts of the Association comply with relevant requirements prescribed in the Act and are in accordance with relevant current accounting standards.

47. SITTING FEES AND EXPENSES

(a) Members of the General Management Committee and members of Sub-committees shall be entitled to any allowance or sitting fee determined.

(b) Members of the General Management Committee and members of Sub-committees shall be reimbursed for reasonable expenses incurred in carrying out the duties of office in relation to telephone rental, telephone calls, travelling and care of any child of the member by a licensed carer.

MISCELLANEOUS

48. IMMUNITY PROVISION

A Member, an employee of a Member, an elected representative of a Member and an employee of the Association is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or in the performance or purported performance of a function of the Association either under these Rules, the Act or any other Act (whether State or Commonwealth) or Regulations.

49. LEGAL OPINIONS

(a) Where the General Management Committee, on its own behalf or following a submission from a Member, believes that an issue has major ramifications for Local Government within the State of Tasmania, then the General Management Committee may request an opinion upon the matter from any legal advisers of the Association.

(b) A copy of a legal opinion so obtained by the General Management Committee shall be forwarded to every Member.

(c) The cost of the opinion and its distribution to every Member shall be met from the general funds of the Association.

50. NOMINATIONS TO OUTSIDE BODIES

(a) Where the Association is requested to make nominations to any body, then the General Management Committee is empowered to nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

(b) Where any Act or Regulation states that an Alderman, Councillor, or an employee of a Council, Local Government regional authority or an employee of the Association cannot be a representative upon the subject body, then the General Management Committee shall nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

51. COMMON SEAL OF THE ASSOCIATION

(a) The Chief Executive Officer shall have the custody of the Common Seal.

(b) The Common Seal shall not be attached to any document without an express order of the General Management Committee, unless to authenticate any document, or to comply with the provisions of any rule directing that such seal shall be attached to any document.

(c) In every case where the Seal has been ordered to be attached to any document, such document shall also be signed by the President (or, in the case of the absence or illness of the President, by the Vice President and one member of the General Management Committee) and countersigned by the Chief Executive Officer.

52. NOTICES AND COMMUNICATIONS

Any notice or other communication under these Rules shall be in writing and shall be delivered by post or by facsimile or email transmission to a party at the address, facsimile number or email address as the party may from time to time notify to the Association. All notices and communications under these Rules (unless otherwise specified) shall be effective only upon receipt.

53. **LGAT ASSIST**

The General Management Committee is responsible for the management and operation of the monies of the Association identified as LGAT ASSIST, which responsibility will be fulfilled by the General Management Committee:

(a) approving appointments to the Board of LGAT ASSIST;

(b) approving the rules to be adopted by LGAT ASSIST;

(c) approving interest rates in accordance with the rules to be adopted by LGAT ASSIST; and

(d) other than the matters set out in (a) to (c) above, delegating its powers, duties and discretions in respect of the management and operation of the monies of the Association identified as LGAT ASSIST to the Board of LGAT ASSIST.

54. WINDING UP

Upon the winding up and dissolution of the Association, any property that remains after the satisfaction of its debts and liabilities shall be given and transferred to Member Councils in equal shares.