



Alwyndor Management
Committee

NOTICE OF MEETING

Notice is hereby given that a meeting of the Alwyndor Management Committee will be held in the

**Alwyndor Aged Care Meeting Room
Dunrobin Road, Hove**

Thursday 15 August 2019 at 6.30pm

Roberto Bria
CHIEF EXECUTIVE OFFICER

Alwyndor Management Committee Agenda

1. OPENING

The Chairperson, Mr K Cheater will declare the meeting open at 6.30 pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. APOLOGIES

3.1 Apologies received

3.2 Absent

4. DECLARATION OF INTEREST

If a Committee Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Committee they are asked to disclose the interest to the Committee and provide full and accurate details of the relevant interest. Committee Members are reminded to declare their interest before each item.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Previous Meeting

Motion

That the minutes of the Alwyndor Management Committee held on 18 July 2019 be taken as read and confirmed.

5.2 Confidential Minutes

Motion

That the confidential minutes of the Alwyndor Management Committee held on 18 July 2019 be taken as read and confirmed.

6. REVIEW OF ACTION ITEMS

6.1 Action Items

6.2 Confidential Action Items

7. REPORTS/ITEMS OF BUSINESS

7.1 General Manager's Report (Report No: 29/19)

8. CONFIDENTIAL

- 8.1 Short-term Strategy - Action Plan and Progress - August 2019 (Report No: 33/19)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Alwyndor Management Committee Members upon the basis that the Alwyndor Management Committee consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Alwyndor Management Committee will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

- 8.2 Monthly Clinical Risk and Quality Report – August 2019 (Report No: 31/19)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Alwyndor Management Committee Members upon the basis that the Alwyndor Management Committee consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Alwyndor Management Committee will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

- 8.3 Draft Corporate Risk Register (Report No: 30/19)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Alwyndor Management Committee Members upon the basis that the Alwyndor Management Committee consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Alwyndor Management Committee will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

- 8.4 Monthly Financial Report – July 2019 (Report No: 32/19)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Alwyndor Management Committee Members upon the basis that the Alwyndor Management Committee consider the Report and the documents

in confidence under Part 3 of the Act, specifically on the basis that Alwyndor Management Committee will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

9. URGENT BUSINESS – Subject to the Leave of the Meeting

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on Thursday 19 September 2019 in the Meeting Room, Alwyndor Aged Care, 52 Dunrobin Road, Hove.

11. CLOSURE

**ROBERTO BRIA
CHIEF EXECUTIVE OFFICER**

CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held at Alwyndor Aged Care, Dunrobin Road, Hove on Thursday 18 July 2019 at 6.30pm.

PRESENT

Elected Members

Councillor P Chabrel
Councillor S Lonie

Independent Members

Chairperson – Ms T Aukett
Mr T Bamford
Ms J Bonnici
Mr K Cheater
Mr K Whitford

Staff

Chief Executive Officer – Mr R Bria
Acting General Manager Alwyndor – Mr B Capes
Personal Assistant – Ms R Gordon
Residential Services Manager – Mr G Harding

Guests

Dr J Grealy, Tierra Health

1. OPENING

The Chairperson declared the meeting open at 6.33pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chairperson stated:

We acknowledge the Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. APOLOGIES

3.1 For Absence - Nil

3.2 Leave of Absence - Ms J Cudsi

4. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Previous Meeting

Motion

That the minutes of the Alwyndor Management Committee held on 20 June 2019 be taken as read and confirmed.

Moved Cr Lonie, Seconded Cr Chabrel

Carried

5.2 Confidential Minutes of the Previous Meeting

Motion

That the confidential minutes of the Alwyndor Management Committee held on 20 June 2019 be taken as read and confirmed.

Moved Ms Bonnici, Seconded Cr Lonie

Carried

6. REVIEW OF ACTION ITEMS

6.1 Action Items

Action items were reviewed by the Committee.

6.2 Confidential Action Items

Confidential action items were reviewed by the Committee.

7. REPORTS/ITEMS OF BUSINESS

7.1 **Appointment of Chairperson and Deputy Chairperson and Re-appointment of Members to the Alwyndor Management Committee (Report No: 23/19)**

At the first meeting of the Management Committee in every financial year, the AMC shall appoint, for an annual term, a Chairperson and a Deputy Chairperson from amongst the Management Committee Members. The incumbent office bearers shall be eligible for reappointment at the expiry of their term, at the AMC's discretion.

The AMC may make recommendations to the Council regarding the reappointment of any member at the expiration of the member's term of office which reappointment shall be entirely in the discretion of the Council.

The Chairperson commended members of the Committee for their commitment to Alwyndor.

Motion

That the Alwyndor Management Committee declares the positions of Chairperson and Deputy Chairperson vacant and appoints the Acting General Manager to act as the Returning Officer for the election of Chairperson and Deputy Chairperson.

Moved Mr Bamford, Seconded Ms Aukett

Carried

The Acting General Manager sought nominations for the positions of Chairperson and Deputy Chairperson.

Chairperson

As there was only one nomination for the position of Chairperson, the Returning Officer declared that Mr Cheater was elected Chairperson of the Alwyndor Management Committee.

Deputy Chairperson

As there was only one nomination for the position of Deputy Chairperson, the Returning Officer declared that Ms Bonnici was elected Deputy Chairperson of the Alwyndor Management Committee.

Motion

That the Alwyndor Management Committee:

- 1. Appoints Mr Kim Cheater to the position of Chairperson for the year ending 30 June 2020; and that Council be advised accordingly.**
- 2. Appoints Ms Julie Bonnici to the position of Deputy Chairperson for the year ending 30 June 2020; and that Council be advised accordingly.**

Moved Mr Whitford, Seconded Cr Lonie

Carried

The Returning Officer then vacated the Chair, and Mr Cheater assumed the role of Chairperson for the remainder of the meeting.

The incoming Chairperson, Mr Cheater thanked Ms Aukett for her leadership of the AMC over the past year.

Member re-appointment

The Chairperson sought expressions of interest from members seeking reappointment to the Alwyndor Management Committee following the expiration of the members' term of office.

Motion

- 3. Recommends to Council the reappointment of Ms Julie Bonnici, Mr Todd Bamford, and Ms Julia Cudsi to a two-year term as a member of the Alwyndor Management Committee.**

Moved Cr Chabrel, Seconded Mr Whitford

Carried

Leave of the Meeting

The Chairperson sought leave of the meeting to change the order of the Reports on the Agenda, Report No: 26/19 Short-term Strategy – Action Plan and Progress – July 2019, then Report No: 27/19 Residential Services Update, then Report No: 25/19 Monthly Financial Report – June 2019.

Leave of the meeting was granted.

8. CONFIDENTIAL

- 8.1 **Short-term Strategy - Action Plan and Progress - July 2019** (Report No: 26/19)

Exclusion of the Public – Section 90(3)(d) Order

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 26/19 Short-term Strategy – Action Plan and Progress – July 2019 in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 26/19 Short-term Strategy – Action Plan and Progress – July 2019 on the following grounds:**
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party as the knowledge of our requirements to employ additional resources may provide a commercial advantage to a third party regarding the sourcing and employment of those resources.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to

the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr Lonie, Seconded Cr Chabrel

Carried

Motion

RETAIN IN CONFIDENCE - Section 91(7) Order

5. That having considered Agenda Item 8.1 Short-term Strategy – Action Plan and Progress – July 2019 (Report No: 26/19) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor, pursuant to section 91(7) of that Act orders that the Report, Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Mr Bamford, Seconded Mr Whitford

Carried

8.2 Residential Services Update (Report No: 27/19)

Exclusion of the Public – Section 90(3)(b) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 27/19 Residential Services Update in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 27/19 Residential Services Update on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Alwyndor Management Committee would prejudice the commercial position of Alwyndor in that it may impact Alwyndor's ability to be commercially competitive.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr Lonie, Seconded Mr Whitford

Carried

Motion

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 8.2 Residential Services Update (Report No: 27/19) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Alwyndor, pursuant to section 91(7) of that Act orders that the Report, Attachment and Minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Ms Aukett, Seconded Mr Bamford

Carried

Mr Harding left the meeting at 8.02pm

8.3 **Monthly Financial Report – June 2019** (Report No: 25/19)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 25/19 Monthly Financial Report – June 2019 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 25/19 Monthly Financial Report – June 2019 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition

Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Cr Lonie, Seconded Mr Bamford

Carried

Motion

RETAIN IN CONFIDENCE - Section 91(7) Order

- 4. That having considered Agenda Item 8.3 Monthly Financial Report – June 2019 (Report No: 25/19) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Report, Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.**

Moved Cr Lonie, Seconded Mr Bamford

Carried

The order of the meeting resumed.

7.2 Acting General Manager's Report (Report No: 24/19)

These items are presented for the information of Members. After noting the report any items of interest can be discussed and, if required, further motions proposed.

The Committee noted the Acting General Manager's Report.

The Acting General Manager provided an update on the allergy hazard noted at the previous meeting, advising that this was a potential, not actual, hazard and the actions were taken as preventative measures.

The Acting General Manager also informed the Committee of an error on the WHS report advising that the actual figure for Incidents by Department for June should be 2.

The Committee noted the feedback analysis report and indicated that it requires more analysis and refining.

The Acting General Manager provided a verbal update on legal and industrial matters, advising that the result of a case appeal had been received and a Directions Hearing has been scheduled.

Cr Lonie left the meeting at 8.21pm.

Cr Lonie re-joined the meeting at 8.22pm.

The Acting General Manager confirmed that an Enterprise Agreement negotiations meeting was held on 8 July advising that we had received a claim from the ANMF and are awaiting the ASU's claim. The next negotiation meeting will be held in August.

The Acting General Manager advised that the new Finance Manager commences on Monday.

The Committee noted the New Aged Care Standards summary and Standard 8 as provided.

Motion

That the following items be noted and items of interest discussed:

- 1. Meeting Dates and Task Schedule**
- 2. WHS Report**
- 3. Corporate Risk Register**
- 4. Feedback Analysis Report**
- 5. Legal and Industrial Matters**
- 6. Enterprise Bargaining Agreement Update**
- 7. General Update**
- 8. New Aged Care Standards**

Moved Ms Bonnici, Seconded Cr Lonie

Carried

7.3 Instruments of Delegation for the Alwyndor Management Committee and General Manager Alwyndor (Report No: 28/19)

The City of Holdfast Bay has as part of its annual review of delegations (a legislatively required review), adopted a new Instrument of Delegation under the *Local Government Act 1999* (the Act), due to legislative changes to the Act.

Subsequent to Council adopting these delegations, the delegations from Council to the Alwyndor Management Committee under the Act, which were the same as previous, were re-delegated and to come into effect from 12.00am 1 August 2019.

Council re-delegated powers to the General Manager, Alwyndor under the Act, which were the same as previous.

The Committee noted the report and that the Aged Care Act Delegations were not provided and requested that these be tabled at the next meeting.

Motion

That the Alwyndor Management Committee:

- 1. notes the Instrument Delegation under the *Local Government Act 1999* delegated 25 June 2019 to the Alwyndor Management Committee, effective from 12.00am on 1 August 2019 as per Instrument of Sub-Delegation dated 25 June 2019; and**
- 2. notes the Instrument of Delegation under the *Local Government Act 1999* delegated 25 June 2019 to the General Manager, Alwyndor.**

Moved Cr Lonie, Seconded Ms Aukett

Carried

9. URGENT BUSINESS – Subject to the leave of the meeting

Nil

9. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on Thursday 15 August 2019 in the Meeting Room, Alwyndor Aged Care, 52 Dunrobin Road, Hove.

10. CLOSURE

The meeting closed at 8.30 pm.

CONFIRMED 15 August 2019

CHAIRPERSON

AMC ACTION ITEMS

Meeting	Confidential Agenda Item	Action Required	Responsibility	Due Date	Current Status
18-Dec-18 (motion edited)	7.7 Annual Review of Investments	That a review of the process and reporting to ensure maximising returns to Alwyndor, managing liquidity and complying with Council policy with regard to the investment of funds including an investment policy and liquidity management.	FA; A/g GM	18/04/2019 17-Oct-19	In progress
21-Mar-19	6.1 Review of Action Items	That the AMC strategic planning session be delayed until the appointment of a GM.	A/g GM; PA	TBC	On Hold
21-Mar-19	7.3 Acting General Manager's Report	That the AMC be presented the results of the Governance & Operations Committee review on how recommendations of the Consumer Engagement Survey will be received and actioned.	A/g GM	18/04/2019 15-Sep-19	In progress. Refer minutes of Acting General Manager's report 16/19.
24-Apr-19	7.2 Acting General Manager's Report	That an internal Register of Key Personnel be developed once formal delegations are confirmed by council administration.	A/g GM (QM)	20/06/2019 15-Sep-19	In progress.
24-Apr-19	7.2 Acting General Manager's Report	That the Acting General Manager engage a third party to construct a governance framework, taking into consideration advice received, requirements of the Aged Care and Local Government Acts and previously drafted documents.	A/g GM	ASAP	In progress.
24-Apr-19	7.2 Acting General Manager's Report	That a AMC Governance Sub-Committee be formed for the review of draft Governance Framework and draft Terms of Reference	Chairperson; A/g GM	16/05/2019 15-Sep-19	In progress.
24-Apr-19	7.2 Acting General Manager's Report	That some tracking data based on external advertising be presented at an upcoming meeting	C&EA	3/05/2019 21-Nov-19	In progress.
16-May-19	7.1 Acting General Manager's Report	The Acting Chief Executive Officer agreed to seek advice and confirm whether Committee members are Responsible/Prescribed Officers under the Act. The Committee indicated that if members are Officers under the Act, ongoing due diligence reports would be required.	CEO	20/06/2019 15-Sep-19	In progress. CEO seeking additional advice (verbal update provided 20/6)

AMC ACTION ITEMS

16-May-19	7.1 Acting General Manager's Report	That a position paper on the issues relating to cameras in rooms be presented at the September meeting of the Alwyndor Management Committee.	COO	6-Sep-19	In progress.
18-Jul-19	7.2 Acting General Manager's Report	That the RSM attend the next few AMC meetings	GM; RSM	5-Aug-19	In progress.
18-Jul-19	7.2 Acting General Manager's Report	That the WHS report provides a breakdown of risk ratings, either with dates or colour code current.	GM; WHS	5-Aug-19	In progress.
18-Jul-19	7.2 Acting General Manager's Report	That Management refine the feedback report to be clear on systemic issues and what is critical for AMC to note (and ensure Residential is re-introduced).	BPIC; SQM	5-Aug-19	In progress.
18-Jul-19	7.3 Instrument of Delegation for the AMC and GM Alwyndor	That the Aged Care Act Delegations (missing from report) be tabled at the next meeting	GM; PA	5-Aug-19	Complete.

Item No: **7.1**

Subject: **ACTING GENERAL MANAGER'S REPORT**

Date: 15 August 2019

Written By: Acting General Manager

A/g General Manager: Alwyndor, Mr B Capes

SUMMARY

These items are presented for the information of Members. After noting the report any items of interest can be discussed and, if required, further motions proposed.

RECOMMENDATION

1. **That the following items be noted by the Alwyndor Management Committee and items of interest discussed:**
 1. **Meeting Dates and Task Schedule**
 2. **WHS Report**
 3. **Corporate Risk Register**
 4. **Feedback Analysis Report**
 5. **Legal and Industrial Matters**
 6. **Enterprise Bargaining Agreement Update**
 7. **General Update**
 8. **AMC Terms of Reference Update**
 9. **Re-appointment of Members to the AMC**
 10. **Corporate Governance Committee Structure and Framework Update**
 11. **Alwyndor Instrument of Delegations – Aged Care Act**
 12. **City of Holdfast Bay Code of Practice – Meeting Procedures Update**

 2. **That the Alwyndor Management Committee note the adjusted corporate governance committee structure.**
-

COMMUNITY PLAN

Community: Building a healthy, active and resilient community

Culture: Providing customer-centred services

Culture: Enabling high performance

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

REPORT

Standing Items

1. **Meeting Dates and Task Schedule**

The register of meeting dates with attendance and annual governance task schedule listing are attached for reference.

Refer Attachment 1

2. **WHS Report**

A monthly progress report on WHS is provided for information.

Refer Attachment 2

3. **Corporate Risk Register**

Please refer to separate agenda item.

4. **Feedback Analysis Report**

An analysis of the feedback for the month of October is provided for information.

Refer Attachment 3

5. **Legal and Industrial Matters**

The General Manager will provide a verbal update on any legal or industrial matters.

Other Items

6. **Enterprise Bargaining Agreement Update**

The next negotiations meeting will occur on 15 August 2019.

7. **General Update**

The Acting General Manager will provide a general update.

8. **AMC Terms of Reference Update**

A recommendation was presented to Council, with the draft July AMC meeting minutes, for the AMC Terms of Reference to be updated to reflect the new Aged Care Standards. The Council will meet on Tuesday, 13 August. The Acting General Manager will provide a verbal update on the outcome of this recommendation.

9. **Re-appointment of Members to the AMC**

A recommendation was presented to Council, with the draft July AMC meeting minutes, for the re-appointment of Ms Bonnici, Mr Bamford and Ms Cudsi to the AMC. The Council will meet on Tuesday, 13 August therefore the Acting General Manager will provide a verbal update on the outcome of this recommendation.

10. **Corporate Governance Committee Structure and Framework update**

A review of the corporate governance reporting structure has been undertaken by the Governance and Operations Committee. The adjusted structure is outlined at attachment 5 to this report.

Refer Attachment 4

11. **Alwyndor Instrument of Delegations – Aged Care Act**

Report 28/19 *Instruments of Delegation for the Alwyndor Management Committee and General Manager Alwyndor* was presented to the Alwyndor Management Committee in July 2019. Further to this report, the Aged Care Act Delegations are provided for information.

Refer Attachment 5

During Council's Delegation review it was confirmed by Kelledy Jones lawyers, who reviewed the legislation and delegations under the Aged Care Act, that there were no changes to the Act so the Delegations are as previous. The Delegations aligns with the Instrument of Delegation dated 12th December 2017 under the Aged Care Act 1997.

12. **City of Holdfast Bay Code of Practice – Meeting Procedures Update**

At its meeting held on 9 July 2019, Council adopted a revised Code of Practice – Meeting Procedures. A copy of the report and updated Code of Practice – Meeting Procedures is provided for members' information.

Refer Attachment 6



ATTACHMENT 1

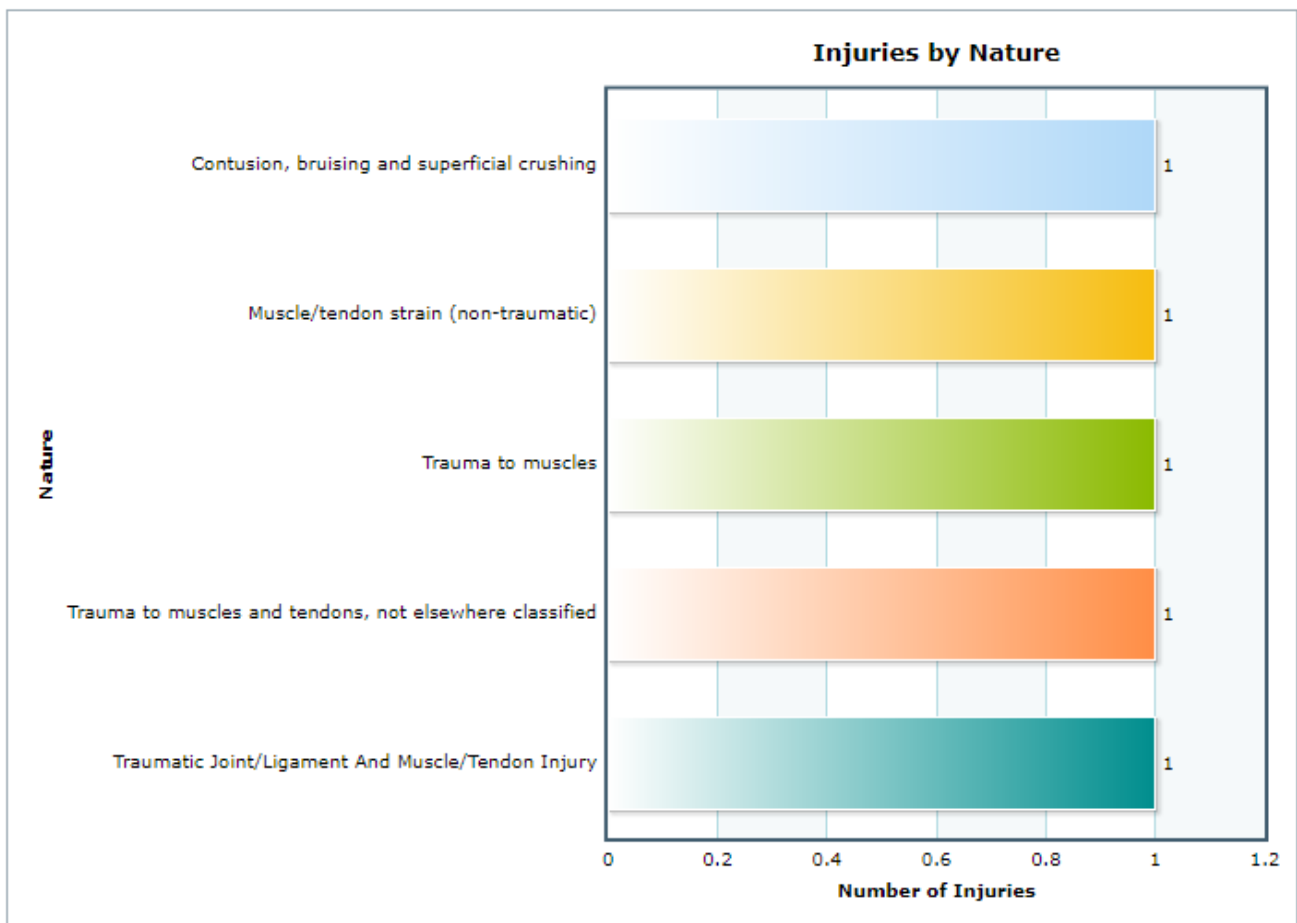


ATTACHMENT 2

Injury and Workers Compensation Claims

Year	2019-2020	2018-2019	2017-2018
Number of Injuries	5		
Number of Claims for YTD	2		
Number of Lost Time Injuries (LTI)	1		
Number of Days to LTI	4		
Current Open Claims	2	3	1
Undetermined	2	2	

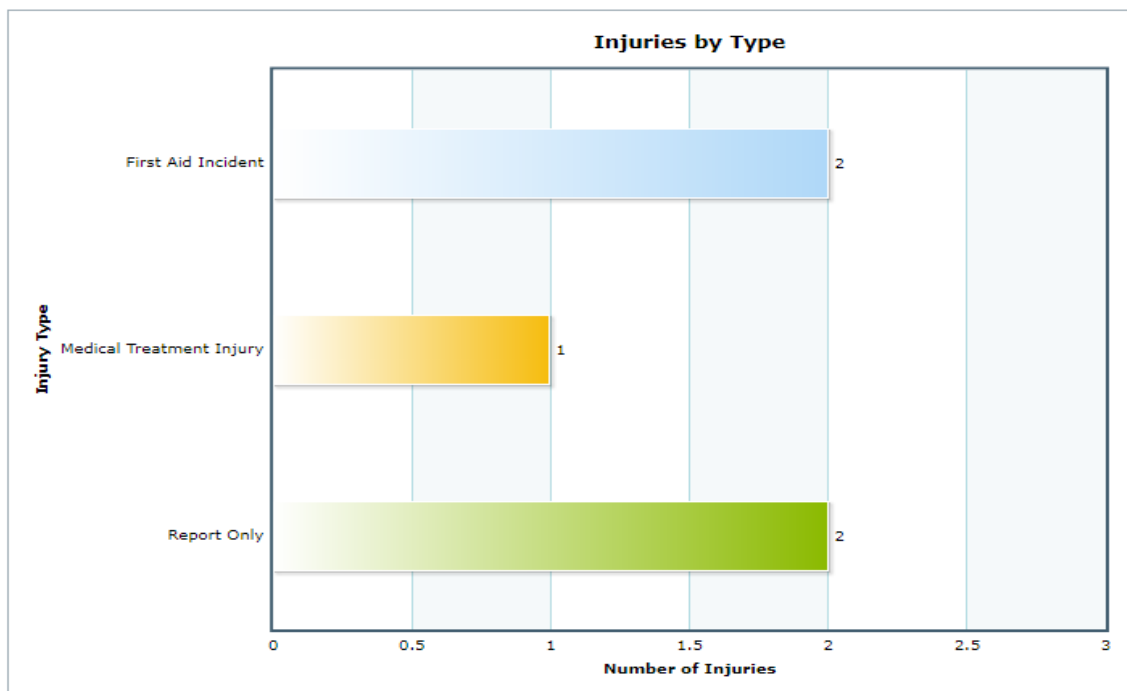
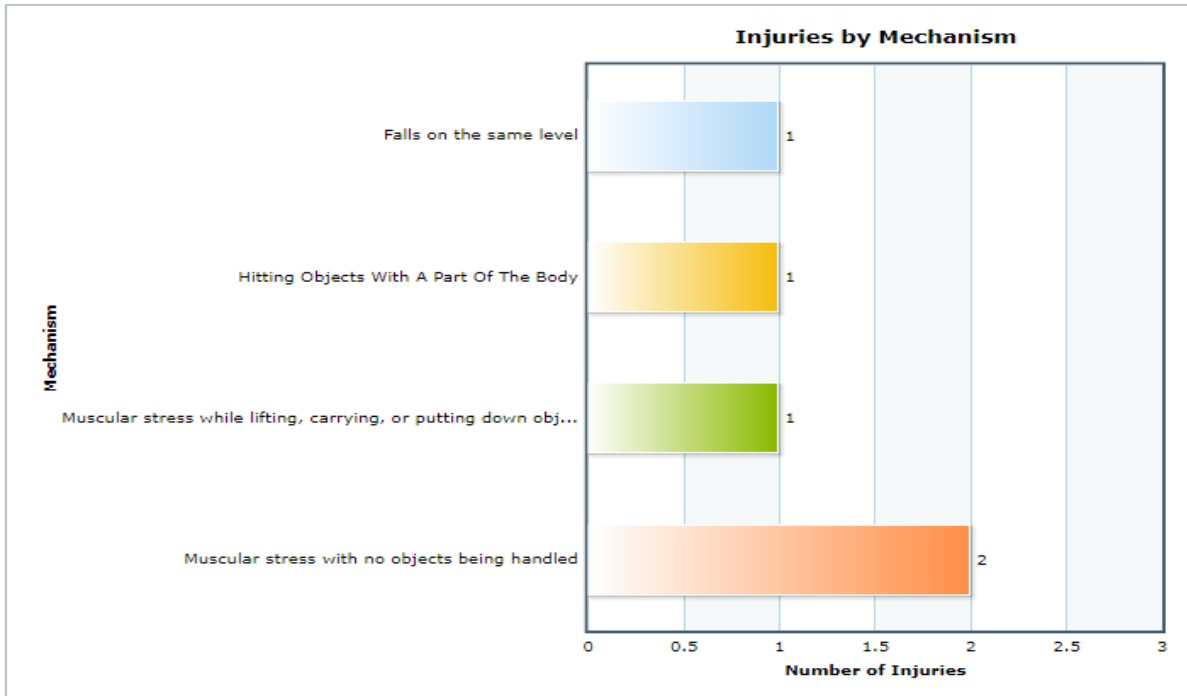
- One claim during July was from an injury sustained June 2109.



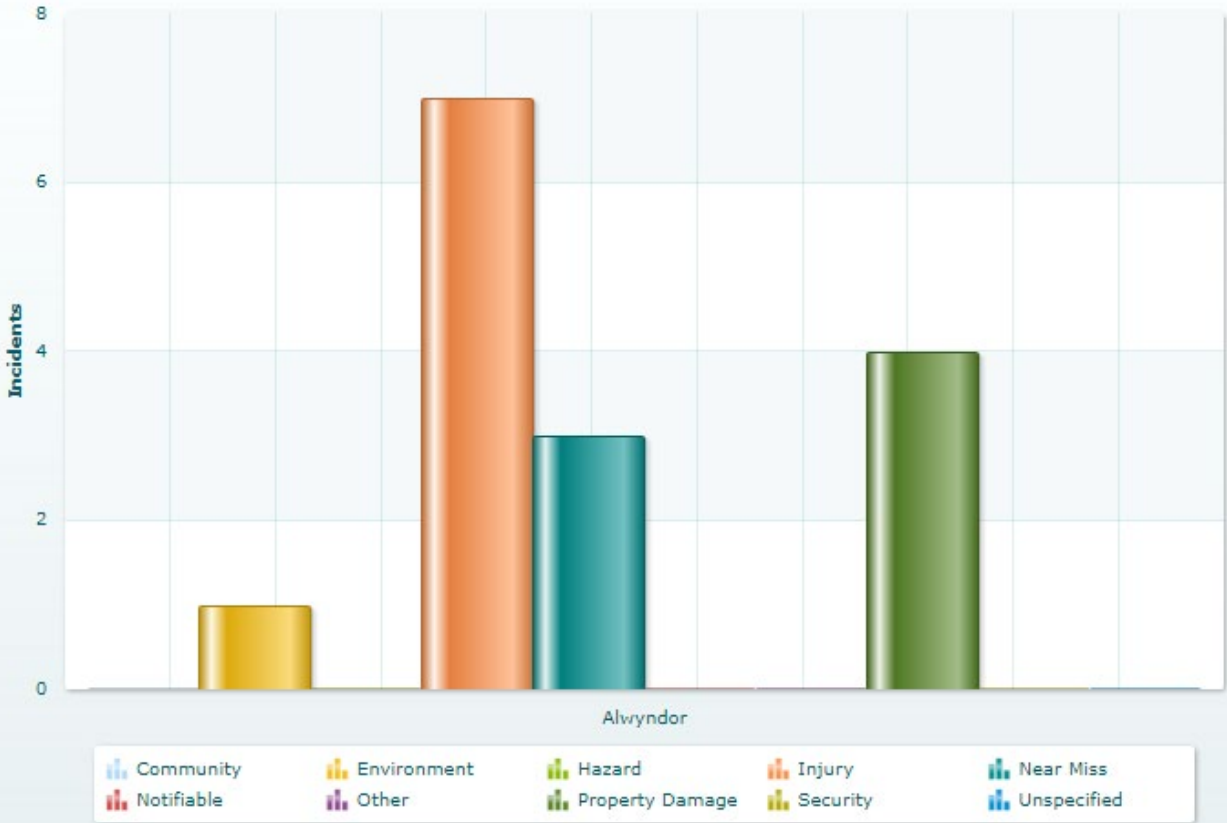
Incidents & Hazards

- Incident and Hazards are now being raised via the Skytrust QHSE software system as per LGA requirements.
- Reporting from the system is minimal, however Alwyndor will endeavour to work with the Administrators to develop further reporting to fit Alwyndor's needs.
- There were no high risk incidents recorded during July.

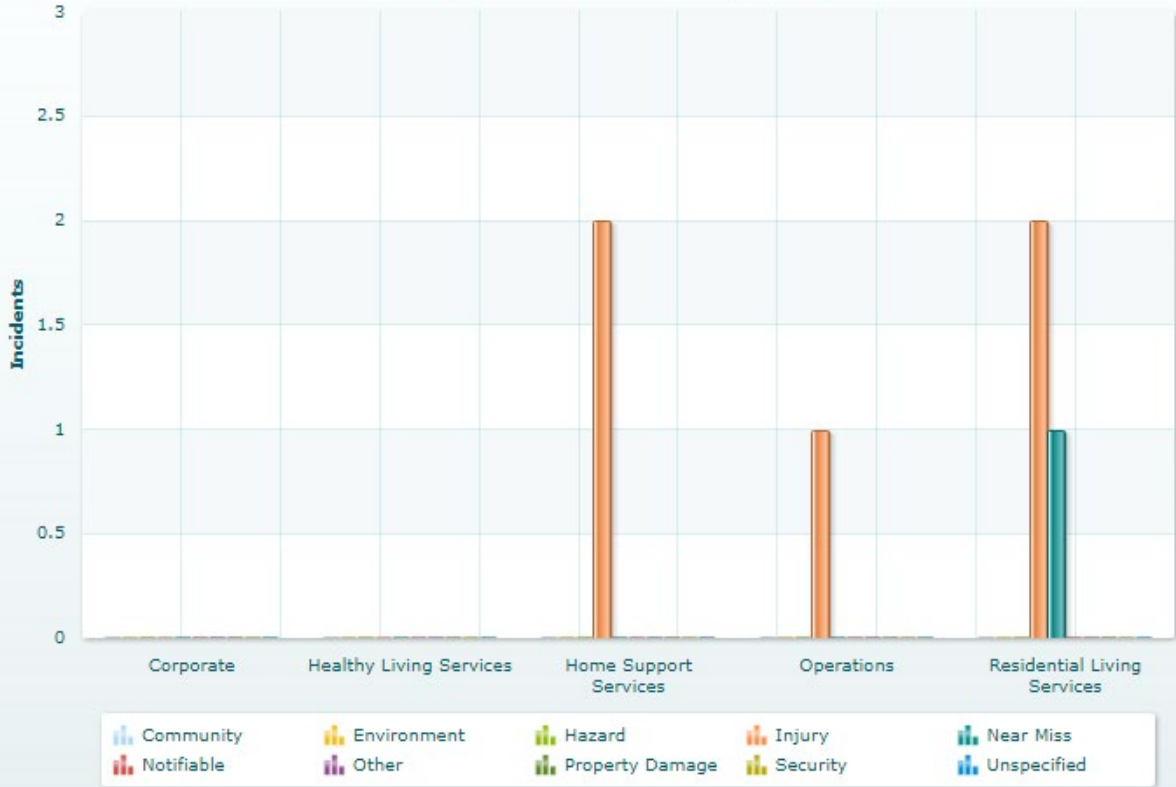
Incident Summary Report for July 2019



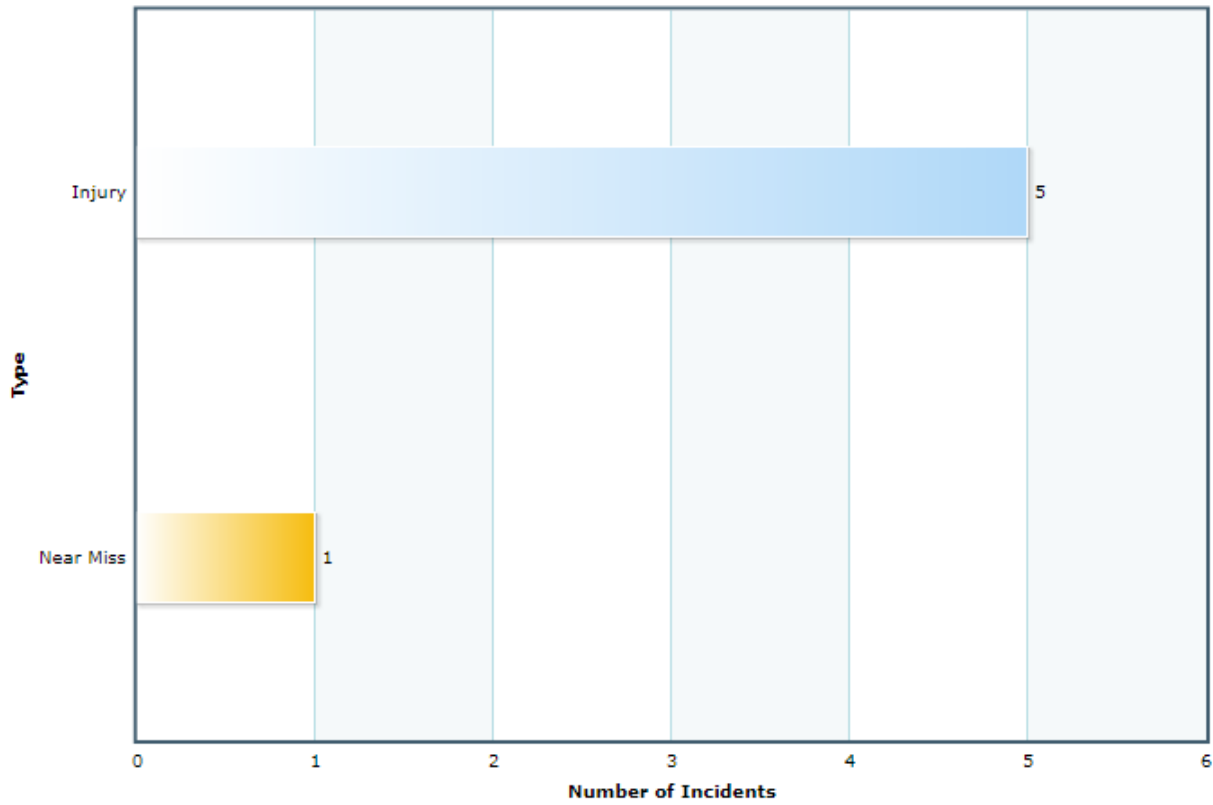
Incident Outcome Per Business Unit



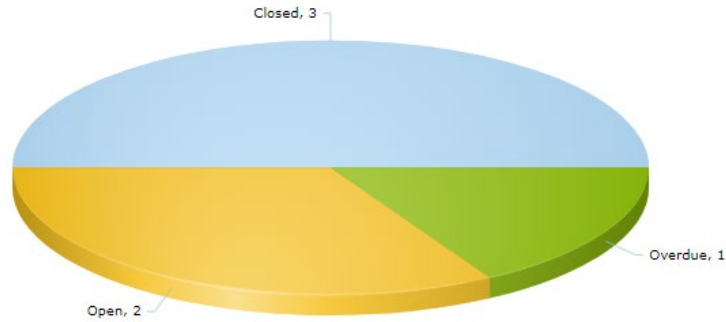
Incident Outcome Per Department



Incidents by Type 01/07/2019 - 31/07/2019



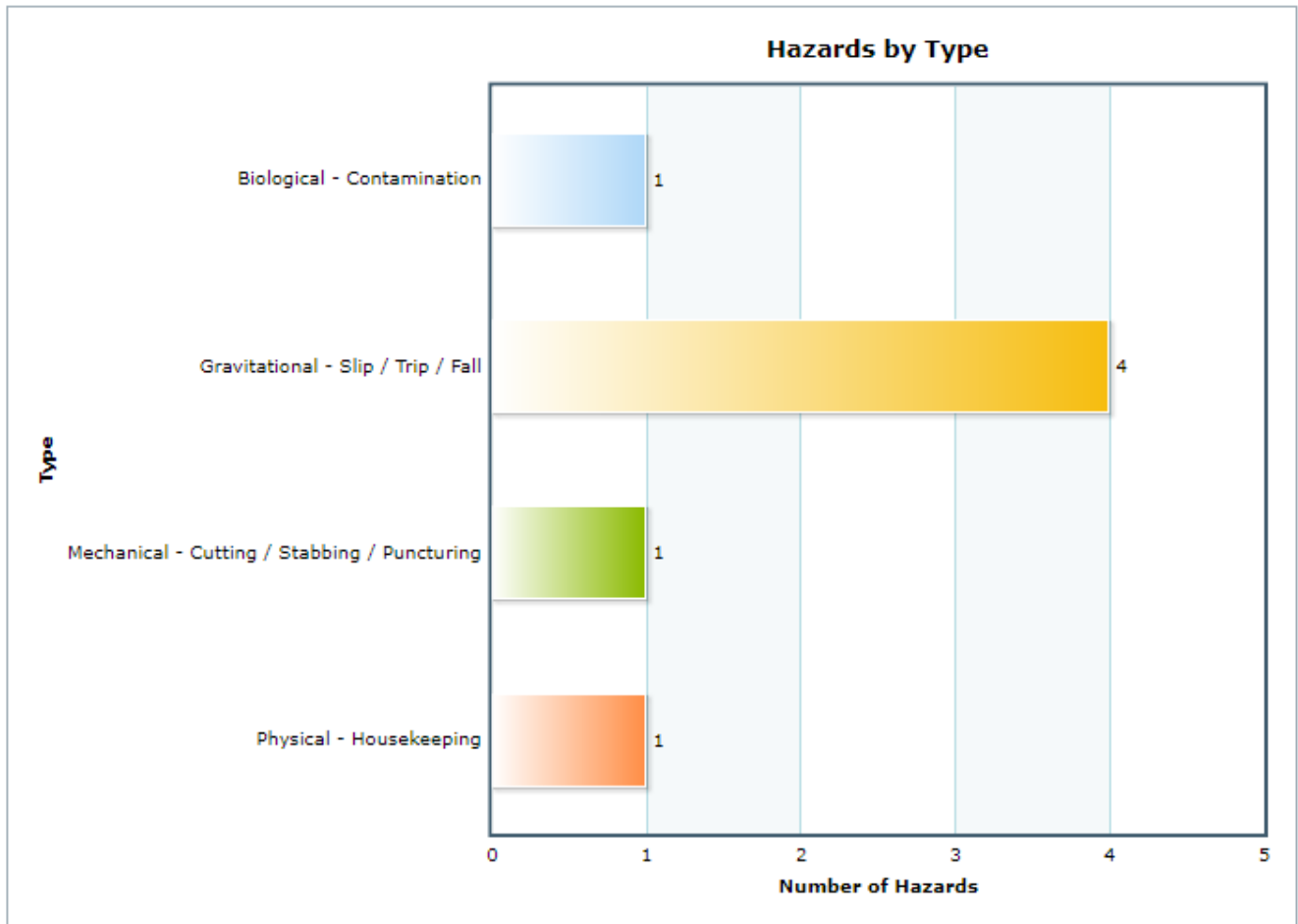
Investigations by Status 01/07/2019 - 31/07/2019



LOW	MEDIUM	HIGH	EXTREME
2	3	0	0

Rating	Hazard	Action
NIL		

Hazard Summary Report for July 2019



Risk Ratings

LOW	MEDIUM	HIGH	EXTREME
2	4	1	0

Rating	Hazard	Action
HIGH	Cords for bed sensor mat and call bed left unsecured.	Continuous Improvement raised. Caution signs installed next to each Call Bell Panel on wall in each residents' room. Memo and copy of Caution sign distributed via Bridge Learning System to all relevant Residential Staff.



ATTACHMENT 3

Type of Audit: Feedback Analysis July 2019

Date Audit Completed 8/8/2019

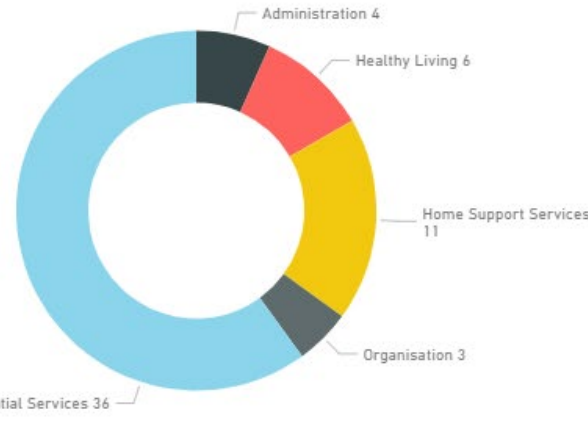
Completed by: S. Pedler

Date Range Page Slicer

1/07/2019 31/07/2019

Feedback Volume by Department

● Administration ● Healthy Living ● Home Support Services ● Organisation ● Residential Services



Total Feedback for Period

60

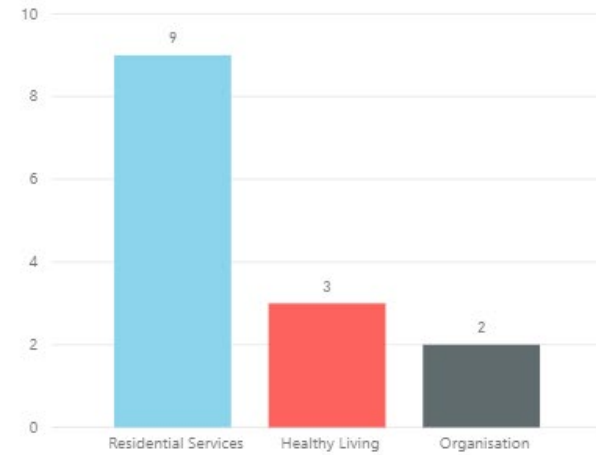
Count of InstanceID

View by Source

SourceType

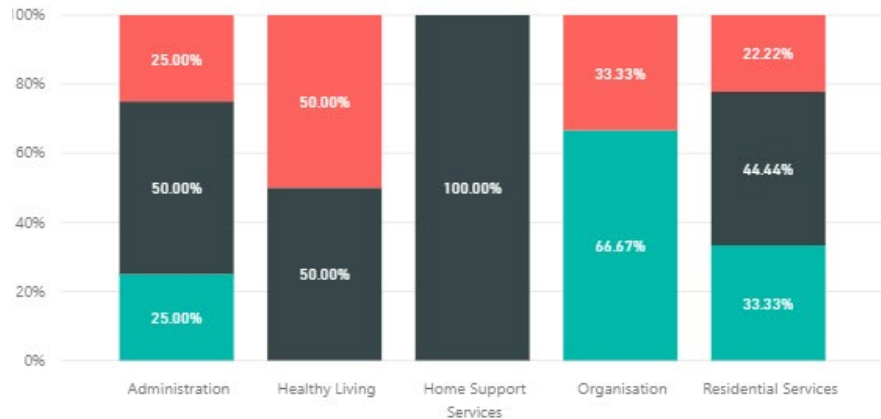
- (Blank)
- Client
- Contractor
- Family member
- Resident
- Staff
- Volunteer

Open Feedback by Department

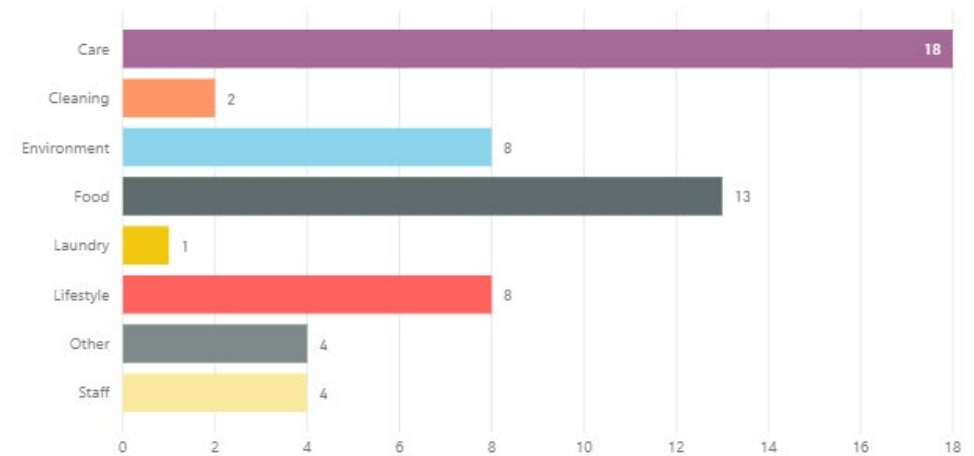


Feedback Type Ratio

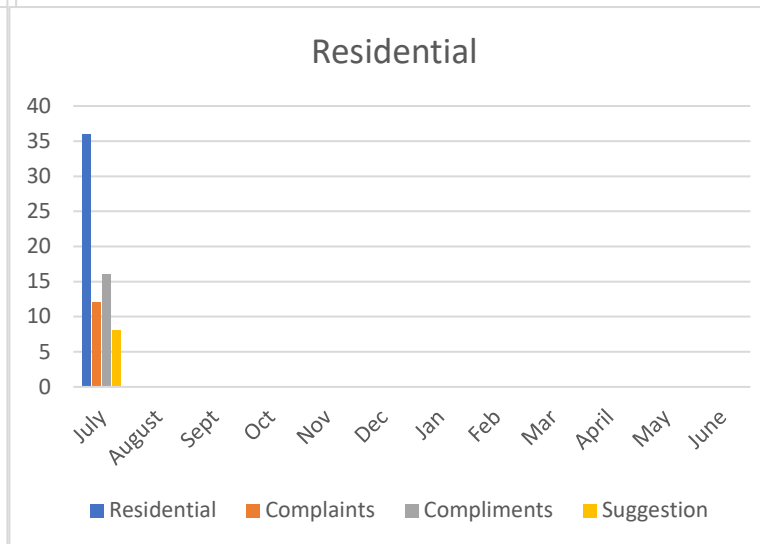
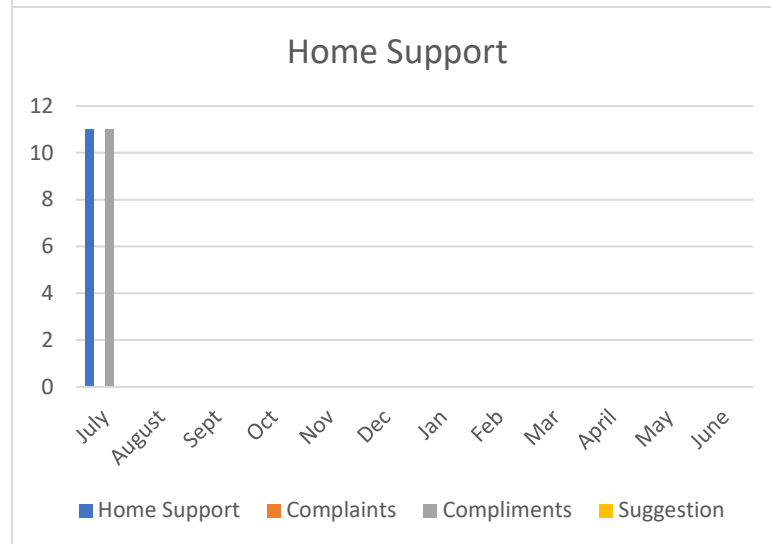
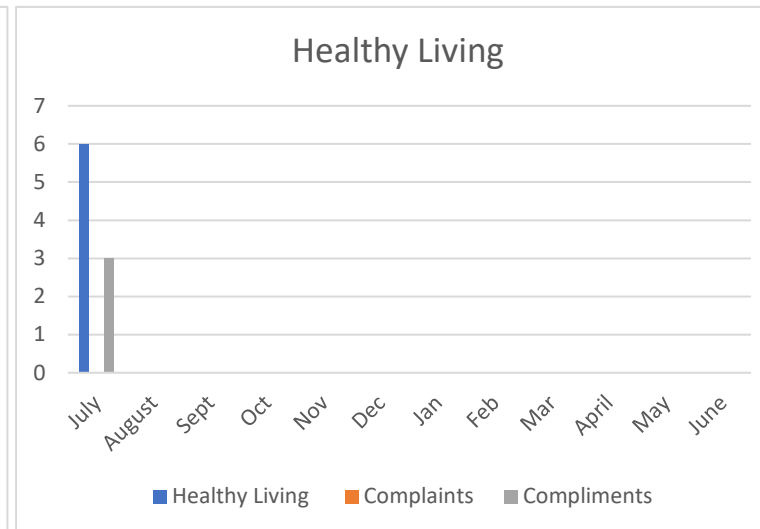
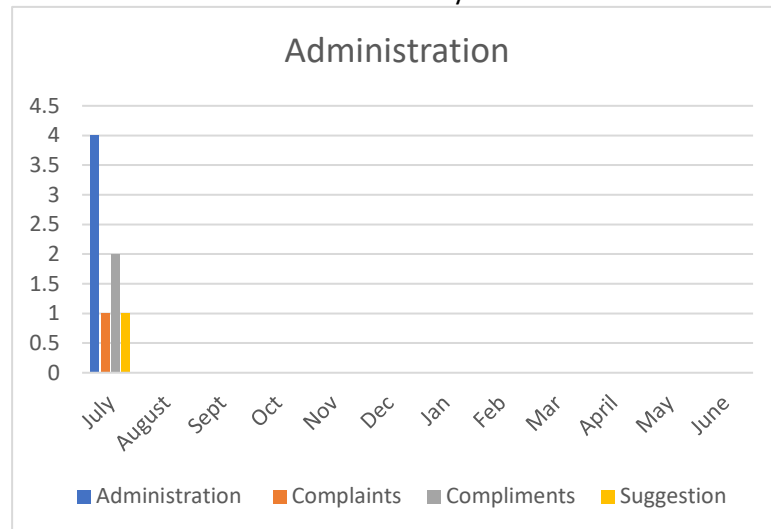
Type ● Complaint ● Compliment ● Suggestion



Feedback Category



There were 60 feedback items for July 2019.



There was a total of 60 feedback reports for July 2019. 50 (83%) of these are closed. Of these:

- 15 were complaints
- 32 were compliments
- 13 were suggestions

Feedback was received from the following sources:

- Client 13
- Family member 12
- Resident 16
- Staff 16
- Contractor 1
- Volunteer 1

Complaints 15

- Care 2
- Environment 2
- Cleaning 2
- Laundry 1
- Food 6
- Other 2

Complaints were received for the following departments:

Administration: 1

Organisation: 2

Residential Services: 12

Complaints for residential services have continued to trend down with a total of 12 for July compared to 19 for June, 20 for May and 34 for April.

Care issues resulted in 2 complaints a decrease from 7 in the previous month.

- 1 complaint related to continence care
- 1 complaint related to staffing in the memory support unit.

Environment issues resulted in 2 complaints

- Temperature in dining room
- Client complaint about insufficient care parking

Cleaning issues resulted in 2 complaints

- Furniture cleaning
- Handwashing stations not functioning

Laundry

- 1 Missing item

Food issues resulted in 6 complaints

- Beef tough
- Mashed potato lumpy
- Dirty cutlery
- No morning tea provided
- Roast lamb fatty

All food complaints are forwarded to Chef and COO. Actions taken include change of meat supplier. There has also been discussion about the management of food issues and a change to be introduced to better manage complaints at the point of food service. The COO is to develop and implement this system.

The **SAC rating** on all complaints has been entered in the Feedback Database

- Level 3 rating = 3 (Minimal or No Harm)
- Level 4 rating= 12 (No Harm or Near Miss)
- There were no complaints assessed as High or Extreme risk

Compliments 32

- Care: 14
- Environment 1
- Food: 7
- Lifestyle: 5

- Staff: 5

Suggestions 13

- Lifestyle: 3
- Care 4
- Environment 5
- Staff 1

There was one mandatory report in July relating to a missing resident. The resident was located and returned safely to Alwyndor. The required regulatory timeframes were complied with.



ATTACHMENT 4

ALWYNDOR CORPORATE GOVERNANCE - PROPOSED UPDATE TO STRUCTURE

	Alwyndor Management Committee	Governance and Operations Committee	Care Services Committee	WHS Committee	Resident Committee
Chair	Elected	General Manager	Quality Manager	Chief People & Culture Officer	Lifestyle
Main goals	Strategy, Accountability, Risk, Performance	<ul style="list-style-type: none"> • Governance (Standards 1-8): • Consumer Engagement • Accountability, Monitoring and Assessment; • Organisational Wide Systems: <ul style="list-style-type: none"> ○ Compliance ○ CI ○ Risk Management ○ Information Systems • Service Development • Operational Performance • Strategic Priorities • Human Resources • Asset Management 	<ul style="list-style-type: none"> • (Standards 1 – 4): <ul style="list-style-type: none"> • Consumer <ul style="list-style-type: none"> ○ Dignity and Respect ○ Identity, culture and diversity ○ Choice ○ Risk Taking ○ Provision of Information • Assessment and Planning <ul style="list-style-type: none"> ○ Partnering with consumer ○ Ongoing and iterative ○ Care and Service Plans ○ Effective and Timely Collaboration with Others • Delivering Care <ul style="list-style-type: none"> ○ Best Practice 	<ul style="list-style-type: none"> • Facilitate consultation and cooperation with regard to WHS matters affecting workers. <ul style="list-style-type: none"> ○ Policy ○ Strategy ○ Projects ○ Change Management • Identify health and safety hazards • Assess health and safety risks • Develop and review health and safety documentation and risk assessments 	Feedback, Communication, Consultation, Engagement.

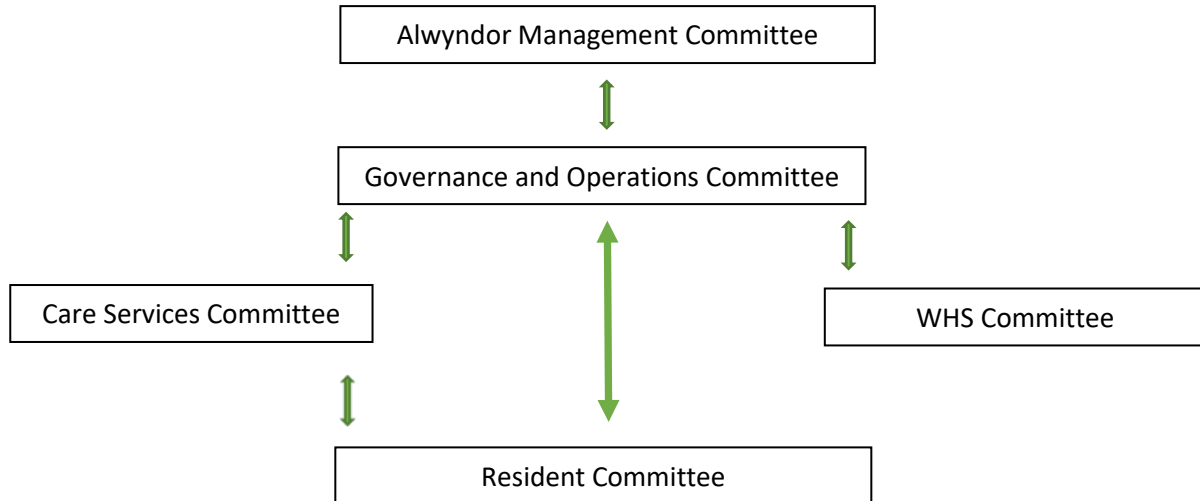
ALWYNDOR CORPORATE GOVERNANCE - PROPOSED UPDATE TO STRUCTURE

			<ul style="list-style-type: none"> ○ Connected and Comprehensive Care ○ End of Life Care ○ Unexpected Change ○ Identify and Manage Clinical Risk 		
Membership	2 x Elected Members, 8 x Independent Members	Leadership Team	Best Practice and Innovation, RSM, AHLM, CSSM, Lifestyle Manager, CNM's	Chief People & Culture, WHS Officer, RSM, HS Manager, Manager Therapy Services, Facility Coordinator, Housekeeping Supervisor, elected HSRs	Residential consumers, Residential leaders/managers
Reports received from	Operational Governance Committee	Resident Council, Operations, Care Services, Human Resources	Early Intervention Working Party, Medication Advisory Committee, Lifestyle, Resident Council	WHS Officer	Residential Services Manager;
Terms of Reference	Existing	Existing	Existing	Existing	Existing

TERMS OF REFERENCE
Governance and Operations Committee

OBJECTIVE

To lead the organisation in the planning and delivery of strategic imperatives, and is accountable for the overall governance and operational management of the organisation.



AIMS

To be accountable for the overall performance of Alwyndor via oversight and monitoring of the performance of the services provided to maintain the highest levels of consumer satisfaction whilst also ensuring adequate and appropriate governance of Human Resources, Financial Services, Information Technology. The following indicates some of the specific areas of accountability:

1. Consumer Engagement
2. Accountability, Monitoring and Assessment;
3. Organisational Wide Systems:
 - Compliance
 - CI
 - Risk Management
 - Information Systems
4. Service Development
5. Operational Performance
6. Strategic Priorities

MEMBERSHIP

- General Manager (Chair)
- Chief Operating Officer
- Finance Manager
- Residential Services Manager
- Active and Healthy Living Manager
- Home Support Services Manager
- Chief People and Culture Officer
- Communications Advisor
- Quality Manager

METHOD OF OPERATION

Quorum:

- Decision making is subject to a quorum of at least 4 members

Meetings

- To be held monthly (and more regularly at GM discretion)
- Dates and times to be set at the beginning of the calendar year
- Actions to be recorded by Personal Assistant to the General Manager
- Actions to be tabled at subsequent AMC meeting as part of General Managers Report

Code of Conduct

1. **We will show up on time.** Meetings will start on time and anyone late will enter quietly and apologise.
2. **We will come prepared.** Papers for meetings will be sent out in advance with enough time for everyone to read and consider the information. We will print out and bring our own papers to the meeting wherever possible.
3. **We will participate and allow others to participate.** We will listen to others and make sure everyone is heard and respected.
4. **We will not cut people off** when they are speaking.
5. **We will not bog the meeting down with detail.** We will not talk just to talk.
6. **We will not discuss confidential information** at meetings including using names of staff, residents or customers unless the forum is appropriate to do so.
7. **We will have fun and keep it interesting.** It's ok to laugh in meetings.
8. **We will speak up** if we disagree or we do not understand what someone is saying. We will be courteous and polite when doing so.
9. **We will not have side conversations.** Only one person will be speaking at any time.
10. **We will record Actions and take enough detailed notes for those not able to attend to understand what happened.** We will record Actions as evidence of what took place and the decisions made.
11. **We will commit to Actions and carry out what we have agreed to do.** We will take accountability for carrying out what we are assigned.
12. **We will briefly go through all Agreed Actions at the end of the meeting** and make sure there are set timescales for completion.
13. **We will listen to the Chair** and agree that they are in charge of the meeting and follow their instruction.

Date adopted:

Signed: _____
General Manager

TOR Review: Annually



ATTACHMENT 5



Delegations under Aged Care Act 1997 (Cth) and Aged Care (Accommodation Payment Security Act) 2006 (Cth) to the Alwyndor Management Committee

13 December 2017

INSTRUMENT OF SUBDELEGATION

On the 12th day of December 2017 the City of Holdfast Bay (“the Council”) delegated certain powers and functions under the following Act:

- *Aged Care Act 1997 (Cth); and*
- *Aged Care (Accommodation Payment Security) Act 2006 (Cth)*

to the person holding the position of Chief Executive Officer and to the Alwyndor Management Committee subject to the terms and conditions specified in the relevant resolution(s) or in the Schedule of Conditions (if any) in the Head Delegation.

The council has authorised the Alwyndor Management Committee the ability to sub-delegate its powers and functions under the Act listed above to the General Manager Alwyndor.

The powers and functions so delegated are set out below and are effective from 12.00am on 1 January 2018.

CONDITIONS OF DELEGATIONS MADE BY THE ALWYNDOR MANAGEMENT COMMITTEE

Conditions applying to all sub delegations

The delegate shall exercise the powers and functions conferred herein –

- Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty set out in Annexure 1.

Other Conditions

Nil

Delegation Sources

- Aged Care Act 1997 (Commonwealth)
- Aged Care (Accommodation Payment Security) Act 2006 (Commonwealth)

Titles

- Alwyndor - General Manager Alwyndor - delegations from AMC: Alwyndor - General Manager Alwyndor - delegations from AMC - Brett Capes (Acting)
- Alwyndor Management Committee: Alwyndor Management Committee -
- Chief Executive Officer: Chief Executive Officer - Roberto Bria

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Aged Care Act 1997 (Cwth) - Council to Alwyndor Management Committee (including AMC delegations to GM)

Aged Care Act 1997 (Commonwealth)			
#	Item Delegated	Conditions and Limitations	Delegate
86935	<p>The power pursuant to section 9-1 of the Act to notify the Secretary of any of the following changes, within 28 days after the change occurs:</p> <p>(a) a change of circumstances that materially affects the approved provider's suitability to be a provider of aged care involves a change in any of the approved provider's key personnel ; and;</p> <p>(b) the change is wholly or partly attributable to the fact that a particular person is, or is about to become, a disqualified individual .</p>	<p>See Dictionary in Schedule 1 to the Act for the definition of Key Personnel See Dictionary in Schedule 1 to the Act for the definition of Disqualified Individual</p> <p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86936	<p>The power pursuant to section 9-3(2) of the Act to provide information requested by the Secretary under section 9-3(1) for information relating to payments made under the Act or the Aged Care (Transitional Provisions) Act 1997.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p>	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's

Aged Care Act 1997 (Commonwealth)			
		<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86937	<p>The power pursuant to section 9-3A(2) of the Act to provide information requested by the Secretary under section 9-3A(1) of the Act for information on the following:</p> <p>(a) refundable deposits or accommodation bonds charged by the Council;</p> <p>(b) the amount of one or more refundable deposit balances or accommodation bond balances at a particular time;</p> <p>(c) the amount equal to the total of the refundable deposit balances and accommodation bond balances that the person would have had to refund at a specified earlier time if certain assumptions specified in the request were made;</p> <p>(d) entry contributions given or loaned under a formal agreement binding the Council;</p> <p>(e) the amount of one or more entry contribution balances at a particular time;</p> <p>(f) the amount equal to the total of the entry contribution balances that the person would have had to refund at a specified earlier time if certain assumptions specified in the request were made;</p> <p>(g) unregulated lump sums paid to the Council;</p> <p>(h) the amount of one or more unregulated lump sum balances at a particular time.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86938	<p>The power pursuant to section 9-3B(4) of the Act to provide information requested by the Secretary under section 9-3B(2) or (3) of the Act for information on the following:</p> <ul style="list-style-type: none"> (a) the Council's suitability to be a provider of aged care; (b) the Council's financial situation; (c) the amount of one or more refundable deposit balances or accommodation bond balances at a particular time; (d) how refundable deposit balances or accommodation bonds have been used by the Council; (e) the Council's policies and procedures relating to managing, monitoring and controlling the use of refundable deposits and accommodation bonds; and (f) the roles and responsibilities of* key personnel in relation to managing, monitoring and controlling the use of refundable deposits and accommodation bonds. 	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
270868	Where the Secretary has given notice that revocation of the approval as a provider of aged care is being considered, the power pursuant to section 10-3(3) of the Act to respond to an invitation to make submissions.	The delegate shall exercise the powers and functions	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

conferred herein
–
• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
• With due diligence and in accordance with reasonable, prudent administrative good practice.
• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
• Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set

Aged Care Act 1997 (Commonwealth)			
		<p>out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86939	The power pursuant to section 13-1 of the Act to apply for an allocation of places where invited to do so by the Secretary pursuant to section 13-2.	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86940	<ol style="list-style-type: none"> 1. The power pursuant to section 13-4(1) of the Act to respond to a notice from the Secretary requesting further information. 2. The power pursuant to 13-4(2) of the Act to re-apply in response to an invitation from the Secretary. 	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Asset Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86941	The power pursuant to section 15-3(1) of the Act to apply to the Secretary for a determination as to an allocation of places under section 15-1 of the Act during the provisional allocation period.	The delegate shall exercise the	Alwyndor Management

Aged Care Act 1997 (Commonwealth)

		<p>powers and functions conferred herein</p> <p>—</p> <ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor	<p>Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86942	<p>The power pursuant to section 15-4(3)(b) of the Act to respond to an invitation from the Secretary to make written submissions as to why a provisional allocation should not be varied or revoked.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86943	<p>The power pursuant to section 15-5(1) of the Act to apply for a variation of a provisional allocation.</p>	<p>All The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)			
		set out in Annexure 1.	
86944	The power pursuant to section 15-6 of the Act to surrender a provisional allocation by notice in writing to the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86946	<ol style="list-style-type: none"> 1. Where a place (other than a provisionally allocated place) has been allocated under Division 14, the power pursuant to section 16-2(1) to give the Secretary a transfer notice relating to the transfer of the place to another person, as required under sections 16-2(2) to 16-2(4) (inclusive) of the Act. 2. The power pursuant to section 16-2(5) to, in conjunction with the transferee, make a request of the Secretary to determine another period in which the transfer notice must be made under 16-2(4)(a) or (b). 3. If information in the transfer notice changes, the power pursuant to section 16-2(8) to, give the Secretary written notice of the changes. 	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86947	The power pursuant to section 16-4(2) of the Act to respond to an invitation from the Secretary for submissions addressing the matters specified in section 16-4(2) of the Act.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
86948	The power pursuant to section 16.5(3)(a) of the Act, to agree in writing to another proposed transfer day that is later than the 29th day after the changing proposed transfer day.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86949	The power pursuant to section 16-11 to give to the transferee, records, or copies of records, as necessary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86950	<p>1. The power pursuant to section 16-13(1) of the Act to give the Secretary a transfer notice relating to the transfer a place which has been provisionally allocated to another person, as required under sections 16-13(2) to 16-13(4) (inclusive) of the Act.</p> <p>2. The power pursuant to section 16-13(5) to, in conjunction with the transferee, make a request of the Secretary to determine another period in which the application must be made under 16-13(4)(a) or (b).</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p>	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

3. If information in the application changes, the power pursuant to section 16-13(8) to, give the Secretary written notice of the changes.

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's

Aged Care Act 1997 (Commonwealth)			
		<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86951	<p>The power pursuant to section 16-15(2) of the Act to respond to an invitation from the Secretary for submissions addressing the matters specified in section 16-15(1) of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86952	<p>The power pursuant to section 16.16(3)(a) of the Act, to agree in writing to another proposed transfer day that is later than the 29th day after the changing proposed transfer day.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86953	1. Where a place has been allocated under Division 14 of the Act, the power pursuant to section 17-2(1) to apply in writing to the Secretary to vary the conditions to which the allocation is subject under section 14-5.	The delegate shall exercise the powers and	Alwyndor - General Manager Alwyndor -

Aged Care Act 1997 (Commonwealth)

2. If information in the application changes, the power pursuant to section 17-2(8) to, give the Secretary written notice of the changes.

functions conferred herein –

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management

delegations from AMC, Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86954	<p>The power pursuant to section 17-3(1) of the Act to respond to a request for further information contained in a notice from the Secretary.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86955	<p>If the variation is not made on or before the proposed variation day, the power pursuant to section 17-7(2) of the Act to apply in writing to the Secretary to approve a day as the variation day.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Term
Infrastructure and
Asset
Management
Plan.
• With due
diligence and in
accordance with
reasonable,
prudent
administrative
good practice.
• In accordance
with the Policies
and Procedures
adopted by the
Council and
Alwyndor
Management
Committee and
other relevant
legislative
provisions.
• Limited to
performance and
discharge of
functions and
duties of the
Alwyndor
Management
Committee as set
out in the
Committee's
Terms of
Reference.
• Subject to the
delegate
complying with
any relevant duty
set out in
Annexure 1.

Aged Care Act 1997 (Commonwealth)

86956	<p>If an allocation of places has taken effect under Division 15, the power pursuant to section 18-2(1) of the Act to relinquish all or some of the places by notice in writing to the Secretary.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>—</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and 	<p>Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86957	<p>The power pursuant to section 18-3(4) of the Act to respond to a notice from the Secretary requesting the modification of proposals provided in accordance with section 18-2(2)(e) of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)			
		<ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86958	The power pursuant to section 18-5(2) of the Act to respond to an invitation to make written submissions to the Secretary in response to a notice that a revocation of an allocation is being considered.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long 	Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)			
		set out in Annexure 1.	
86959	<p>1. The power pursuant to section 25-4(3) of the Act to respond to an invitation from the Secretary to make written submissions in response to a notice that suspension from making appraisals under section 25-3 of the Act and reappraisals under section 27-4 of the Act is being considered.</p> <p>2. The power pursuant to section 25-4(6A) of the Act to enter into an agreement with the Secretary pursuant to section 25-4A of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
177936	<p>STAY OF SUSPENSION AGREEMENTS</p> <p>If an agreement has been entered into for the purposes of subsection 25-4(6A), the power to do either or both of the following:</p> <p>(a) provide, at its expense, such training as is specified in the agreement for is officers, employees and agents within the period specified in the agreement;</p> <p>(b) appoint an adviser to assist the approved provider to conduct in a proper manner, appraisals and reappraisals of the care needs of care recipients.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86960	<p>The power to make application with the Secretary to lift a suspension from making appraisals and reappraisals pursuant to section 25-4C(1) of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
86961	The power pursuant to section 25-4D of the Act to respond to a request for further information contained in a notice from the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
			<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1.
86962	The power pursuant to section 26-2 (3) of the Act to provide further information to the Secretary in considering whether an appraisal received outside the appropriate period was sent in sufficient time.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86963	<p>The power pursuant to section 27-3(4) of the Act to make application with the Secretary to give the approved provider a notice varying or revoking a notice in accordance with section 27-3(1).</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p>	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management</p>

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's	Committee, Chief Executive Officer
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Aged Care Act 1997 (Commonwealth)			
		<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86964	<p>The power pursuant to section 27-4(1) of the Act to make a reappraisal of the level of care needed by a care recipient in accordance with s27-4.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)			
			<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1.
86965	The power pursuant to section 27-8 (3) of the Act to provide further information to the Secretary in considering whether a reappraisal received outside the appropriate period was sent in sufficient time.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86966	In response to an invitation from the Secretary pursuant to section 32-2 of the Act, the power to make application for extra service status.	The delegate shall exercise the powers and	Alwyndor Management

Aged Care Act 1997 (Commonwealth)

		<p>functions conferred herein –</p> <ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor Management	<p>Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86967	<p>The power pursuant to section 32-3(3) of the Act to respond to a notice from the Secretary requesting further information for the purpose of considering an application for extra service status.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86968	<p>The power pursuant to section 33-4(1) of the Act to request the Secretary revoke, or suspend for a specified period, the extra service status.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

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adopted by the
Council and
Alwyndor
Management
Committee and
other relevant
legislative
provisions.
• Limited to
performance and
discharge of
functions and
duties of the
Alwyndor
Management
Committee as set
out in the
Committee's
Terms of
Reference.
• Subject to the
delegate
complying with
any relevant duty
set out in
Annexure 1.

Aged Care Act 1997 (Commonwealth)

86969	The power pursuant to section 35-1(1) to apply to the Aged Care Pricing Commissioner in accordance with section 35-2 for extra service fees.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86970	The power pursuant to section 36-2 to enter into an extra service agreement with a care recipient	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86971	The power pursuant to section 42-5(5) of the Act to respond to a request for further information from the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)

		set out in Annexure 1.	
86972	The power pursuant to section 43-4(1) of the Act to submit a claim as soon as practicable after the end of each payment period	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86973	The power pursuant to section 43-4A(1) of the Act to vary a claim made in respect of a payment period.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86974	<p>The power pursuant to section 43-5 of the Act to enter into an agreement with the Secretary under which:</p> <p>(a) amounts equal to the fees payable by the Council for applications made under the Act are to be deducted from amounts of residential care subsidy otherwise payable to the Council in respect of the residential care service specified in the agreement; and</p> <p>(b) so far as amounts are so deducted, the Council ceases to be liable to the Commonwealth for payment of the fees.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
86975	<p>The power pursuant to section 43-6(2) of the Act to enter into an agreement with the Secretary under which:</p> <p>(a) amounts equal to the capital payments made in respect of the service are to be deducted from amounts of residential care subsidy otherwise payable to the Council in respect of the service; and</p> <p>(b) so far as amounts are so deducted, the Council ceases to be liable to the Commonwealth for repayment in respect of the capital payments.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	<p>Alwyndor - General Manager</p> <p>Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)			
		<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86976	<p>The power pursuant to s44-20A of the Act to give information or produce a document in response to a notice issued by the Secretary if the Secretary believes on reasonable grounds the information or document is relevant to the application of section 44-20 of the Act in relation to compensation.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86977	<p>The power pursuant to section 44-23(5) of the Act to apply to the Secretary for a determination under section 44-23(2) in respect of a care recipient who is being provided, or is to be provided, with residential care by the Council.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p>	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's

Aged Care Act 1997 (Commonwealth)			
		<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86978	<p>1. The power pursuant to section 44-31(4)(b) to make an application to the Secretary for a determination under section 44-31(1) of the Act.</p> <p>2. The power pursuant to section 44-31(5) of the Act to respond to a notice from the Secretary requesting further information.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86979	The power to make submissions to the Secretary pursuant to section 44-32(3) of the Act.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86980	The power pursuant to section 47-4(1) of the Act to provide the Secretary with a claim for home care subsidy as soon as practicable after the end of each payment period.	The delegate shall exercise the powers and	Alwyndor - General Manager Alwyndor -

Aged Care Act 1997 (Commonwealth)

		<p>functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management 	<p>delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86981	The power pursuant to section 47-4A(1) of the Act to vary a claim in respect of a payment period.	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86982	<p>The power pursuant to section 48-6(2) of the Act to provide the Secretary information or produce a document in response to a notice issued by the Secretary, if the Secretary believes on reasonable grounds the information or document is relevant to the application of section 48-5 of the Act in relation to compensation.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Term
Infrastructure and
Asset
Management
Plan.
• With due
diligence and in
accordance with
reasonable,
prudent
administrative
good practice.
• In accordance
with the Policies
and Procedures
adopted by the
Council and
Alwyndor
Management
Committee and
other relevant
legislative
provisions.
• Limited to
performance and
discharge of
functions and
duties of the
Alwyndor
Management
Committee as set
out in the
Committee's
Terms of
Reference.
• Subject to the
delegate
complying with
any relevant duty
set out in
Annexure 1.

Aged Care Act 1997 (Commonwealth)

86983	<p>The power pursuant to section 48-8(5) of the Act to apply to the Secretary for a determination under section 48-8(2) of the Act in respect of a care recipient who is provided with care by, or is to be provided with care by, the Council.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>—</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and 	<p>Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86984	<p>1. The power pursuant to section 481(4) of the Act to apply to the Secretary for a determination under section 48-11 of the Act in respect of a care recipient who is provided with home care by, or is to be provided by home care by, the Council.</p> <p>2. The power pursuant to section 48-11(5) of the Act to respond to a request for further information made by the Secretary.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86985	The power pursuant to section 48-12(3) to make submissions in writing to the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)			
		set out in Annexure 1.	
86987	<p>1. The power pursuant to section 52F-1(1)(a) of the Act to give a person an accommodation agreement before a person enters a residential care service or an eligible flexible care service.</p> <p>2. The power pursuant to section 52F-1(1)(b) of the Act to agree with the person in writing the maximum amount payable if the person paid an accommodation payment for the service.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86988	<p>1. The power pursuant to section 52F-2(1)(a) of the Act to give a person an accommodation agreement before a person enters a residential care service or an eligible flexible care service.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86989	The power pursuant to section 52F-6 of the Act to include an accommodation agreement in another agreement.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
86990	<p>1. The power pursuant to section 52G-4(1) and in accordance with section 52G-4(2) of the Act to apply to the Aged Care Pricing Commissioner for approval to charge an accommodation payment that is higher than the maximum amount of accommodation payment determined by the Minister under section 52G-3 of the Act for a residential care service or flexible care service, or a distinct part of such a service.</p> <p>2. The power pursuant to section 52G-4(3) of the Act to respond to a written request from the Aged Care Pricing Commissioner for further information</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86991	<p>The power pursuant to section 52H-3(1) of the Act, but subject to section 52H-3(2) and (3) of the Act, to charge interest to a person on the balance of any amount of daily payment that is payable by the person and has been outstanding for more than 1 month.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86992	The power pursuant to section 52J-6 of the Act to retain income derived from a refundable deposit.	The delegate shall exercise the powers and functions conferred herein —	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's

Aged Care Act 1997 (Commonwealth)			
			<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1.
86993	The power pursuant to section 52J-7(2) of the Act to deduct the monies listed in section 52J-7(2)(a) to (c) of the Act from a refundable deposit paid by a person.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
<p>86994</p>	<p>1. The power pursuant to section 52K-1(4) of the Act to make an application to the Secretary for a determination under section 52K-1 of the Act in respect of a person who is liable to make an accommodation payment or an accommodation contribution.</p> <p>2. The power pursuant to section 52K-1(5) of the Act to respond to a request from the Secretary for further information.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86995	The power pursuant to section 52K-2(3) of the Act to respond to an invitation from the Secretary to make submissions to the Secretary in writing.	The delegate shall exercise the powers and	Alwyndor Management

Aged Care Act 1997 (Commonwealth)

		<p>functions conferred herein –</p> <ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor Management	<p>Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86996	<p>The power pursuant to section 52N-1(2) of the Act to use a refundable deposit or accommodation bond for the uses identified in section 52N-1(2)(a) to (g).</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
86997	The power pursuant to section 52P-1 of the Act to refund refundable deposit balances.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Term
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and Procedures
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Management
Committee and
other relevant
legislative
provisions.
• Limited to
performance and
discharge of
functions and
duties of the
Alwyndor
Management
Committee as set
out in the
Committee's
Terms of
Reference.
• Subject to the
delegate
complying with
any relevant duty
set out in
Annexure 1.

Aged Care Act 1997 (Commonwealth)

86998	<p>The power pursuant to section 52P-4(2) of the Act to agree with a person who has paid a refundable deposit or accommodation bond to the Council for care provided by, or entry to, a residential care service or flexible care service to delay refunding the refundable deposit balance or accommodation bond balance on condition that, if the person requests re-entry to the service, the Council must allow entry to the person if there are any places vacant in the service and, in the case where the service is a residential care service – the person has been approved under Part 2.3 of the Act as a recipient of residential care.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and 	<p>Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87002	The power pursuant to section 56-1(h) of the Act to enter into a resident agreement with a care recipient.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87003	The power pursuant to section 56-2(g) of the Act to enter into a home care agreement with a care recipient.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)			
		set out in Annexure 1.	
87004	The power pursuant to section 56-3(g) of the Act to enter into an agreement with a care recipient relating to the provision of care to the care recipient in accordance with the Fees and Payments Principles.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87006	<p>The power pursuant to section 63-1B of the Act to notify the Secretary of each care recipient who enters a residential care service, other than as a recipient of respite care, on or after 20 March 2008.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87007	<p>The power pursuant to section 66-2(1) of the Act to agree to certain matters in lieu of revocation of approved provider status.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
87008	The power pursuant to section 67-2(2)(d) of the Act to respond to an invitation from the Secretary to make written submissions.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87009	The power pursuant to section 67-3(2)(d) of the Act to respond to an invitation from the Secretary to make written submissions.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87010	The power pursuant to section 67-4(2) of the Act to provide a written undertaking to the Secretary to remedy non-compliance.	The delegate shall exercise the powers and functions conferred herein –	Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's	Committee, Chief Executive Officer
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Aged Care Act 1997 (Commonwealth)			
		Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1.	
177935	The power pursuant to section 68-4(1) of the Act to apply in writing to the Secretary for a sanction to be lifted.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87011	<p>The power pursuant to section 68-5(1) of the Act to respond to a written notice from the Secretary requiring further information.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>Management Plan.</p> <ul style="list-style-type: none"> • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87012	The power pursuant to section 71-1 of the Act to apply in writing to the Secretary for the allocation of a residential care grant.	The delegate shall exercise the powers and	Alwyndor Management

Aged Care Act 1997 (Commonwealth)

		<p>functions conferred herein –</p> <ul style="list-style-type: none">• Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.• With due diligence and in accordance with reasonable, prudent administrative good practice.• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.• Limited to performance and discharge of functions and duties of the Alwyndor Management	<p>Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87013	The power pursuant to section 71-3(1) of the Act to respond to a request for further information from the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

		<p>adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87014	<p>The power pursuant to section 73-1(3) of the Act to enter into an agreement with the Commonwealth to comply with the conditions to which the grant is subject.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Term
Infrastructure and
Asset
Management
Plan.
• With due
diligence and in
accordance with
reasonable,
prudent
administrative
good practice.
• In accordance
with the Policies
and Procedures
adopted by the
Council and
Alwyndor
Management
Committee and
other relevant
legislative
provisions.
• Limited to
performance and
discharge of
functions and
duties of the
Alwyndor
Management
Committee as set
out in the
Committee's
Terms of
Reference.
• Subject to the
delegate
complying with
any relevant duty
set out in
Annexure 1.

Aged Care Act 1997 (Commonwealth)

87015	The power pursuant to section 73-4(3) of the Act to respond to an invitation to make submissions, in writing, to the Secretary.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and 	<p>Alwyndor - General Manager Alwyndor - delegations from AMC, Alwyndor Management Committee, Chief Executive Officer</p>
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Aged Care Act 1997 (Commonwealth)			
		<p>duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87016	<ol style="list-style-type: none"> 1. The power pursuant to section 73-5(1) of the Act to apply to the Secretary for a variation of an allocation of a residential care grant. 2. The power pursuant to section 73-5(4) to respond to a request for further information form the Secretary. 	<p>All The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87018	The power pursuant to section 83-1(1) of the Act to enter into a written agreement with the Secretary for a grant of money for the purposes specified in the agreement.	<p>All The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty

Aged Care Act 1997 (Commonwealth)			
		set out in Annexure 1.	
87019	<p>1. The power pursuant to section 85-5(1) of the Act to request the Secretary to reconsider a reviewable decision, other than a reviewable decision under Division 35 or section 52G-4 of the Act.</p> <p>2. The power pursuant to section 85-5(1A) of the Act to request the Aged Care Pricing Commissioner to reconsider a reviewable decision under Division 35 or section 52G-4 of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87020	The power pursuant to section 85-8 of the Act to apply to the Administrative Appeals Tribunal for the review of a reviewable decision.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87021	<p>1. The power pursuant to section 94B-3(3) of the Act to consent to, or withdraw consent to the entry by an authorised complaints officer to premises under section 94B-3(1) of the Act.</p> <p>2. The power pursuant to section 94B-3(5) of the Act to ask an authorised complaints officer to produce his or her identity card for inspection.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.

- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the

Aged Care Act 1997 (Commonwealth)			
		delegate complying with any relevant duty set out in Annexure 1.	
87022	<p>1. The power pursuant to section 94B-4(1) of the Act to answer questions put by an authorised complaints officer, or to produce any documents or records requested by an authorised complaints officer pursuant to section 94B-4(1) of the Act.</p> <p>2. The power pursuant to section 94B-4(2) of the Act to refuse to answer questions put by and authorised complaints officer, or to refuse to produce any documents or records requested by an authorised complaints officer pursuant to section 94B-4(1) of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)			
		<p>legislative provisions.</p> <ul style="list-style-type: none"> • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87023	<p>1. The power pursuant to section 94B-5(1) of the Act to provide reasonable assistance to an authorised complaints officer, upon request by the authorised complaints officer pursuant to section 94B-5(1).</p> <p>2. The power pursuant to section 94B-5(2) of the Act to refuse to provide assistance to an authorised complaints officer as requested under section 94B-5(1) of the Act.</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due 	Alwyndor Management Committee, Chief Executive Officer

Aged Care Act 1997 (Commonwealth)

		<p>diligence and in accordance with reasonable, prudent administrative good practice.</p> <ul style="list-style-type: none"> • In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. • Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87024	<p>The power pursuant to section 96-7(1) of the Act to withdraw an application at any time before the Secretary makes a decision relating to the application.</p>	<p>The delegate shall exercise the powers and functions conferred herein</p> <p>–</p>	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

- Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.
- With due diligence and in accordance with reasonable, prudent administrative good practice.
- In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions.
- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's

Aged Care Act 1997 (Commonwealth)			
		<p>Terms of Reference.</p> <ul style="list-style-type: none"> • Subject to the delegate complying with any relevant duty set out in Annexure 1. 	
87025	<p>Annexure 1- Duties under the Aged Care Act 1997 (Cth)</p> <p>1. Section 8-4 REQUEST FOR FURTHER INFORMATION Where an application has been made pursuant to section 8-2 of the Act for approval as an aged care provider, and the Secretary has requested, by notice, further information on the application, the duty pursuant to section 8-4(1) to respond to such a request within 28 days after receiving the notice.</p> <p>2. Section 9-1A OBLIGATION TO NOTIFY SECRETARY ABOUT HOME CARE SERVICES The duty pursuant to section 9-1A(1) of the Act to notify the Secretary of the information required under section 9-1A(1) in the form required pursuant to section 9-1A(3) of the Act. The duty pursuant to section 9-1A(4) of the Act to notify the Secretary of any changes to the information notified under section 9-1A(1) of the Act, within 28 days of the change.</p> <p>3. Section 9-1 OBLIGATION TO NOTIFY CERTAIN CHANGES The duty pursuant to section 9-1(1) and (2) of the Act to notify the Secretary, in the form approved by the Secretary, of any of the following changes within 28 days after the change occurs: (a) a change of circumstances that materially affects the Council's suitability to be a provider of aged care involves a change in any of the approved provider's key personnel; and (b) the change is wholly or partly attributable to the fact that a particular person is, or is about to become a disqualified individual</p> <p>4. Section 9-2 OBLIGATION TO GIVE INFORMATION RELEVANT TO THE COUNCIL'S PROVIDER'S STATUS WHEN REQUESTED The duty pursuant to section 9-2(2) of the Act to comply with a request to provide to the Secretary such information relevant to the Council's suitability to be a provider of aged care as is requested within 28 days after the request was made, or within such shorter period as is specified in the notice.</p> <p>5. Section 9-3 OBLIGATION TO GIVE INFORMATION RELEVANT TO PAYMENTS The duty pursuant to subsection 9-3(2) of the Act to comply with the request to provide to the Secretary such information relating to payments within 28 days after the request was made, or within such shorter period as is specified in the notice.</p> <p>6. Section 9-3A OBLIGATION TO GIVE INFORMATION RELATING TO REFUNDABLE DEPOSITS, ACCOMMODATION</p>	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> • Having due regard to Council's adopted Annual Business Plan - Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. • With due diligence and in accordance with reasonable, prudent administrative good practice. • In accordance with the Policies and Procedures adopted by the Council and Alwyndor 	<p>Alwyndor Management Committee, Chief Executive Officer</p>

Aged Care Act 1997 (Commonwealth)

BONDS, ENTRY CONTRIBUTIONS ETC

The duty pursuant to section 9-3A(2) of the Act to comply with the request to provide to the Secretary within 28 days after the request was made, or within such shorter period as is specified in the notice.

7. Section 9-3B OBLIGATION TO GIVE INFORMATION ABOUT ABILITY TO REFUND BALANCES

The duty pursuant to section 9-3B(4) of the Act to comply with the requirement to provide the Secretary within 28 days after the request was made or within such shorter period as is specified in the notice.

8. Section 10-3 REVOCATION OF APPROVAL

Where the Secretary has given notice that revocation of the approval as a provider of aged care is being considered, the duty pursuant to section 10-3(3) of the Act to respond to an invitation to make submissions within 28 days after receiving the notice.

9. Section 13-4 REQUEST FOR FURTHER INFORMATION

The duty pursuant to section 13-4(1) of the Act to respond to a notice from the Secretary requesting further information within 28 days after receiving the notice or within such shorter period as is specified in the notice.

10. Section 15-4 VARIATION OR REVOCATION OF PROVISIONAL ALLOCATIONS

The duty pursuant to section 15-4(3)(b) of the Act to respond to an invitation from the Secretary to make written submissions as to why a provisional allocation should not be varied or revoked within 28 days after receiving the notice or within such shorter period as is specified in the notice.

11. Section 15-7 PROVISIONAL ALLOCATION PERIODS

The duty pursuant to section 15-7(3) of the Act to apply to the Secretary, in accordance with section 15-7(4) for an extension to the provisional allocation period made at least 60 days or such lesser number of days as the Secretary allows before the end of the provisional allocation period.

12. Section 16-2 APPLICATIONS FOR TRANSFER OF PLACES

The duty pursuant to section 16-2(2) to apply in writing to the Secretary for approval to transfer a place to another person, if the transferee has been approved under section 8-1 of the Act as a provider of aged care, no later than 60 days, or such other period as the Secretary determines under section 16-2(5) of the Act before the proposed transfer day, or of the transferee has not been approved under section 8-1 as a provider of aged care, no later than 90 days, or such other period as the Secretary determines under section 16-2(5).

13. Section 16-4 NOTICE TO RESOLVE

The duty pursuant to section 16-4(2)(e) of the Act to respond to a notice to resolve from the Secretary within 28 days after receiving the notice or such shorter period as is specified in the notice.

14. Section 16-10 OBLIGATION TO PROVIDE CERTAIN RECORDS TO TRANSFEREE ON TRANSFER OF ALLOCATION PLACES

The duty pursuant to section 16-10(1) of the Act to give to the transferee such records, or copies of such records as specified in subsection 16-10(2), as are necessary to ensure that the transferee can provide care in respect of places

Management Committee and other relevant legislative provisions.

- Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.
- Subject to the delegate complying with any relevant duty set out in Annexure 1.

Aged Care Act 1997 (Commonwealth)

being transferred.

15. Section 16-13 APPLICATIONS FOR TRANSFER OF PROVISIONALLY ALLOCATED PLACES

The duty pursuant to section 16-13(1) to apply in writing to the Secretary for approval to transfer a place to another person, if the transferee has been approved under section 8-1 of the Act as a provider of aged care, no later than 60 days, or such other period as the Secretary determines under section 16-13(5) of the Act before the proposed transfer day, or of the transferee has not been approved under section 8-1 as a provider of aged care, no later than 90 days, or such other period as the Secretary determines under section 16-13(5).

16. Section 16-15 NOTICE TO RESOLVE

The duty pursuant to section 16-15(2)(e) of the Act to respond to a notice to resolve from the Secretary within 28 days after receiving the notice or such period as is specified in the notice.

17. Section 17-3 REQUESTS FOR FURTHER INFORMATION

The duty pursuant to section 17-3(1) of the Act to respond to a request for further information contained in a notice from the Secretary within 28 days after receiving the notice.

18. Section 18-4 COUNCIL'S OBLIGATIONS RELATING TO THE CARE NEEDS OF CARE RECIPIENTS

The duty pursuant to section 18-4(1) of the Act to not relinquish places in respect of which care recipients are being provided with care without complying with any proposal, for ensuring that care needs are appropriately met for those care recipients, that was:

- (a) accepted by the Secretary under section 18-3; or
- (b) modified by the Council as requested by the Secretary under subsection 18-3(4); or
- (c) set out by the Secretary in a notice under subsection 18-3(5).

19. Section 18-5 REVOCATION OF UNUSED ALLOCATIONS OF PLACES

The duty pursuant to section 18-5(2) of the Act to respond to an invitation from the Secretary to make submissions in writing within 28 days after receiving the notice.

20. Section 25-4 SUSPENDING APPROVED PROVIDERS FROM MAKING APPRAISALS AND REAPPRAISALS

The duty pursuant to section 25-4(3) of the Act to respond to a notice from the Secretary to make submissions in writing within 28 days after receiving the notice.

21. Section 25-4A STAY OF SUSPENSION AGREEMENTS

The duty pursuant to section 25-4A(3) of the Act to appoint an adviser within the period specified in the agreement.

22. Section 25-4D REQUESTS FOR FURTHER INFORMATION

The duty pursuant to section 25-4D(1) of the Act to respond to a notice for further information from the Secretary within 28 days after receiving the notice, or within such shorter period as specified in the notice.

23. Section 32-3 APPLICATIONS FOR EXTRA SERVICE STATUS

The duty pursuant to section 32-3(3) of the Act to respond to a notice for further information from the Secretary within 28

Aged Care Act 1997 (Commonwealth)

days after receiving the notice.

24. Section 42-5 DETERMINATIONS ALLOWING FOR EXCEPTIONAL CIRCUMSTANCES

The duty pursuant to section 42-5(5) of the Act to respond to a request for further information from the Secretary within 28 days after receiving the notice.

25. Section 43-4 CLAIMS FOR RESIDENTIAL CARE SUBSIDY

The duty pursuant to section 43-4(1) of the Act where, for the purpose of obtaining payment of residential care subsidy in respect of a residential care service through which the Council provides residential care, to as soon as practicable after the end of each payment period, give to the Secretary:

- (a) a claim, in the form approved by the Secretary, for residential care subsidy that is payable in respect of the residential care service for that payment period; and
- (b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests; and
- (c) copies of any documents relating to the claim, or to the payment of residential care subsidy, that are stated in the form to be required, or that the Secretary requests.

26. Section 44-20A SECRETARY'S POWERS IF COMPENSATION INFORMATION IS NOT GIVEN

The duty pursuant to section 44-20A of the Act to give information or produce a document in the Council's possession or under its control to the Secretary if requested by the Secretary in writing to do so

27. Section 44-31 DETERMINING CASES OF FINANCIAL HARDSHIP

The duty pursuant to section 44-31(5) of the Act to respond to a notice from the Secretary requesting further information within 28 days after receiving the notice or within such shorter period as is specified in the notice.

28. Section 44-32 REVOKING DETERMINATIONS OF FINANCIAL HARDSHIP

The duty pursuant to section 44-32(3) of the Act to respond to a notice from the Secretary requesting submissions within 28 days after receiving the notice.

29. Section 47-4 CLAIMS FOR HOME CARE SUBSIDY

The duty pursuant to section 47-4(1) of the Act where, for the purpose of obtaining payment of home care subsidy in respect of a home care service through which the Council provides home care, to as soon as practicable after the end of each payment period, give to the Secretary:

- (a) a claim, in the form approved by the Secretary, for home care subsidy that is, or may become, payable in respect of the service for that payment period; and
- (b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests.

30. Section 48-6 SECRETARY'S POWERS IF COMPENSATION INFORMATION IS NOT GIVEN

The duty pursuant to section 48-6(2) and (3) of the Act to give such information or produce such documents as are in the Council's custody as are requested by the Secretary by notice in writing within the period specified in the notice

31. Section 48-11 DETERMINING CASES OF FINANCIAL HARDSHIP

The duty pursuant to section 48-11(5) of the Act to respond to a notice from the Secretary requesting further information

Aged Care Act 1997 (Commonwealth)

within 28 days after receiving the notice or within such shorter period as is specified in the notice

32. Section 48-12 REVOKING DETERMINATIONS OF FINANCIAL HARDSHIP

The duty pursuant to section 48-12(3) of the Act to respond to a notice from the Secretary to make submissions within 28 days after receiving the notice.

33. Section 52C-2 RULES RELATING TO RESIDENT FEES

The duty pursuant to section 52C-2(2) of the Act to only charge resident fees in accordance with section 52C-2.

34. Section 52F-1 ACCOMMODATION AGREEMENTS

1. The duty pursuant to section 52F-1(1)(a) of the Act to give a person, before that person enters a residential care service or an eligible flexible care service, an accommodation agreement and such other information as is specified in the Fees and Payment Principles.

2. The duty pursuant to section 52F-1(1)(b) of the Act to, before a person enters a residential care service or an eligible care service, agree with the person in writing about the maximum amount that would be payable if the person paid an accommodation payment for the service.

35. Section 52F-2 COUNCIL MUST ENTER ACCOMMODATION AGREEMENT

The duty pursuant to section 52F-2(1) of the Act to enter into an accommodation agreement with a person before, or within 28 days after, the person enters the Council's service, unless extended pursuant to section 52F-2(2) of the Act.

36. Section 52F-3 ACCOMMODATION AGREEMENTS

1. The duty to include the information specified in section 52F3(1) of the Act in an accommodation agreement.

2. The duty to include the information specified in section 52F3(2) of the Act in an accommodation payment agreement.

3. The duty to include the information specified in section 52F3(3) of the Act in an accommodation contribution agreement.

37. Section 52F-4 REFUNDABLE DEPOSIT NOT TO BE REQUIRED FOR ENTRY

The duty pursuant to section 52F-4 of the Act to not require a person to choose how to pay an accommodation payment or accommodation contribution before the person enters the service.

38. Section 52G-2 RULES ABOUT CHARGING ACCOMMODATION PAYMENTS

The duty pursuant to section 52G-2 of the Act to only charge an accommodation payment for a residential care service or eligible flexible care service in accordance with section 52G-2.

39. Section 52G-4 AGED CARE PRICING COMMISSIONER MAY APPROVE HIGHER MAXIMUM AMOUNT OF ACCOMMODATION PAYMENT

1. The duty pursuant to section 52G-4(2) of the Act to make an application to the Aged Care Pricing Commissioner in accordance with section 52G-4(2) of the Act.

2. The duty pursuant to section 52G-4(3) of the Act to respond to a notice from the Aged Care Pricing Commissioner requesting further information within 28 days after receiving the notice or within such other period of time as is specified in the notice.

Aged Care Act 1997 (Commonwealth)

40. Section 52G-6 RULES ABOUT CHARGING ACCOMMODATION CONTRIBUTIONS

The duty pursuant to section 52G-6 of the Act to only charge an accommodation contribution for a residential care service in accordance with section 52G-6 of the Act.

41. Section 52H-1 RULES ABOUT DAILY PAYMENTS

The duty pursuant to section 52H-1 of the Act to not require a person to pay a daily payment more than 1 month in advance.

42. Section 52H-3 CHARGING INTEREST

The duty pursuant to 53H-3 to not charge interest on the balance of an amount payable in certain circumstances unless the person's accommodation agreement provides for the charging of interest, and the charging of interest does not exceed the maximum rate determined by the Minister under section 52H-3(4).

43. 52J-5 PERSON MUST BE LEFT WITH MINIMUM ASSETS

The duty pursuant to section 52J-5(1) of the Act to not accept payment of an amount of refundable deposit from a person if the person meets the requirements of section 52J-5(1).

44. 52J-7 AMOUNTS TO BE DEDUCTED FROM REFUNDABLE DEPOSITS

The duty pursuant to section 52J-7(1) of the Act to deduct a daily payment from a refundable deposit if the person has requested the deduction in writing and the daily payment is payable by the person

45. 52K-1 DETERMINING CASES OF FINANCIAL HARDSHIP

The duty pursuant to section 52K-1(5) of the Act to respond to a notice from the Secretary requesting further information within 28 days after receiving the notice, or such other period as is specified in the notice.

46. 52K-2 REVOKING DETERMINATIONS OF FINANCIAL HARDSHIP

The duty pursuant to section 52K-2(3) of the Act to respond to an invitation from the Secretary to make submissions within 28 days after receiving the notice.

47. 52M-1 COMPLIANCE WITH PRUDENTIAL REQUIREMENTS

The duty pursuant to section 52M-1(1) of the Act to comply with the Prudential Standards.

48. 52N-1 REFUNDABLE DEPOSITS AND ACCOMMODATION BONDS TO BE USED ONLY FOR PERMITTED PURPOSES

The duty pursuant to section 52N-1(1) of the Act to not use a refundable deposit or accommodation bond unless the use is permitted by the Act.

49. 52P-1 REFUNDING REFUNDABLE DEPOSIT BALANCES

The duty pursuant to section 52P-1(2) and (3) of the Act to refund a refundable deposit balance in the way specified in the Fees and Payments Principles and within the time frame as set out in section 52P-2(4) of the Act.

50. 52P-2 REFUNDING REFUNDABLE DEPOSIT BALANCES – FORMER APPROVED PROVIDERS

Aged Care Act 1997 (Commonwealth)

In the event that the Council ceases to be an approved provider in respect of a residential care service or flexible care service for which it has received a refundable deposit, the duty pursuant to section 52P-2(2) and (3) of the Act to refund the refundable deposit balance to the person who paid the deposit in the manner identified in subsection (3).

51. 52P-3 PAYMENT OF INTEREST

The duty pursuant to section 52P-3(1) of the Act to pay interest in relation to the refund of a refundable deposit balance, accommodation bond balance or entry contribution balance in accordance with the Fees and Payments Principles.

52. 52P-4 DELAYING REFUNDS TO SECURE RE-ENTRY

Where a person has an agreement with the Council to delay refunding a refundable deposit balance or accommodation bond balance under section 52P-4(2) of the Act and has requested re-entry to a residential care service or flexible care service, the duty to allow entry to the person if there are any places vacant in then service and in the case where the service is a residential care service – the person has been approved under Part 2.3 of the Act as a recipient of residential care and if the person is allowed entry, the duty to apply the refundable deposit balance or accommodation bond in payment for the service.

53. Section 54-1 RESPONSIBILITIES OF THE COUNCIL

The duty pursuant to section 54-1(1) of the Act to ensure that the following responsibilities in relation to the quality of the aged care that the Council provides are fulfilled are as follows:

- (a) to provide such care and services as are specified in the Quality of Care Principles in respect of aged care of the type in question;
- (b) to maintain an adequate number of appropriately skilled staff to ensure that the care needs of care recipients are met;
- (c) to provide care and services of a quality that is consistent with any rights and responsibilities of care recipients that are specified in the User Rights Principles for the purposes of paragraph 56-1(m), 56-2(k) or 56-3(l) of the Act;
- (d) if the care is provided through a residential care service – to comply with the Accreditation Standards made under section 54-2 of the Act;
- (f) if the care is provided through a home care service – to comply with the Home Care Standards made under section 54-4 of the Act;
- (g) if the care is provided through a flexible care service – to comply with the Flexible Care standards (if any), made under section 54-5 of the Act, that apply to a flexible care service of that kind;
- (h) such other responsibilities as are specified in the Quality of Care principles.

54. Section 56-1 RESPONSIBILITIES OF THE COUNCIL – RESIDENTIAL CARE

The duty to comply with the responsibilities set out in section 56-1 of the Act in relation to a care recipient to whom the Council provides, or is to provide, care and/or services.

55. Section 56-2 RESPONSIBILITIES OF THE COUNCIL – HOME CARE

The duty to comply with the responsibilities set out in section 56-2 of the Act in relation to a care recipient to whom the Council provides, or is to provide, home care and/or services.

56. Section 56-3 RESPONSIBILITIES OF THE COUNCIL – FLEXIBLE CARE

The duty to comply with the responsibilities set out in section 56-3 of the Act in relation to a care recipient to whom the

Aged Care Act 1997 (Commonwealth)

Council provides, or is to provide, flexible care and/or services.

57. Section 56-4 COMPLAINTS RESOLUTION MECHANISM

(1) The duty pursuant to section 56-4(1) of the Act to:

- (a) establish a complaints resolution mechanism for the aged care service, and
- (b) use the complaints resolution mechanism to address any complaints made by or on behalf of a person to whom care is provided through the service; and
- (c) advise the person of any other mechanisms that are available to address complaints, and provide such assistance as the person requires to use those mechanisms; and
- (d) allow authorised complaints officers to have such access to the service as is specified in the User Rights Principles, for the purpose of those officers investigating and assisting in the resolution of complaints; and
- (e) comply with any requirement made of the Council under the Complaints Principles.

(2) The duty pursuant to section 56-4(2) of the Act, if the aged care service is a residential care service, to ensure that the complaints resolution mechanism is the complaints resolution mechanism provided for in the resident agreements entered into between the care recipients provided with care through the service and the Council.

(3) The duty pursuant to section 56-4(3) of the Act, if the aged care service is a home care service, to ensure that the complaints resolution mechanism is the complaints resolution mechanism provided for in the home care agreements entered into between the care recipients provided with care through the service and the Council.

58. Section 59-1 REQUIREMENTS FOR RESIDENTIAL AGREEMENTS

The duty to comply with the requirements for residential agreements in section 59-1 of the Act.

59. Section 61-1 REQUIREMENTS FOR HOME CARE AGREEMENTS

The duty to comply with the requirements for home care agreements in section 61-1 of the Act.

60. Section 62-1 RESPONSIBILITIES RELATING TO PROTECTION OF PERSONAL INFORMATION

The duty to comply with the responsibilities set out in section 62-1 of the Act relating to the protection of personal information relating to a person to whom the Council provides aged care, namely:

(a) the personal information must not be used other than:

- (i) for a purpose connected with the provision of aged care to the person by the Council; or
 - (ii) for a purpose for which the personal information was given by or on behalf of the person to the Council;
- (b) except with the written consent of the person, the personal information must not be disclosed to any other person other than:
- (i) for a purpose connected with the provision of aged care to the person by the Council; or
 - (ii) for a purpose connected with the provision of aged care to the person by another approved provider, but only so far as the disclosure relates to the person's refundable deposit balance or accommodation bond balance or the period for which retention amounts may be deducted under section 57 20 of the Aged Care (Transitional Provisions) Act 1997 or to the person's remaining liability (if any) to pay an accommodation payment, accommodation contribution or accommodation charge; or
 - (iia) for a purpose connected with the provision of aged care to the person by another approved provider, so far as the disclosure relates to an appraisal or reappraisal connected with a classification that is in force for a care recipient to whom subsection 27-4(5) applies (entry to another aged care service within 28 days); or

Aged Care Act 1997 (Commonwealth)

(iii) for a purpose for which the personal information was given by or on behalf of the person;
(iv) for the purpose of complying with an obligation under the Act or the Aged Care (Transitional Provisions) Act 1997 or any Principles made under section 96-1 of the Act or the Aged Care (Transitional Provisions) Act 1997;
(c) the personal information must be protected by security safeguards that it is reasonable in the circumstances to take against the loss or misuse of the information.

61. Section 63-1 RESPONSIBILITIES OF THE COUNCIL

The duty to comply with the responsibilities set out in section 63-1 of the Act in relation to accountability for the aged care provided by the Council through an aged care service.

62. Section 63-1AA RESPONSIBILITIES RELATING TO ALLEGED AND SUSPECTED ASSAULTS

The duty to comply with the responsibilities set out in section 63-1AA of the Act relating to an allegation or suspicion of a reportable assault.

63. Section 63-1A RESPONSIBILITY RELATING TO THE BASIC SUITABILITY OF KEY PERSONNEL

The duty pursuant to section 63-1A of the Act to take all reasonable steps specified in the Sanctions Principles to ensure that none of the Council's key personnel is a disqualified individual.

64. Section 63-1B RESPONSIBILITY RELATING TO RECORDING ENTRY OF NEW RESIDENTS

The duty pursuant to section 63-1B of the Act to, in the form approved by the Secretary and within the period specified in the Accountability Principles, notify the Secretary of each care recipient who enters a residential care service (other than as a recipient of respite care) operated by the Council.

65. Section 63-1C RESPONSIBILITY RELATING TO CIRCUMSTANCES MATERIALLY AFFECTING COUNCIL'S SUITABILITY TO PROVIDE AGED CARE

The duty pursuant to section 63-1C of the Act in relation to a circumstance specified by the Secretary in a notice given under subsection 8-5(3) of the Act to do all things reasonably practicable to ensure that there is no change to the circumstance without complying with the steps specified in the notice.

66. Section 66A-3 APPOINTMENT OF ADMINISTRATORS

The duty pursuant to section 66A-3(3) to appoint the administrator within the period specified in the agreement.

67. Section 67-2 NOTICE OF NON-COMPLIANCE

The duty pursuant to section 67-2(2)(d) of the Act to respond to an invitation from the Secretary to make written submissions within 14 days after receiving the notice or within such shorter period as is specified in the notice.

68. Section 67-3 NOTICE OF INTENTION TO IMPOSE SANCTIONS

The duty pursuant to section 67-3(2)(d) of the Act to respond to an invitation from the Secretary to make written submissions within 14 days after receiving the notice or within such shorter period as is specified in the notice.

69. Section 67-4 NOTICE TO REMEDY NON-COMPLIANCE

The duty pursuant to section 67-4(2)(a) of the Act to, within 14 days after receiving a notice from the Secretary under

Aged Care Act 1997 (Commonwealth)

section 67-4(1) of the Act to remedy non-compliance, provide a written undertaking to the Secretary, in accordance with section 67-4(3) of the Act, to remedy the non-compliance.

70. Section 67-5 NOTICE OF DECISION ON WHETHER TO IMPOSE SANCTIONS

The duty pursuant to section 67-5(1) of the Act to comply with the sanctions imposed by the Secretary.

71. Section 71-3 APPLICATIONS FOR FURTHER INFORMATION

The duty pursuant to section 71-3(1) of the Act to respond to a request for further information from the Secretary within 28 days after receiving the notice or within such shorter period as is specified in the notice.

72. Section 73-4 VARIATION OR REVOCATION OF ALLOCATIONS

The duty pursuant to section 73-4(3) of the Act to respond to an invitation to make submissions, in writing, to the Secretary within 28 days after receiving the notice.

73. Section 85-5 RECONSIDERATION OF REVIEWABLE DECISIONS

1. The duty pursuant to section 85-5(3)(a) of the Act, to give written notice to the Secretary for a request that relates to a reviewable decision other than a reviewable decision under Division 35 or section 52G-4:

(i) within 28 days, or such longer period as the Secretary allows, after the day on which the Council first received notice of the decision; or

(ii) if the decision is a decision under section 44-24 of the Act to make a determination under subsection 44-24(1) or paragraph 44-24(2)(b), (3)(b) or (4)(b), within 90 days, or such longer period as the Secretary allows, after the day on which the Council first received notice of the decision.

2. The duty pursuant to section 85-5(3)(b) of the Act, for a request that relates to a reviewable decision under Division 35 or section 52G-4 of the Act, to give written notice to the Aged Care Pricing Commissioner within 28 days, or such longer period as the Aged Care Pricing Commissioner allows, after the day on which the Council first received notice of the decision.

74. Section 88-1 COUNCIL TO KEEP AND RETAIN CERTAIN RECORDS

1. The duty pursuant to section 88-1 of the Act to:

(a) keep records that enable:

(i) claims for payments of subsidy of the Act to be properly verified; and

(ii) proper assessments to be made of whether the Council has complied, or is complying, with its responsibilities under Chapter 4 of the Act; and

(b) in relation to each of these records, retain the record for the period ending 3 years after the 30 June of the year in which the record was made

2. The duty pursuant to section 88-1(2) of the Act, if the Council ceases permanently to provide care to a care recipient, to retain, for the period ending 3 years after the 30 June of the year in which provision of the care ceased, such records relating to the care recipient as are specified in the Records Principles.

75. Section 88-2 COUNCIL TO KEEP RECORDS SPECIFIED IN RECORDS PRINCIPLES

The duty pursuant to section 88-2(1) of the Act to keep records of the kind specified in the Records Principles.

Note 1: Approved providers have a responsibility under Part 4.3 to comply with this subsection. Failure to comply with a

Aged Care Act 1997 (Commonwealth)			
	responsibility can result in a sanction being imposed under Part 4.4		
	<p>76. Section 88-3 FALSE OR MISLEADING RECORDS</p> <p>The duty pursuant to section 88-3 of the Act to not, in purported compliance with subsection 88-1(1) of the Act, make a record that is false or misleading in a material particular.</p> <p>Note: Approved providers have a responsibility under Part 4.3 to comply with this subsection. Failure to comply with a responsibility can result in a sanction being imposed under Part 4.4</p>		

131

Duties Relevant to the Alwyndor Management Committee Under the Aged Care (Accommodation Payment Security) Act 2006 (Cth) - Council to the Alwyndor Management Committee

Aged Care (Accommodation Payment Security) Act 2006 (Cth)			
#	Item Delegated	Conditions and Limitations	Delegate
86932	1. The duty pursuant to section 9(1) and (3) of the Act to notify the Secretary in writing the first time any event mentioned in paragraph (a), (b), (c), (d), (e) or (f) of the definition of insolvency event in section 6 of the Act occurs in relation to the Council by the end of the first business day after the day on which the event occurs.	Alwyndor General Manager in consultation with the Alwyndor Management Committee.	Alwyndor - General Manager Alwyndor, Alwyndor Management Committee

131

131



ATTACHMENT 6

Item No: **12.1**

Subject: **ADJOURNED REPORT- CODE OF PRACTICE – MEETING PROCEDURES – ANNUAL REVIEW [Report No: 50/19]**

Date: 9 July 2019

Written By: Team Leader Governance

A/General Manager: Business Services, Ms P Jackson

SUMMARY

The City of Holdfast Bay's Code of Practice – Meeting Procedures is required to be reviewed annually and was last reviewed and endorsed on 23 January 2018.

The report was most recently tabled at the ordinary Council meeting on 12 February 2019 where the item was deferred under Regulation 18, *Local Government (Proceedings at Meetings) Regulations 2013*, to allow time for further consideration by Her Worship the Mayor and the Deputy Mayor (Item 14.3 Code of Practice – Meeting Procedures – Annual Review (Report No: 50/19)).

The revised Code of Practice – Meeting Procedures document is attached and presented for adoption. The proposed version is attached for reference (new version with and without tracked changes). Administration was waiting on the outcome of the live streaming report before finalising the Code of Practice.

The Council resolution will need to be supported by at least two thirds of the members of the Council to be adopted as the new Code of Practice.

RECOMMENDATION

That Council adopts the revised Code of Practice – Meeting Procedures (by at least two thirds of the members of the Council).

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations.

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

BACKGROUND

The *Local Government Act 1999* (the Act), Section 86(8) and 89(1) prescribe that the procedures at Council and Council Committee meetings are to be observed as prescribed by the Regulations and where the procedure is not prescribed by regulation, as determined by the Council or by the Council Committee.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), outline the statutory requirements for meeting procedures and Council may adopt a Code of Practice for Meeting Procedures (the Code), which varies certain provisions of the Regulations (such variations are only where permitted by the Regulations).

The Regulations also states a council should at least once in every financial year review the operation of a Code of Practice under the Regulations (Regulation 6(2)). A council may at any time, by resolution supported by at least two-thirds of the members of the Council, alter a Code of Practice, or substitute or revoke a Code of Practice (Regulation 6(3)).

The Code of Practice – Meeting Procedures (the Code), provides for and encourages appropriate community participation in the affairs of the Council and reflects the various levels of formality appropriate to the nature and scope of responsibilities exercised at Council and Committee meetings.

REPORT

Council last endorsed its Code of Practice – Meeting Procedures in January 2018. This is the current Code and includes Council's changes in red and then a 'Chapter 3: Supplementary Meeting Procedures' section at the end.

A further review of the Code has been undertaken, in accordance with the adjourned report, item 14.3 Code of Practice – Meeting Procedures – Annual Review (Report No: 50/19) and including consultation with Her Worship the Mayor.

Legal advice has also been sought to identify any further improvements on provisions for 'best practice'. The proposed version with the tracked changes is attached.

Refer Attachment 1

The principal changes to the Code in the proposed version are:

- Previously the Code had a 'Chapter 3: Supplementary Meeting Procedures' section at the end of the Code. The relevant provisions have now been merged throughout the document and next to the relevant Regulation with a header "City of Holdfast Bay Meeting Procedures" under each Regulation where there are additional provisions.

They have been placed in grey shaded areas next to the Regulation to improve readability and for ease of reference.

- Previously changes permitted by the Regulations were highlighted in red. The red wording remains as identified.
- At the end of the Code are the miscellaneous provisions which do not relate to specific Regulations.
- Regulation 12 now includes provisions explaining for clarification that:
 - Members that have spoken to an amendment are taken to have spoken to the motion; and
 - a Member that has spoken to the motion prior to the proposed amendment is not permitted to speak again in the absence of leave of the meeting.
- Regulation 13 now includes that a person who moves or seconds an amendment can reserve their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.

The revised version for Council adoption, without the track changes showing is attached (refer to Attachment 2). Council is required to resolve to adopt the Code with a minimum two thirds majority before a reviewed Code can come into effect.

Refer Attachment 2

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1

Council Report 264/19

Code of Practice – Meeting Procedures

Adopted by Council 9 July 2019

Contents

Introduction.....	3
Part 1—Preliminary	4
Regulation 1—Short title	4
Regulation 2—Commencement	4
Regulation 3—Interpretation	4
Regulation 4—Guiding Principles	5
Part 2—Meetings of councils and key committees	5
Regulation 5—Application of Part	5
Regulation 6—Discretionary procedures	5
Regulation 7—Commencement of meetings and quorums	6
Regulation 8—Minutes	8
Regulation 9—Questions	9
Regulation 10—Petitions	10
Regulation 11—Deputations	11
Regulation 12—Motions	12
Regulation 13—Amendments to motions	14
Regulation 14—Variations etc	15
Regulation 15—Addresses by members etc	15
Regulation 16—Voting	16
Regulation 17—Divisions	16
Regulation 18—Tabling of information	17
Regulation 19—Adjourned business	17
Regulation 20—Short-term suspension of proceedings	17
Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision	18
Part 3—Meetings of other committees.....	19
Regulation 22—Application of Part	19
Regulation 23—Notice of meetings for members	19
Regulation 24—Public notice of committee meetings	19
Regulation 25—Minutes	19
Part 4—Miscellaneous.....	20
Regulation 26—Quorum for committees	20
Regulation 27—Voting at committee meetings	20
Regulation 28—Points of order	20
Regulation 29—Interruption of meetings by members	21
Regulation 30—Interruption of meetings by others	21
City of Holdfast Bay - Miscellaneous Meeting Procedures	22
1. Pre-Meeting	22
2. Agenda	22
3. Fire Evacuation Procedure	22
4. Meeting Protocols	22
5. Appointment to External Bodies	22

Introduction

The City of Holdfast Bay is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

The *Local Government Act (Procedures at Meetings) Regulations 2013* (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation.

Sections 86(8) and 89(1) of the *Local Government Act 1999* provides that where a procedure is not prescribed by regulation, Council (or a Council Committee when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the [meeting procedures prescribed in the 'Regulations'](#) (~~prescribed~~) [meeting procedures](#) which have been adopted by Council (inserted in red text to enable them to be read in conjunction with the formal requirements of the Regulations);
- Supplementary City of Holdfast Bay [provisions-meeting procedures](#) that apply to both Council and Committee meetings (unless stated otherwise)- see grey shaded areas;
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by legislation, this Code of Practice is reviewed annually and the Council may at any time, by resolution supported by at least two-thirds of members, alter, substitute or revoke the Code of Practice.

Local Government (Procedures at Meetings) Regulations 2013, including Variations

Part 1—Preliminary

Regulation 1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

Regulation 2—Commencement

These regulations will come into operation on 1 January 2014.

Regulation 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days - (see subregulations (2) and (3))

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council, ~~which includes legibly hand-written or typed in either hard copy or electronic form;~~

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

- (4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

- 1 See regulation 12 for specific provisions about formal motions.

City of Holdfast Bay Meeting Procedures

- (5) [For the purposes of the definition of 'written notice' in Regulation 3 above, the Council has determined that written notice will include a legibly hand written or typed document provided in either hard copy or electronic format.](#)

Regulation 4—Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Regulation 5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee. ~~(Strategic Planning and Development Policy Committee).~~

City of Holdfast Bay Meeting Procedures

- (d) [This Part applies to the Strategic Planning and Development Policy Committee.](#)

Regulation 6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
- (a) as determined by the council; or
 - (b) in the case of a council committee where a determination has not been made by the council— as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Regulation 7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.

~~The chair of a committee or any member of a committee may provide apologies to the relevant council officer at a meeting of a section 41 committee, in which case the apologies will be recorded in the minutes of the meeting.~~

- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

City of Holdfast Bay Meeting Procedures

- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the Presiding Member at the commencement of each meeting:

(6.1) Kurna Acknowledgement

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

(6.2) Council Prayer

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

- (7) At the appropriate place on the Agenda the Presiding Member will draw the attention of members to the Disclosure Statement relating to ~~s~~Sections 73, 74 and 75 of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.
- (8) [The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council officer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.](#)
- (9) [The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded in any way by ~~the members of the~~ public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.](#)
- (10) Members [addressing the meeting are reminded that they](#) do not have absolute privilege with respect to comments made, opinions they express or material presented, [at a Council or Committee meeting](#) and need to be aware that they may be held personally liable for defamatory statements or statements [made](#) contrary to legal obligations.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member ~~(which must, in the case of a material conflict of interest, include the details specified under section 74(5) of the Act and, in the case of an actual or perceived conflict of interest, include the details specified under section 75A(4) of the Act~~; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and
 - (m) a description of any oral briefing given to the meeting on a matter of council business; and
 - (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council's website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of ~~a~~ person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or ~~Council~~ Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and ~~Council~~ Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a divisions.
- (9) For the purposes of Regulation 8(4)(f),- in the case of a material conflict of interest, the minutes must record the details specified under section 74(5) of the Act, and in the case of an actual or perceived conflict of interest, the details specified under section 75A(4) of the Act.

Regulation 9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper. ~~The reason for ruling that a question with or without notice not be answered will be provided at the time the determination is made. The reasons will be communicated to the member who asked the question and recorded in the minutes of the meeting.~~

Regulation 10—Petitions

City of Holdfast Bay Meeting Procedures

- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, ~~5~~five clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated as a question for a subsequent meeting of the ~~C~~council.
- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting at which the question is asked. If it is not possible for the Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council Meeting.
- (10) For the purposes of Regulation 9(6), the Presiding Member must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- ~~(11)~~ A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or ~~the~~an amendment). Questions should be succinct and relevant to the matter and not a statement.
- ~~(12)~~ Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the Presiding Member, and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the Presiding Member, ~~and will both be directed to the person initiating the question.~~

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.
 - ~~(e) be received no less than 6 clear days prior to the date of the next ordinary meeting of council or the date at which the head petitioner requests.~~
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to ~~the~~ Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page are not to be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council, or the date at which the head petitioner requests that the petition be presented to the Council.
- (8) On receipt of a petition, a summary providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures the petition contains, will be placed on the agenda for the next ordinary council meeting, subject to provision 6 above ~~Regulation 10 (1)(e)~~. A full copy of the petition is available for viewing upon request, but will not be placed on the agenda.
- (89) Online petitions will be dealt with as above and must meet the following requirements ~~for them~~ to be presented to Council:
 - (98.1) the petition must clearly set out the request or submission of the petitioners
 - (98.2) the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street and suburb)
 - (98.3) the petition must be provided to Council either by mail (including email) or in person.

Regulation 11—Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

City of Holdfast Bay Meeting Procedures

- (8) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to ~~the~~ Council or ~~Council~~ Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the ~~C~~onstitution and/or ~~R~~ules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.
- (9) Where an organisation has provided its incorporation details as outlined in [paragraph provision 8 above](#), it will not be required to provide this information again for the term of the current Council.
- (10) A deputation, may not exceed ~~3~~ ~~three~~ people, and will not exceed 5 minutes in total, not including questions from members, except with the consent of the Presiding Member.

Regulation 12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election,whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time. ~~The Presiding Member is to ask for a seconder before declaring that a motion has lapsed.~~
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion [\(which includes speaking to an amendment to a motion\)](#) except—
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

- (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (11) A member who has spoken to a motion **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—
- (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 5 five clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.
- (24) When placing a motion with notice in an Agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the items.
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (or including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion (~~or an amendment~~). Questions should be succinct and relevant to the matter and not a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
- (26.1) the Presiding Member determines that the matter is one of urgency; and
- (26.2) in the opinion of the Presiding Member, the motion relates to an issue that does not require additional information in order to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the Presiding Member in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with Regulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the Presiding Member has received written authority from the member in advance of the meeting for a different member to move the notice of motion.
- (29) For the purposes of Regulation 12(8), the Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.
- (30) For the purposes of Regulation 12(10), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed an amendment being made is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time. ~~The Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.~~

- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates, **unless at the time of moving or seconding the amendment, the mover or seconder requests to reserves their right to speak to the amendment later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.
- ~~(7) Amendments are to be provided to the minute taker preferably in writing to ensure accuracy of recording.~~

City of Holdfast Bay Meeting Procedures

- ~~(7)~~ Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- ~~(8)~~ For the purposes of Regulation 13(2), the Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) A member at a Council meeting is to stand when speaking to a matter being considered at the meeting unless:
 - (7.1) that person is prevented from doing so by a physical disability; or
 - (7.2) the Presiding Member determines otherwise.
- (8) A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the Presiding Member that they require special arrangements to be made in order for their vote to be adequately signaled to those persons present, and it is accurately recorded in the minutes. The Presiding Member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote **and will communicate this to the chamber.**
- (9) A member who wishes to speak is asked to raise their hand to indicate to the Presiding Member that they wish to speak, who will then call upon them in turn.
- (10) The Presiding Member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the Presiding Member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.

Regulation 16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

City of Holdfast Bay Meeting Procedures

- (5) Each item of business on the agenda is to be voted on separately.

Regulation 17—Divisions

- (1) A division will be taken at the request of a member.

- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Regulation 18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

Regulation 19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

- (3) If a suspension occurs under subregulation (1)—
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
 - (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if—
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Part 3—Meetings of other committees

Regulation 22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2. ~~(Alwyndor Management Committee, Audit Committee, Executive Committee and Jetty Road Mainstreet Committee)~~

City of Holdfast Bay Meeting Procedures

- (1) A member at a Council Committee meeting may remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.

Regulation 23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Regulation 24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

Regulation 25—Minutes

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4—Miscellaneous

Regulation 26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) of the Act.

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

- (4) Each member of a Council Committee who is present at a meeting of the Committee, must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.
- (5) If a vote is tied and cannot be resolved by the Ccommittee the matters is to be considered as lost.

Regulation 28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

Regulation 29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
 - (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5),
is guilty of an offence.

Maximum penalty: \$1 250.

City of Holdfast Bay Meeting Procedures

- (7) Mobile telephones may not be used during a [Council or Committee](#) meeting by members ~~and~~ [or Council](#) officers.
- (8) Mobile telephones, if brought into the Council chamber, or Committee room, must be switched off or turned to silent mode before the meeting commences.

Regulation 30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no later than 5.00pm the Tuesday prior to the [Council](#) meeting.
- 1.2 A member's activity report received after the time specified in paragraph 1.1 above will be treated as an item for a subsequent meeting of the [Council](#).

2. Agenda

- 2.2 There will be no item of "Other business" on the agenda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and [the Regulations](#).
- 2.3 The Presiding Member may alter the order of the agenda, [subject to the leave of the Council or Committee](#), where it is expedient to do so.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm, unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

5. Appointment to External Bodies

- 5.1 The Presiding Member is to call for nominations before debate on a motion to appoint members to Committees and/or organisations ([Council](#) and external) can occur. If there are more nominations than positions a ballot is conducted.
- 5.2 All elected members (including the Presiding Member) indicate which member(s) they wish to vote for on the ballot paper or by show of hands.
- 5.3 A senior officer collects the ballot papers and/or conducts the count.
- 5.4 The Chief Executive Officer is to report the numbers to the Presiding Member and confirms the vote count.
- 5.5 In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph [3-65.2](#) and [3-65.3](#) above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.
- 5.6 The [Presiding Member](#) will then announce the successful candidate.
- 5.7 The meeting will then make the appointment by resolution.

Attachment 2

Council Report 264/19

Code of Practice – Meeting Procedures

Adopted by Council 9 July 2019

Contents

Introduction.....	3
Local Government (Procedures at Meetings) Regulations 2013, including Variations.....	4
Part 1—Preliminary	4
Regulation 1—Short title	4
Regulation 2—Commencement	4
Regulation 3—Interpretation	4
Regulation 4—Guiding Principles	5
Part 2—Meetings of councils and key committees	5
Regulation 5—Application of Part	5
Regulation 6—Discretionary procedures	5
Regulation 7—Commencement of meetings and quorums	6
Regulation 8—Minutes	7
Regulation 9—Questions	8
Regulation 10—Petitions	9
Regulation 11—Deputations	10
Regulation 12—Motions	11
Regulation 13—Amendments to motions	14
Regulation 14—Variations etc	14
Regulation 15—Addresses by members etc	14
Regulation 16—Voting	15
Regulation 17—Divisions	16
Regulation 18—Tabling of information	16
Regulation 19—Adjourned business	16
Regulation 20—Short-term suspension of proceedings	17
Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision	17
Part 3—Meetings of other committees.....	18
Regulation 22—Application of Part	18
Regulation 23—Notice of meetings for members	18
Regulation 24—Public notice of committee meetings	18
Regulation 25—Minutes	18
Part 4—Miscellaneous.....	19
Regulation 26—Quorum for committees	19
Regulation 27—Voting at committee meetings	19
Regulation 28—Points of order	19
Regulation 29—Interruption of meetings by members	20
Regulation 30—Interruption of meetings by others	21
City of Holdfast Bay - Miscellaneous Meeting Procedures	22
1. Pre-Meeting	22
2. Agenda	22
3. Fire Evacuation Process	22
4. Meeting Protocols	22
5. Appointment to External Bodies	22

Introduction

The City of Holdfast Bay is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

The *Local Government Act (Procedures at Meetings) Regulations 2013* (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation.

Sections 86(8) and 89(1) of the *Local Government Act 1999* provides that where a procedure is not prescribed by regulation, Council (or a Council Committee when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the meeting procedures prescribed in the Regulations which have been adopted by Council (inserted in red text to enable them to be read in conjunction with the formal requirements of the Regulations);
- Supplementary City of Holdfast Bay meeting procedures that apply to both Council and Committee meetings (unless stated otherwise)- see grey shaded areas;
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by legislation, this Code of Practice is reviewed annually and the Council may at any time, by resolution supported by at least two-thirds of members, alter, substitute or revoke the Code of Practice.

Local Government (Procedures at Meetings) Regulations 2013, including Variations

Part 1—Preliminary

Regulation 1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

Regulation 2—Commencement

These regulations will come into operation on 1 January 2014.

Regulation 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days - (see subregulations (2) and (3))

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council;

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

- (4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

- 1 See regulation 12 for specific provisions about formal motions.

City of Holdfast Bay Meeting Procedures

- (5) For the purposes of the definition of ‘written notice’ in Regulation 3 above, the Council has determined that written notice will include a legibly hand written or typed document provided in either hard copy or electronic format.

Regulation 4—Guiding Principles

The following principles (the *Guiding Principles*) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Regulation 5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

City of Holdfast Bay Meeting Procedures

- (d) This Part applies to the Strategic Planning and Development Policy Committee.

Regulation 6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
 - (a) as determined by the council; or
 - (b) in the case of a council committee where a determination has not been made by the council— as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Regulation 7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

City of Holdfast Bay Meeting Procedures

- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the Presiding Member at the commencement of each meeting:
- (6.1) Kurna Acknowledgement
- We acknowledge Kurna people as the traditional owners and custodians of this land.*
- We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.*
- (6.2) Council Prayer
- Heavenly Father, we pray for your presence and guidance at our Council Meeting.*
- Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.*
- (7) At the appropriate place on the Agenda the Presiding Member will draw the attention of members to the Disclosure Statement relating to sections 73, 74 and 75 of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.
- (8) The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council officer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.
- (9) The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded in any way by members of the public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.
- (10) Members are reminded that they do not have absolute privilege with respect to comments made, opinions they express or material presented, at a Council or Committee meeting and need to be aware that they may be held personally liable for defamatory statements or statements made contrary to legal obligations.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
- (a) initial each page of the minutes, which pages are to be consecutively numbered; and
- (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
- (a) the names of the members present at the meeting; and
- (b) in relation to each member present—
- (i) the time at which the person entered or left the meeting; and

- (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
- (c) each motion or amendment, and the names of the mover and seconder; and
- (d) any variation, alteration or withdrawal of a motion or amendment; and
- (e) whether a motion or amendment is carried or lost; and
- (f) any disclosure of interest made by a member ; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council's website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a division.
- (9) For the purposes of Regulation 8(4)(f), in the case of a material conflict of interest, the minutes must record the details specified under section 74(5) of the Act, and in the case of an actual or perceived conflict of interest, the details specified under section 75A(4) of the Act.

Regulation 9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.

- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

City of Holdfast Bay Meeting Procedures

- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, 5 clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated as a question for a subsequent meeting of the Council.
- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting at which the question is asked. If it is not possible for the Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council Meeting.
- (10) For the purposes of Regulation 9(6), the Presiding Member must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- (11) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or the amendment). Questions should be succinct and relevant to the matter and not a statement.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the Presiding Member, and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the Presiding Member.

Regulation 10—Petitions

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.

- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page are not to be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council, or the date at which the head petitioner requests that the petition be presented to the Council.
- (8) On receipt of a petition, a summary providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures the petition contains, will be placed on the agenda for the next ordinary council meeting, subject to provision 6 above. A full copy of the petition is available for viewing upon request, but will not be placed on the agenda.
- (9) Online petitions will be dealt with as above and must meet the following requirements to be presented to Council:
 - (9.1) the petition must clearly set out the request or submission of the petitioners
 - (9.2) the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street and suburb)
 - (9.3) the petition must be provided to Council either by mail (including email) or in person.

Regulation 11—Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

City of Holdfast Bay Meeting Procedures

- (8) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to the Council or Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the Constitution and/or Rules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.
- (9) Where an organisation has provided its incorporation details as outlined in provision 8 above, it will not be required to provide this information again for the term of the current Council.
- (10) A deputation may not exceed 3 people, and will not exceed 5 minutes in total, not including questions from members, except with the consent of the Presiding Member.

Regulation 12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election,whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**

- (10) A member may only speak once to a motion **(which includes speaking to an amendment to a motion)** except—
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (11) A member who has spoken to a motion **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—
- (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 5 clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.
- (24) When placing a motion with notice in an Agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the item.
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion. Questions should be succinct and relevant to the matter and not a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
 - (27.1) the Presiding Member determines that the matter is one of urgency; and
 - (27.2) in the opinion of the Presiding Member, the motion relates to an issue that does not require additional information in order to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the Presiding Member in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with Regulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the Presiding Member has received written authority from the member in advance of the meeting for a different member to move the notice of motion.
- (29) For the purposes of Regulation 12(8), the Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.

City of Holdfast Bay Meeting Procedures – continued

- (30) For the purposes of Regulation 12(10), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed amendment is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates, **unless at the time of moving or seconding the amendment, the mover or seconder reserves their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- (8) For the purposes of Regulation 13(2), the Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.

- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) A member at a Council meeting is to stand when speaking to a matter being considered at the meeting unless:
 - (7.1) that person is prevented from doing so by a physical disability; or
 - (7.2) the Presiding Member determines otherwise.
- (8) A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the Presiding Member that they require special arrangements to be made in order for their vote to be adequately signaled to those persons present, and it is accurately recorded in the minutes. The Presiding Member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote **and will communicate this to the chamber.**
- (9) A member who wishes to speak is asked to raise their hand to indicate to the Presiding Member that they wish to speak, who will then call upon them in turn.
- (10) The Presiding Member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the Presiding Member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.

Regulation 16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

City of Holdfast Bay Meeting Procedures

- (5) Each item of business on the agenda is to be voted on separately.

Regulation 17—Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Regulation 18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

Regulation 19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
 - (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if—
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Part 3—Meetings of other committees

Regulation 22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

City of Holdfast Bay Meeting Procedures

- (1) A member at a Council Committee meeting may remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.

Regulation 23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Regulation 24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

Regulation 25—Minutes

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

- (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4—Miscellaneous

Regulation 26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the ***prescribed number*** of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) of the Act.

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

- (4) Each member of a Council Committee who is present at a meeting of the Committee, must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.
- (5) If a vote is tied and cannot be resolved by the Committee the matter is to be considered as lost.

Regulation 28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.

- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

Regulation 29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
 - (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5),
is guilty of an offence.

Maximum penalty: \$1 250.

City of Holdfast Bay Meeting Procedures

- (7) Mobile telephones may not be used during a Council or Committee meeting by members or Council officers.
- (8) Mobile telephones, if brought into the Council chamber, or Committee room, must be switched off or turned to silent mode before the meeting commences.

Regulation 30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no later than 5.00pm the Tuesday prior to the Council meeting.
- 1.2 A member's activity report received after the time specified in paragraph 1.1 above will be treated as an item for a subsequent meeting of the Council.

2. Agenda

- 2.2 There will be no item of "Other business" on the agenda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and the Regulations.
- 2.3 The Presiding Member may alter the order of the agenda, subject to the leave of the Council or Committee, where it is expedient to do so.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm, unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

5. Appointment to External Bodies

- 5.1 The Presiding Member is to call for nominations before debate on a motion to appoint members to Committees and/or organisations (Council and external) can occur. If there are more nominations than positions a ballot is conducted.
- 5.2 All elected members (including the Presiding Member) indicate which member(s) they wish to vote for on the ballot paper or by show of hands.
- 5.3 A senior officer collects the ballot papers and/or conducts the count.
- 5.4 The Chief Executive Officer is to report the numbers to the Presiding Member and confirms the vote count.
- 5.5 In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph 5.2 and 5.3 above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.
- 5.6 The Presiding Member will then announce the successful candidate.
- 5.7 The meeting will then make the appointment by resolution.