

# **EXTRAORDINARY COUNCIL MEETING**

## **BUSINESS PAPER**

**TUESDAY 24 SEPTEMBER 2013**

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**EXTRAORDINARY COUNCIL MEETING**

Notice is hereby given that an Extraordinary Council Meeting of the Council of the City of Randwick will be held in the Council Chamber, First Floor, 90 Avoca Street, Randwick, 30 Frances Street, Randwick, on Tuesday, 24 September 2013 at 7:00pm

**PRAYER AND ACKNOWLEDGEMENT OF THE LOCAL INDIGENOUS PEOPLE**

**Prayer**

*"Almighty God,  
We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of Randwick and Australia.  
Amen"*

**Acknowledgement of the local indigenous people**

*"I would like to acknowledge that we are here today on the land of the Bidjigal people of the Dharwahal Nation. The Bidjigal people are the traditional owners and custodians of this land and form part of the wider aboriginal nations of the Sydney area. On behalf of Randwick City Council I would also like to acknowledge and pay my respects to the Elders both past and present."*

**Apologies/Granting of Leave of Absences**

**Declarations of Pecuniary and Non-Pecuniary Interests**

*Privacy warning;  
In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded for the purposes of clause 66 of Council's Code of Meeting Practice.*

**Address of Council by Members of the Public**

**Mayoral Minutes**

Mayoral Minutes, if any, will be distributed on the night of the meeting.

**Urgent Business**

**General Manager's Reports**

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.....  
Ray Brownlee  
**GENERAL MANAGER**



## General Manager's Report No. GM21/13



**Subject:** Election of Mayor and Deputy Mayor  
and election of Council Committees

**Folder No:** F2005/00751

**Author:** Julie Hartshorn, Senior Administrative Coordinator

### Introduction

The purpose of this report is to facilitate the election of the Mayor and Deputy Mayor and the appointment of Councillors to the various internal and external committees.

### Issues

In September each year, the Council is required to conduct an election for the position of Mayor and Deputy Mayor.

Further, at the Extraordinary Council Meeting held on 25 September 2012 it was resolved that the appointment of Council's Committees be for the 12 month period to September 2013. It is, therefore, necessary for Council to make further appointments to Committees for the period September 2013 to September 2014 (or to the end of the current Council's term of office, being September 2016).

#### 1. Election of Mayor – September 2013 to September 2014

The procedure to be followed for the election of Mayor is outlined in Part 11 of the Local Government (General) Regulation 2005, and is reproduced hereunder:

#### "Part 1 – Preliminary

##### Returning Officer

1. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

##### Nomination

<b>2.</b>	(1)	A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
	(2)	The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
	(3)	The nomination is to be delivered or sent to the Returning Officer.
	(4)	The Returning Officer is to announce the names of the nominees at the council meeting at which the election is to be held.

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**Election**

<b>3.</b>	(1)	If only one Councillor is nominated, that Councillor is elected.
	(2)	If more than one Councillor is nominated, the Council is to resolve whether <i>the election is to proceed by preferential ballot, by ordinary ballot or by open voting.</i>
	(3)	The election is to be held at the council meeting at which the Council resolves on the method of voting.
	(4)	In this clause: <b>ballot</b> has its normal meaning of secret ballot; <b>open voting</b> means voting by a show of hands or similar means.

**Part 2 – Ordinary Ballot or Open Voting**

**Application of Part**

4. This Part applies if the election proceeds by ordinary ballot or by open voting.

**Marking of ballot-papers**

<b>5.</b>	(1)	If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.
	(2)	The formality of a ballot-paper under this Part must be determined in accordance with clause 76(1)(b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
	(3)	An informal ballot-paper must be rejected at the count.

**Count - 2 candidates**

<b>6.</b>	(1)	If there are only 2 candidates, the candidate with the higher number of votes is elected.
	(2)	If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**Count – 3 or more candidates**

<b>7.</b>	(1)	If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
	(2)	If 3 or more candidates then remain, a further vote is to be taken of those candidates, and the one with the lowest number of votes from that further vote is to be excluded.
	(3)	If, after that, 3 or more candidates still remain, the procedure set out in sub-clause (2) is to be repeated until only 2 candidates remain.
	(4)	A further vote is to be taken of the 2 remaining candidates.
	(5)	Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
	(6)	If at any stage during a count under sub clause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 – Preferential Ballot**

**Application of Part**

8. This Part applies if the election proceeds by preferential ballot.

**Ballot-papers and voting**

9.	(1)	The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", and "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
	(2)	The formality of a ballot-paper under this Part is to be determined in accordance with clause 76(1)(b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
	(3)	An informal ballot-paper must be rejected at the count.

**Count**

10.	(1)	If a candidate has an absolute majority of first preference votes, that candidate is elected.
	(2)	If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
	(3)	A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
	(4)	In this clause <b>absolute majority</b> in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot-papers.

**Tied candidates**

11.	(1)	If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
	(2)	If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by the lot is taken to have the lowest number of votes and is therefore excluded.

**Part 4 – General****Choosing by lot**

12. To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

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**Result**

<b>13.</b>	The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:	
	(a)	to be declared to the Councillors at the council meeting at which the election is held by the Returning Officer, and
	(b)	to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales".

**2. Election of Deputy Mayor – September 2013 to September 2014**

In accordance with the provisions of Section 231 of the Local Government Act, the Council may elect one of its members to act as Deputy Mayor either for the Mayoral term or for a shorter term as may be resolved by the Council. Further, the Deputy Mayor may exercise any function of the Mayor, at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The election provisions of Part 11 of the Local Government (General) Regulation 2005 also relate to the Deputy Mayor.

It has been Council's normal practice to elect a Deputy Mayor for the same Mayoral Term, immediately following the election of the Mayor.

**3. Appointment of Committees**

The Local Government Act, 1993 dispensed with any requirement to annually elect or appoint Standing Committees and the Council can appoint or elect committees as it considers necessary.

The appointment or election of members to Committees must be for a specified term, which obviously cannot exceed the term of the Council.

Accordingly, on this occasion the Council must elect or appoint members to its Committees for any period of time (in the past the Council practice has been to elect committee representatives for a 12 month period from September to September).

The powers, duties and functions of all former Committees are subject to determination by the Council. The Council may determine that the Committees, their duties, composition and quorums remain the same (or otherwise).

The former Committees, appointed in September, 2012, their duties, composition, quorums and membership details are attached to this report, in the following categories:

- (i) **General Committees** – internal committees of the Council that meet on a regular basis.
- (ii) **Special Committees** – committees of the Council that meet on an ad hoc basis.
- (iii) **Advisory Committees** – created to perform a specific function, often with outside representation.
- (iv) **Councillor Representation on Outside Organisations/Committees** – bodies to which the Council is entitled to elect or appoint Councillor representatives.

It should be noted that Council has previously resolved that the Administration & Finance Committee, the Civic Affairs Committee, the Community Services Committee, the Economic Development Committee, the Environment Committee, the Planning Committee and the Works Committee have full delegated authority to determine items on their agenda.

In relation to the Council Meeting processes, the following suggestions are put forward for Councillors consideration;

Options
Abolish the Committees and have 2 Council Meetings per month
Conduct Planning Committee meetings prior to other committees for the convenience of member of the public
Change the number of Committees
Change the start times for meetings from 6.00pm to 6.30pm (or any other time more suitable to Councillors and the community)

### Conclusion

It is necessary for the Council, at this meeting, to make certain decisions relating to the election of a Mayor and Deputy Mayor and appointment of delegates/members of committees and to external bodies.

### Recommendation

- (a) **Method of Voting** - that, should it be necessary for an election to be held for the positions of Mayor and Deputy Mayor, Council determine the method of voting from one of the following:
- Open Voting (traditional method at Randwick City Council)
  - Ordinary Ballot
  - Preferential Ballot.
- (b) **Election of Mayor**
- i. That the General Manager, as Returning Officer, calls nominations for the position of Mayor.
  - ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Mayor.
  - iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Mayor.
  - iv. That the General Manager, as Returning Officer, declare the Mayor elected for the September, 2013 to September 2014 term.
- (c) **Election of Deputy Mayor**
- i. That the General Manager, as Returning Officer, calls nominations for the position of Deputy Mayor.
  - ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Deputy Mayor.
  - iii. That, if necessary, an election be conducted in accordance with the

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Council's resolution made in relation to recommendation (a) for the position of Deputy Mayor.

iv. That the General Manager, as Returning Officer, declare the Deputy Mayor elected for the September, 2013 to September 2014 term.

(d) **Appointment of Committees & their membership**

i. That Council determine the Committees and their duties, functions, quorums and delegated authorities in accordance with the attachment to the this report.

ii. That appointment to the Committees be for the period September 2013 to September 2014.

iii. That Council proceed to elect, appoint or nominate Committee members to the Committees and external bodies.

**Attachment/s:**

1. Committees, duties, composition, quorum and membership details
2. Committee membership 2012-13
3. Nomination forms for Mayor and Deputy Mayor

**INCLUDED UNDER SEPARATE COVER**

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### General Committees

	Committee	Duties/Functions	Composition	Quorum
(i)	<b>Administration &amp; Finance</b>	Delegated authority: To determine administrative & financial items & other relevant associated matters	All Councillors	8 Councillors
(ii)	<b>Community Services</b>	Delegated authority: To determine community development items & other relevant associated matters	All Councillors	8 Councillors
(iii)	<b>Economic Development</b>	Delegated authority: To determine matters associated with Economic Development and the implementation of the Randwick Economic Development Strategy and associated matters, including tourism	The Mayor & 7 Councillors	5 Councillors
(iv)	<b>Environment</b>	Delegated authority: To determine matters associated with the natural environment & other associated environmental issues	The Mayor & 7 Councillors	5 Councillors
(v)	<b>Planning</b>	Delegated authority: To determine Health, Building & Planning matters	All Councillors	8 Councillors
(vi)	<b>Works</b>	Delegated authority: To determine works items & other relevant associated matters	All Councillors	8 Councillors

### Special Committees

	Committee	Duties/Functions	Composition	Quorum
(i)	<b>Randwick Aboriginal Consultative</b>	To advise council on issues affecting Aboriginal Communities & review & monitor Council policy relating to Aboriginal communities	2 Councillors, staff representing each Council Division & not less than 6 community representatives	6 members
(ii)	<b>Randwick Access</b>	To monitor implementation & evaluation of Council's Disability Discrimination Action Plan, to assist Council in the identification of current & future access needs for the community, to support & promote activities & special projects relating to people with disabilities, to comment on Council planning instruments in relation to disability issues, to assist in determining the most appropriate use of the Accessible Pathways Budget	Not less than 2 Councillors & 6 community representatives	6 members
(iii)	<b>Australia Day</b>	To plan arrangements for Australia Day celebrations	The Mayor & 6 Councillors & community representatives	3 members

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	Committee	Duties/Functions	Composition	Quorum
			as deemed necessary by the Committee	
(iv)	<b>Randwick City Business Awards</b>	To coordinate arrangements for the presentation of the Randwick City Business Awards	The Mayor & 3 Councillors & the Presidents (or nominees) of each Chamber of Commerce & a representative of the ESBE	6 members
(v)	<b>Civic Affairs</b>	Delegated authority: To determine civic affairs matters, including; i) to consider all nominations for Community &/or Civic Awards & to select the recipients; ii) to consider nominations lodged annually in the programs under the Council Awards for Sporting Achievements & to select the recipient(s)	The Mayor & 9 Councillors & community representatives as deemed necessary by the Committee	6 Councillors
(vi)	<b>Community Safety</b>	To provide input into the preparation of the Community Safety Plan & enhance community safety & crime prevention	3 Councillors and staff, reps from Maroubra Local Area Command, Eastern Beaches Liquor Accord and a number of other groups, community organisations & individuals (as required)	N/A
(vii)	<b>General Manager's Performance Review</b>	To convene ½ yearly monitoring meetings & once yearly review meetings with the GM to administer his Performance Agreement & to amend the Performance Agreement when required	The Mayor & 2 Councillors	3 members
(viii)	<b>Randwick Multicultural Advisory</b>	To ensure that all non-English speaking background residents are informed & have an understanding of Council's role & responsibilities & advise Council on issues that affect NESB residents	An equal mix of Council & community reps, with at least 2 Councillors & representatives from each Council Division (Max 10 community reps/others, excluding Crs)	6 members
(ix)	<b>Randwick Older Persons' Advisory</b>	To ensure that Council policies & programs are consistent with Commonwealth & State Government legislation & best practice relating to the full range of older people's needs, to develop a Randwick Older People's Policy, to comment on Council planning instruments, to assist Council in the identification of current & future needs of older persons & to plan associated activities & events	Not less than 2 Councillors & 6 community representatives but not more than 12 in total	6 members
(x)	<b>Road Safety Steering</b>	To provide peer & expert guidance, advice, feedback, information & support to Council's Community Road Safety Officer, focusing on	2 staff (integrated transport) & 1	N/A

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	Committee	Duties/Functions	Composition	Quorum
		behavioural & educational issues	staff (community prog & p/ship) 2 Councillors, 1 rep from each of RTA, NSW Police, Eastern Beaches Liquor Accord, Dept Education & Training, Southern Sydney Health Promotion Unit	
(xi)	<b>Sports</b>	To ensure that Council policies and programs are consistent with Commonwealth & State Government legislation & best practice relevant to the full range of local sporting & recreation needs, to comment on Council planning instruments, including Plans of Management, in relation to sporting facilities, to assist Council in the identification of current & future sporting needs for the community etc	The Mayor & 3 Councillors, plus 6-15 reps of peak sporting bodies or associations (being residents of Randwick or members of local sporting bodies, plus Council staff reps	6 members
(xii)	<b>Randwick Youth Advisory</b>	To assist Council in the identification of the current interests of young people (ages 15-24 years), to support & promote activities & special projects relating to young people, to comment on Council planning instruments, to encourage students & young people's participation in Council's activities and community service initiatives etc	Not less than 2 Councillors & 6 young people (ages 15-24), but not more than 12 in total	6 members
(xiii)	<b>Cultural Advisory Committee</b>	To bring together key stakeholders in artistic and cultural development within Randwick City to facilitate the sharing of resources, knowledge, facilities, ideas and opportunities; and to advise Council on its public art, placemaking and cultural initiatives.	Maximum 12 members, consisting of no less than 5 local practising artists and 2 Councillors	N/A
(xiv)	<b>Internal Audit Committee</b>	The objective of the Internal Audit Committee (Committee) is to provide independent assurance and assistance to Randwick City Council on areas including risk management, control, legislative compliance and external accountability responsibilities.	Mayor, plus 3 x external appointments (with relevant experience)	3
(xv)	<b>Green Square and West Kensington Floodplain Management Committee</b>	Provide advice to Council on flooding related policies and objectives for the Green Square and West Kensington catchment as well as the implementation of the floodplain management process.	2 Councillors, 2 community reps, 4 Council staff, 1 SES rep, 1 adjoining Council and Centennial & Moore Pk Trust rep (as appropriate)	N/A

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	Committee	Duties/Functions	Composition	Quorum
			and 1 DECC rep	
(xvi)	<b>Kensington - Centennial Park Floodplain Management Committee</b>	Provide advice to Council on flooding related policies and objectives for the Kensington - Centennial Park catchments as well as the implementation of the floodplain management process.	2 Councillors, 2 community reps, 4 Council staff, 1 SES rep, 1 adjoining Council and Centennial & Moore Pk Trust rep (as appropriate) and 1 DECC rep	N/A
(xvii)	<b>Maroubra Bay Floodplain Management Committee</b>	Provide advice to Council on flooding related policies and objectives for the Maroubra Bay catchment as well as the implementation of the floodplain management process.	2 Councillors, 2 community reps, 4 Council staff, 1 SES rep, 1 adjoining Council and Centennial & Moore Pk Trust rep (as appropriate) and 1 DECC rep	N/A
(xviii)	<b>Coogee Bay Floodplain Management Committee</b>	Provide advice to Council on flooding related policies and objectives for the Coogee Bay catchment as well as the implementation of the floodplain management process.	2 Councillors, 2 community reps, 4 Council staff, 1 SES rep, 1 adjoining Council and Centennial & Moore Pk Trust rep (as appropriate) and 1 DECC rep	N/A

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### Councillor representation on outside organisations/committees

	Committee	Duties/Functions	Composition	Randwick City Council Entitlement
(i)	<b>Eastern Region Local Government Aboriginal &amp; Torres Strait Islander Forum</b>	To consult local Aboriginal communities & their organisations in order to develop policies & cooperative strategies at a regional level & which will stimulate local government commitment to the reconciliation process	Councillors & staff from Randwick, Botany Bay, Waverley & Woollahra Council & indigenous community reps	The Mayor & any interested Councillors
(ii)	<b>Eastern Suburbs Business</b>	To achieve, seek & support employment creation & business development initiatives & to promote the development of economic well being within the	Councillors, staff & community	1 Councillor

	Committee	Duties/Functions	Composition	Randwick City Council Entitlement
	<b>Enterprise Centre (ESBEC)</b>	community and, in doing so, to generate employment opportunities	reps from Waverley, Woollahra & Randwick Councils	
(iii)	<b>Joint Regional Planning Panel (JRPP)</b>	The principal function of regional panels is to determine regionally significant DAs.	5 members (1 Chair appointed by the Minister, 2 other members appointed by the Minister & 2 Council-appointed members	2 Councillors + 5 alternate delegates
(iv)	<b>Metropolitan Public Libraries Association</b>	As a member of the MPLA, Randwick City Council is entitled to 1 vote at the AGM	Representatives from member organisations	1 Councillor
(v)	<b>Randwick City Tourism Inc</b>	To encourage residents of the City to appreciate the benefits of tourism, to provide a cohesive & unified focus for the Council & private sector activities to encourage appropriate tourism development, to coordinate the local tourism industry & its promotion, to advise Council on tourism policy & represent Randwick's tourism interest to government & the tourist industry etc	1 Councillor & 8 members of the local community (who are involved in or interested in tourism)	1 Councillor
(vi)	<b>Randwick Traffic Committee</b>	To authorise traffic facilities & consider road safety issues	1 Councillor & 1 alternate (Councillor), Council Traffic Engineer & reps from RTA, Police, State Transit and the State Member of Parliament	1 Councillor & 1 alternate delegate (Councillor) in accordance with RTA delegation
(vii)	<b>Southern Sydney Regional Organisation of Councils (SSROC)</b>	To consider & assess the needs, disadvantages & opportunities of the member Councils & of the Southern Sydney region, to make representation & submissions relative to the needs, to submit requests for financial assistance, policy change and additional resources for the region or for member councils etc	Elected reps from – Bankstown, Hurstville, Randwick, Rockdale, Botany Bay, Sutherland, Canterbury, Kogarah, Marrickville, Waverley & Woollahra Councils	2 delegates (1 being the Mayor) & 2 alternate delegates. Each delegate also serves on a SSROC Standing Committee
(viii)	<b>SSROC Access Committee</b>	To consider disability access issues & to develop policies & cooperative strategies at a regional level	Councillors & staff from SSROC Councils	1 Councillor

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	Committee	Duties/Functions	Composition	Randwick City Council Entitlement
(iv)	<b>Sydney Coastal Councils</b>	<p>To maintain sharp focus on all water pollution issues that affect the coastal, harbour, bay and river environment within the areas covered by the member Councils and to develop initiatives to protect those areas.</p> <p>Member Councils - Botany, Hornsby, Leichhardt, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sydney City, Sutherland, Warringah, Waverley, Willoughby &amp; Woollahra</p>	Councillors & staff from member Councils	2 Councillors & 2 alternate delegates (Councillors)

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## COMMITTEE MEMBERSHIP – SEPTEMBER 2012-2013

## GENERAL COMMITTEES

Committee	Andrews	Belleli	Bowen	D'Souza	Garcia	Matson	Moore	Nash	Neilson	Roberts	Seng	Shurey	Smith	Stavrinos	Stevenson	Councillor Reps	Quorum
Administration & Finance	✓	✓	•	✓	✓	✓	C	✓	✓	DC	✓	✓	✓	✓	✓	Mayor + 14	8
Community Services	✓	✓	•	✓	✓	C	✓	✓	✓	✓	✓	DC	✓	✓	✓	Mayor + 14	8
Economic Development	✓	✓	•	✓	✓	✓	✓	✓	✓	C	✓	✓	✓	DC	✓	Mayor + 14	8
Environment			•	✓		DC	✓	✓	✓	✓	✓	C				Mayor +8	5
Planning	✓	✓	•	✓	✓	✓	✓	✓	✓	✓	✓	✓	C	✓	DC	Mayor + 14	8
Works	✓	✓	•	DC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	C	Mayor + 14	8

## FLOODPLAIN MANAGEMENT COMMITTEES

Committee	Andrews	Belleli	Bowen	D'Souza	Garcia	Matson	Moore	Nash	Neilson	Roberts	Seng	Shurey	Smith	Stavrinos	Stevenson	Councillor Reps	Quorum
Green Square & West Kensington							D	D								Various	2
Kensington & Centennial Park									D			D				Various	2
Maroubra Bay						D									D	Various	2
Coogee Bay						D				D						Various	2

## SPECIAL COMMITTEES/ADVISORY COMMITTEES

Committee	Andrews	Belleli	Bowen	D'Souza	Garcia	Matson	Moore	Nash	Neilson	Roberts	Seng	Shurey	Smith	Stavrinos	Stevenson	Councillor Reps	Quorum	Community Reps
Aboriginal Consultative				C						D						2	6	≥6
Access								C								2	6	≥6
Australia Day	D		C				D			D		D		D	D	Mayor + 6	3	As necessary
Business Awards			C	D		D				D						Mayor + 3	6	Chamber Presidents

