

## Elected Members Leave of Absence Policy

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Policy Name:	Elected Members Leave of Absence Policy
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Responsible Officer:	General Manager Corporate Services
Relevant Legislation:	<i>Local Government Act 1999</i>
Related Policies:	<i>Elected Members' Allowance and Benefits Policy</i>

### 1. Statement of Principle

- 1.1 The City of Burnside (the Council) supports the principle that, as the decision-making body of the Council, Elected Members commit to regularly attending Council meetings. This position is reinforced by the *Local Government Act 1999* (the Act).
- 1.2 Whilst absence from a meeting may, on occasion, be unavoidable, it is recommended practice to request a 'leave of absence' when an Elected Member knows in advance that they will be unable to attend two or more Council meetings. This enables the Council to operate efficiently and effectively with the advance knowledge that an Elected Member will be unavailable.
- 1.3 Whilst an Elected Member may proffer an apology for non-attendance at a Council meeting, this is simply a gesture of courtesy only and does not provide any legal protection as does the grant of a 'leave of absence'.

### 2. Policy Objective

This Policy establishes the requirements and processes involved with an Elected Member requesting a 'leave of absence'.

### 3. Policy Scope

This Policy applies to all Elected Members and formal Council meetings.

### 4. Introduction

- 4.1 An Elected Member may provide an apology to the Council as a matter of courtesy and polite social convention where the Elected Member is unable to attend a meeting. However, a 'leave of absence' is legally distinct as it occurs when an Elected Member requests, in advance, to be absent from a meeting or meetings and has express recognition in the Act.

- 4.2 As the Council is committed to the conduct of its business effectively and efficiently, when an Elected Member is absent, it can cause unforeseen difficulties for the Council and other Elected Members.
- 4.3 This Policy sets out how the Council will ensure it is provided with reasons for an Elected Member's request for a 'leave of absence' at the time the request is considered, in order to make a considered decision; consistent with the legal duty to make informed and responsible decisions.

## 5. Strategic Plan Desired Outcomes

- 5.1 Delivery of good governance in Council business.

## 6. Our Approach

- 6.1 Regularly review, update and adopt leading governance, risk management and administrative practices.

## 7. Interpretation

- 7.1 **CEO** means the Chief Executive Officer.
- 7.2 **Council Meeting** means a meeting convened and conducted under the provisions of the Act.
- 7.3 **Elected Members** includes the Mayor and Councillors.
- 7.4 **leave of absence** means a permission granted by the Council that enables an Elected Member to be absent from Council Meetings for a period of time without triggering consideration of the provisions of section 54(1)(d) of the Act.
- 7.5 The expression "*in writing*" includes email.

## 8. Principles

- 8.1 To ensure that the Council makes informed and responsible decisions pursuant to its obligation at section 6(a) of the Act.
- 8.2 To ensure that the community has confidence in the efficiency and effectiveness of the Council.

## 9. Leave of Absence Requests

- 9.1 When an Elected Member intends to request a leave of absence, he/she must indicate this to the Council as soon as practicable, as provided in this Policy.
- 9.2 The Elected Member must provide, in writing, with five clear days' notice prior to the Council meeting at which the request will be considered, a leave of absence request to the CEO, indicating the proposed commencement and end dates of the proposed leave of absence and the reasons for the leave of absence. The cut-off time is 5 pm on the Wednesday prior to the Council meeting. If receipt is after this time, the items will be placed on the Agenda for the following meeting.

- 9.2.1 If an Elected Member does not provide, in writing, reasons for the leave of absence request, the CEO in reporting the request to the Council will not provide any recommendation in accordance with part 9.3 of this Policy.
- 9.2.2 An Elected Member is not obligated to divulge personal information if the reasons for the leave of absence request are of a personal nature.
- 9.2.3 In the event that an Elected Member seeks to request more than three months' leave of absence within any one twelve month period, the Elected Member should consider, and confirm to Council that they have considered - whether it is likely that their circumstances are such that it would be more appropriate to resign their office.
- 9.2.4 Where a period of Leave of Absence is longer than three months, the Elected Member should resign their membership of any Council Committees or Boards occupied as a representative of Council.
- 9.3 The CEO will prepare a short report to the Council regarding the request for the leave of absence for the consideration of the Council. This report will include a recommendation as to whether or not the leave of absence request is consistent with this Policy and whether it should be approved.
- 9.4 It is at the absolute discretion of the Council to approve or refuse the leave of absence request.
- 9.5 If the leave of absence request is refused by the Council, reasons must be provided in support of the refusal. The CEO will advise the Elected Member in writing of these reasons.
- 9.6 Unless otherwise requested (and subject to appropriate grounds being available), the leave of absence request will be dealt with in public at the Council meeting.
- 9.7 If an Elected Member requests, in writing, that the leave of absence request be dealt with as a confidential agenda item, the Elected Member must identify the proposed grounds of confidentiality.
- 9.8 Decisions about whether a request should be subject to a recommendation that it be considered in confidence, will be made by the CEO, in accordance with this Policy.
- 9.9 If, in the view of the CEO, there are no legally available grounds and/or the reasons for considering the leave of absence request in confidence are not sufficient, the leave of absence report from the CEO will be included in the public agenda papers.

## **10. Rescinding a Leave of Absence**

- 10.1 If an Elected Member attends a Council meeting (whether or not an ordinary meeting) despite having been granted a leave of absence by the Council, the leave of absence is rescinded at that time.
- 10.2 Paragraph 10.1 does not prevent the Council from granting a further leave of absence to the same Elected Member in respect of any future Council meeting.

## **11. Allowances**

- 11.1 In accordance with section 76 (12) of the Act, an Elected Member can decline to accept payment of an allowance.
- 11.2 If an Elected Member is granted a leave of absence for a period in excess of three (3) months, the Elected Member must consider whether they wish to decline to accept their Elected Member allowance for the entirety of the leave of absence or for the period in excess of the three (3) months or at all and must advise the CEO of their decision in this regard.

## **12. Committees and Subsidiaries**

- 12.1 If the Council so resolves, the provisions of this Policy will extend to committees and to members of committees established by the Council as if:
- 12.1.1 a committee is the Council; and
- 12.1.2 a member of a committee is an Elected Member of the Council.

## **13. Review and Authority**

This Policy will be reviewed bi-annually in accordance with the Council's Policy and Procedure Framework.

## **14. Availability**

- 14.1 This Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)
- 14.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

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