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July 17, 2020

ABN 84 873 116 132

**EXTRAORDINARY MEETING**

**TO BE HELD**

**MONDAY, JULY 20, 2020**

Dear Sir/Madam,

Your attendance is requested at the Extraordinary Meeting of the Council of the City of Broken Hill to be held **via videoconference** on **Monday, July 20, 2020** commencing at **6:30p.m.** to consider the following business:

- 1) Opening Meeting
- 2) Apologies and Leave of Absence
- 3) Prayer
- 4) Acknowledgement of Country
- 5) Disclosure of Interest
- 6) Reports
- 7) Conclusion of the meeting



**JAMES RONCON**  
**GENERAL MANAGER**

**RECORDING OF COUNCIL MEETINGS**

***PLEASE NOTE:*** This Council meeting is being recorded and published online via Facebook.  
*To those present in the meeting today, by participating in this public meeting you are consenting to your image, voice and comments being recorded and published.*  
*The Mayor and/or General Manager have the authority to pause the recording if comments or debate are considered defamatory or otherwise inappropriate for publishing.*  
*Participants are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.*

## REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 93/20 - DATED JULY 13, 2020 - COUNCILLOR/S MOTION CONTRAVENING THE BROKEN HILL CITY COUNCIL'S CODE OF MEETING PRACTICE ADOPTED 29 APRIL 2020, MINUTE NO. 46238 (12/14, 11/249) ..... 3

## EXTRAORDINARY MEETING OF THE COUNCIL

July 13, 2020

**ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 93/20

SUBJECT: COUNCILLOR/S MOTION CONTRAVENING THE BROKEN HILL CITY COUNCIL'S CODE OF MEETING PRACTICE ADOPTED 29 APRIL 2020, MINUTE NO. 46238 12/14, 11/249

**Recommendation**

1. That Broken Hill City Council Report No. 93/20 dated July 13, 2020, be received.
2. That Council note the report.

**Executive Summary:**

Broken Hill City Council is in receipt of a request to the Mayor, received 8 July 2020, calling for another Extraordinary Meeting of Council to consider ostensibly the same matter.

The Notice of Motion as received (Item one), does not comply with clause 3.12 of the Broken Hill City Council Code of Meeting Practice as adopted on 29 April 2020, Minute No. 46238; the motion is vague, not a substantive motion that offers a clear direction or outcome and is open ended. There has also been no substantive argument provided in support of the proposed motion.

Items two to seven are again considered unlawful as per clause 3.19 of the adopted Code of Meeting Practice given it relates to the staffing operations of Council which are the clear responsibility of the General Manager as per s335 of the *Local Government Act 1993*. The motions are substantively the same as the previous two calls for Extraordinary Meetings held 30 June 2020 and 9 July 2020.

**Report:**

Broken Hill City Council is in receipt of another Extraordinary Meeting request and accompanying notice of motions from Crs Kennedy and Algate received by the Mayor on 8 July 2020.

Item one of the Notice of Motion request fails to comply with the Broken Hill City Council's adopted Code of Meeting Practice as per clause 3.12 as the motion is not a substantive motion that offers a clear direction or outcome and there has been no argument provided in support of the motion, as is required by the adopted code.

When Council reviewed the Code of Meeting Practice at the Ordinary Meeting of Council held 29 April 2020 (minute no. 46238), it was understood that its clear intent was to ensure that notices of motion put forward by Councillors' were substantive in their nature, offered a clear direction, and were not open ended. This was to be the starting point for Councillors' consideration of a motion that could then be debated. In my opinion the motion put forward does not support a clear outcome, is open ended and vague.

There has also been no substantive argument provided in support of the proposed motion and this was a further clear direction from Council. Council wanted to see a substantive argument in support of the motion, so Councillors clearly understood the thinking of their colleagues in bringing the motion forward and were not left guessing.

Items two to seven are considered unlawful as per clause 3.19 of the adopted Code of Meeting Practice given it relates to the staffing / day to day operations of Council which are the clear responsibility of the General Manager as per s335 of the *Local Government Act 1993*. The motions are also substantively the same as the previous two calls for Extraordinary Meetings held 30 June 2020 and 9 July 2020 and have therefore been treated in the same manner.

In accordance with Council's Code of Meeting Practice Policy adopted 29 April 2020, Minute No. 46238, which replaced the provisions of the *Local Government (General) Regulation 2005 Reg 240(2)*:

*'The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council'.*

It is my opinion that the business is (or the implementation of the business would be) unlawful within the meaning of clause 3.19 of the adopted Code of Meeting Practice.

#### **Community Engagement:**

Nil.

#### **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

#### **Relevant Legislation:**

*Local Government Act 1993, Section 355*

Council's Code of Meeting Practice Policy adopted April 2020 Minute No. 46238

#### **Financial Implications:**

Nil.

#### **Attachments**

There are no attachments for this report.

JAMES RONCON  
GENERAL MANAGER