

Please address all communications to:  
The General Manager  
240 Blende Street  
PO Box 448  
Broken Hill NSW 2880  
Phone 08 8080 3300  
Fax 08 8080 3424  
council@brokenhill.nsw.gov.au  
www.brokenhill.nsw.gov.au

July 07, 2020

**EXTRAORDINARY MEETING**  
**TO BE HELD**  
**THURSDAY, JULY 09, 2020**

ABN 84 873 116 132

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 **Thursday, July 09, 2020** commencing at **6:30pm** to consider the following business:

- 1) Apologies and Leave of Absence
- 2) Prayer
- 3) Acknowledgement of Country
- 4) Disclosure of Interest
- 5) Reports
- 6) Closed

  
**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. 92/20 - DATED JUNE 30, 2020 - COUNCILLOR NOTICE OF MOTION DEEMED TO BE UNLAWFUL AS PER 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

June 30, 2020

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 92/20**

**SUBJECT:** COUNCILLOR NOTICE OF MOTION DEEMED TO BE UNLAWFUL AS PER 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. 92/20 dated June 30, 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 30 June 2020, calling for an Extraordinary Meeting of Council to consider a matter. The Notice of Motion as received, is 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*.

**Report:**

Broken Hill City Council is in receipt of a Notice of Motion from Crs Kennedy and Algate calling for an urgent Extraordinary Meeting of Council.

The Notice of Motion request seeks to have Councillors involved in the day to day operations of Council which are the clear responsibility of the General Manager as per s335 of the *Local Government Act 1993*.

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