



BUSINESS PAPER

Finance and Governance
Committee Meeting

Council Chambers
17 September 2025

5.30pm

BROKEN HILL

CITY COUNCIL

AUSTRALIA'S FIRST
HERITAGE LISTED CITY

MEMBERS OF THE FINANCE AND GOVERNANCE COMMITTEE:

Mayor Kennedy, Councillor Algate (Chairperson), Councillor Boland, Councillor Chandler and Councillor Turley

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Finance and Governance Standing Committee of the Broken Hill City Council will be held in the Council Chambers on **Wednesday, 17 September 2025** commencing at **5:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Acknowledgement of Broken Hill's Mining History
7	Minutes for Confirmation
8	Disclosure of Interest
9	Reports
10	Confidential Matters
11	Conclusion of the Meeting

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

LIVE STREAMING OF COUNCIL MEETINGS

This Committee Meeting is being livestreamed via YouTube and recorded and published online via Council's website. To those present in the meeting today, by attending in this public meeting you are consenting to your image, voice and comments being recorded and published.

The Chairperson and/or General Manager have the authority to pause the livestream 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.

JAY NANKIVELL

GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Finance and Governance Committee of the City of Broken Hill held
Wednesday, August 20, 2025.

**MINUTES OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING HELD
WEDNESDAY, AUGUST 20, 2025 (5:30 PM)**

PRESENT:

Councillor T. Kennedy (Mayor), Councillor B. Algate (Chairperson),
Councillors M. Boland, A. Chandler and D. Turley.

General Manager, Director Finance and Commercial, Manager
Communications and Marketing, Executive Officer and Executive Assistant.

Media (nil), Members of the Public (nil).

APOLOGIES:

Councillor A. Byrne.

Procedural Motion

Moved Councillor Darriea Turley, Seconded Councillor Michael Boland

That the apology submitted on behalf of Councillor Byrne be accepted.

CARRIED UNANIMOUSLY

LEAVE OF ABSENCE

APPLICATIONS: Nil.

PRAYER

Mayor Kennedy delivered the Prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Chandler delivered the Acknowledgement of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

Councillor Boland delivered the Acknowledgement of Broken Hill's Mining History.

MINUTES FOR CONFIRMATIONRecommendation

Moved Councillor Alan Chandler, Seconded Mayor Tom Kennedy

That the Minutes of the Finance and Governance Committee meeting held Wednesday
May 21, 2025 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 161/25 - DATED JUNE 24, 2025 -
ELECTORAL FUNDING OBLIGATIONS OF ELECTED COUNCILLORS AND
MAYORS D25/27960

Recommendation

Moved Councillor Darriea Turley, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 161/25 dated June 24, 2025, be received.
2. That the Mayor and Councillors note that it is their personal responsibility to adhere to the NSW Electoral Commission's disclosure obligations as elected members of Council; and to comply with the NSW Electoral Commission's reporting requirements of political donations and electoral expenditure during their Term of Council.
3. That the Mayor and Councillors are required to submit their Annual Electoral Expenditure Disclosure to the NSW Electoral Commission by 22 September 2025.

CARRIED UNANIMOUSLY

2. BROKEN HILL CITY COUNCIL REPORT NO. 162/25 - DATED JUNE 18, 2025 -
ADOPTION OF THE DRAFT COMMUNITY ASSISTANCE GRANTS
POLICY D25/26923

Recommendation

Moved Councillor Michael Boland, Seconded Mayor Tom Kennedy

1. That Broken Hill City Council Report No. 162/25 dated June 18, 2025, be received.
2. That Council notes that the Draft Community Assistance Grants Policy was placed on public exhibition between 4 July 2025 and 2 August 2025 during which time Council received three (3) submissions from the public.
3. That Council notes that one (1) amendment has been made to the Draft Community Assistance Grants Policy as a result of the submissions received.
4. That Council adopts the Draft Community Assistance Grants Policy that was placed on public exhibition, with the following amendment based on Community Feedback.

The amendments placed on Public Exhibition were:

- a) cap grants to \$5,000.00 in order that Council's Community Assistance Grant funding can be allocated to more not-for-profit community organisations.
- b) limit organisations to receive a grant to once biennially in the financial year rather than every financial year, in order that the opportunity exists for more not-for-profit community organisations to benefit from receiving a Community Assistance Grant.
- c) that not-for-profit community organisations who receive regular government funding are not eligible to apply for a Community Assistance Grant.

The recommended amendment based on Community Feedback presented to Council is in regard to the above amendment b):

- b) That limiting organisations to receive a grant to once biennially in the financial year be made an Assessment Criteria of the grant rather than an Eligibility Criteria.

I.e. priority will be given to applications from organisations who did not receive funding under the Community Assistance Grants in the previous financial year. Organisations who did received funding in the previous financial year will still be eligible to apply in the following financial year; however, their applications will only be considered if funding has not been fully allocated (to applications that receive a successful assessment score) following the assessment of biennial applications (applications from organisations who did not receive funding in the previous financial year).

That In One Accord be an exception to this clause, as per Minute No. 47872, in that they can apply annually for a grant towards Carols by Candlelight and their application is assessed in the priority group each year.

CARRIED UNANIMOUSLY

3. BROKEN HILL CITY COUNCIL REPORT NO. 163/25 - DATED AUGUST 08, 2025 - INVESTMENT REPORT FOR JULY 2025 D25/36067

Recommendation

Moved Councillor Michael Boland, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 163/25 dated August 8, 2025, be received.

CARRIED UNANIMOUSLY

4. BROKEN HILL CITY COUNCIL REPORT NO. 164/25 - DATED AUGUST 08, 2025 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 4 AUGUST 2025 D25/36182

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 164/25 dated August 8, 2025, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 4 August 2025 (with redactions) be received and endorsed.

CARRIED UNANIMOUSLY

Procedural Motion

Moved Councillor Darriea Turley, Seconded Councillor Michael Boland

That the meeting moves into closed session in accordance with clause 10A(2) of the Local Government Act 1993 whilst the confidential matter is considered.

CARRIED

There were nil member of the public or media present. The livestream of the meeting ceased at 5:48pm.

CONFIDENTIAL MATTERS

5. BROKEN HILL CITY COUNCIL REPORT NO. 165/25 - DATED AUGUST 13, 2025 - TRANSFER OF CROWN LAND MANAGEMENT - NEWMARKET RACEWAY - CONFIDENTIAL

(General Manager's Note: This report considers transfer of Crown Land Management and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Darriea Turley

1. That Broken Hill City Council Report No. 165/25 dated August 13, 2025, be received.
2. That Council authorise the General Manager to engage with Crown Lands and the Broken Hill Greyhound Racing Club to transfer Crown Land Management of the Newmarket Raceway Crown reserve Number 80869 to The Broken Hill Greyhound Racing Club.
3. That the Mayor and General Manager be authorised to sign documents under the Seal of Council to execute the transfer.

CARRIED UNANIMOUSLY

Procedural Motion

Moved Councillor Darriea Turley, Seconded Mayor Tom Kennedy

That the meeting resume in open session.

CARRIED UNANIMOUSLY

The meeting resumed in open session at 5:52pm

There being no further business to consider, the meeting was declared closed at 5:50pm.

The foregoing minutes were read and confirmed at the Finance and Governance Committee meeting held on 17 September 2025.

Chairperson

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 180/25 - DATED SEPTEMBER 03, 2025 - OFFICE OF LOCAL GOVERNMENT 2025 MODEL CODE OF MEETING PRACTICE (D25/40973) 11
2. BROKEN HILL CITY COUNCIL REPORT NO. 181/25 - DATED SEPTEMBER 03, 2025 - ADOPTION OF DRAFT SOCIAL MEDIA POLICY AND DRAFT MEDIA RELATIONS POLICY (D25/34902) 115
3. BROKEN HILL CITY COUNCIL REPORT NO. 182/25 - DATED SEPTEMBER 03, 2025 - DRAFT AUDIT RISK AND IMPROVEMENT COMMITTEE STRATEGIC PLAN (D25/40989) 131
4. BROKEN HILL CITY COUNCIL REPORT NO. 183/25 - DATED SEPTEMBER 04, 2025 - INVESTMENT REPORT FOR AUGUST 2025 (D25/41120) 148
5. BROKEN HILL CITY COUNCIL REPORT NO. 184/25 - DATED SEPTEMBER 05, 2025 - BUDGET CARRYOVER'S 2024/25 (D25/41268) 163

FINANCE AND GOVERNANCE COMMITTEE

September 3, 2025

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 180/25

SUBJECT: OFFICE OF LOCAL GOVERNMENT 2025 MODEL CODE OF
MEETING PRACTICE D25/40973

Recommendation

1. That Broken Hill City Council Report No. 180/25 dated September 3, 2025, be received.
2. That the Office of Local Government Council Circular 25-20 2025 Model Meeting Code, be received and noted.
3. That the Office of Local Government 2025 Model Code of Meeting Practice and Council's Draft Code of Meeting Practice Policy be placed on public exhibition for 28 days, and that Council accepts submissions for a period of 42 days.
4. That a Councillor Workshop be held during the public exhibition and submission period for Councillors to review Council's Draft Code of Meeting Practice to ensure all of Broken Hill City Council's intricacies are included.
5. That a report be presented to Council at the conclusion of the public exhibition and submissions period, outlining submissions received and any recommended amendments arising from the public exhibition or from the Councillor Workshop.

Executive Summary:

Pursuant to the *Local Government Act 1993 Chapter 12 Part 2 and Chapter 14 Part 1*, Councils must adopt a Code of Meeting Practice and a Code of Conduct that incorporate the provisions of the OLG Model Code of Meeting Practice and Model Code of Conduct.

The Office of Local Government (OLG) have released Council Circular 25/20 regarding the new 2025 Model Code of Meeting Practice on 29 August 2025.

Council's must adopt a Code of Meeting Practice that incorporates the mandatory provisions (indicated in black font) of the 2025 Model Code of Meeting Practice no later than 31 December 2025.

Transitional provisions in the Regulation will provide that if a Council does not adopt a Code of Meeting Practice that incorporates the mandatory provisions of the 2025 Model Code of Meeting Practice by 31 December 2025, from 1 January 2026, any provision of the Council's Code of Meeting Practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code, it will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new Code of Meeting Practice, Councils must first exhibit a Draft Code of Meeting Practice for at least

28 days and provide members of the community at least 42 days in which to comment on the draft Code.

Report:

Following the Office of Local Government's extensive consultation with Councils, the new 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code) has been finalised.

The new 2025 Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the *Local Government (General) Regulation 2021* (the Regulation) shortly.

Among other changes, the mandatory provisions of the 2025 Model Meeting Code will prohibit pre-Council Meeting briefings.

Councils must also livestream meetings of the Council and Committees comprising wholly of Councillors from 1 January 2026 using an audio-visual recording. Recordings of meetings must be published on the council websites for the balance of the council term or for 12 months, whichever is the later date.

The 2025 Model Meeting Code has two elements:

- mandatory provisions (indicated in black font), and
- non-mandatory provisions (indicated in red font) covering areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what the Office of Local Government sees as best practice for the relevant area of practice.

The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

A Draft Code of Meeting Practice Policy is attached which is based on the Office of Local Government's 2025 Model Meeting Code and includes in yellow highlight Broken Hill City Council's intricacies and current meeting practices as last adopted by Council at the commencement of the new Term of Council (December 2024).

Community Engagement:

Council's Draft Code of Meeting Practice Policy will be placed on public exhibition for 28 days and Council will provide members of the community up to 42 days in which to comment.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.4	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Chapter 12 Part 2 and Chapter 14 Part 1
Local Government (General) Regulation 2021 Part 8 and Part 10

Financial Implications:

Nil

Attachments

1. 25-20 Circular to Councils and FAQ
[↓](#)
2. 2025-Model-Code-of-Meeting-Practice-for-Local-Councils-in-NSW
[↓](#)
3. Draft Code of Meeting Practice Policy based on 2025 Model Code and Council's current meeting practices
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject/title	2025 Model Meeting Code
Circular Details	Circular No 25-20 / 29 August 2025 / A975455
Previous Circular	<u><i>Council Circular 24-23 Consultation on reforms to council meeting practices</i></u>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- Following extensive consultation, the new 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code) has been finalised.
- The new 2025 Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the Local Government (General) Regulation 2021 (the Regulation) shortly.
- The new 2025 Model Meeting Code is available on the [Model Code of Meeting Practice for Local Councils in NSW](#) webpage on the Office of Local Government's (OLG) website at www.olg.nsw.gov.au.
- Among other changes, the mandatory provisions of the 2025 Model Meeting Code will prohibit pre-meeting briefings.
- Councils must also livestream meetings of the council and committees comprising wholly of councillors from 1 January 2026 using an audio-visual recording. Recordings of meetings must be published on the council's website for the balance of the council term or for 12 months, whichever is the later date.
- More detailed information about the changes to council meeting practices made by the 2025 Model Meeting Code is provided in the FAQ attached to this circular and available

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Locked Bag 3015 NOWRA NSW 2541
www.olg.nsw.gov.au



on the [Model Code of Meeting Practice for Local Councils in NSW](#) webpage on OLG's website.

What will this mean for council?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.
- Transitional provisions in the Regulation will provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.
- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Key points

- The 2025 Model Meeting Code has two elements:
 - mandatory provisions (indicated in black font), and
 - non-mandatory provisions (indicated in red font) covering areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".



Where to go for further information

- The 2025 Model Meeting Code is available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website at www.olg.nsw.gov.au.
- More information about the 2025 Model Meeting Code and guidance on its adoption is provided in the FAQ attached to this circular and available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website.
- A webinar will be held in October to support councils in adopting the new Model Code of Meeting Practice. Notice will be provided to enable councils to register.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Brett Whitworth
Deputy Secretary
Office of Local Government

2025 Model Meeting Code - FAQ

Implementation of the 2025 Model Meeting Code

When must the 2025 Model Meeting Code be adopted?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.

What happens if the 2025 Model Meeting Code is not adopted by 31 December 2025?

- Transitional provisions in the Local Government (General) Regulation 2021 (the Regulation) provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, then from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

Are councils required to adopt the non-mandatory provisions of the 2025 Model Meeting Code?

- No. The non-mandatory provisions of the 2025 Model Meeting Code cover areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- Councils are free to omit the non-mandatory provisions or to adapt them to meet their needs.

Can councils include supplementary provisions in their adopted code of meeting practice?

- Yes. There is nothing to prevent councils from including supplementary provisions in their adopted code of meeting practice to meet their needs, provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2025 Model Meeting Code.

2025 Model Meeting Code - FAQ



Are joint organisations and county councils required to adopt the 2025 Model Meeting Code?

- Yes. The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils.
- The provisions of the 2025 Model Meeting Code that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

What consultation must councils do before adopting a code of meeting practice?

- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.
- This requirement does not apply to joint organisations.

What are the key changes?

A key focus of the changes made to the 2025 Model Meeting Code is to ensure meetings are conducted in a dignified and orderly way befitting to a chamber of democracy and to promote community confidence in councils and their decisions.

The following is a summary of the key changes. It is not an exhaustive list of all the changes that have been made.

Extraordinary meetings

- The mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.

Dealing with urgent business at meetings

- The process for dealing with urgent business at both ordinary and extraordinary meetings has been simplified.
- Business may be considered at a meeting at which all councillors are present, even though due notice has not been given of the business, if the council resolves

2025 Model Meeting Code - FAQ



to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. The resolution must state the reasons for the urgency.

- If all councillors are not present at the meeting, the chairperson must also rule that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

Prohibition on pre-meeting briefing sessions

- The 2025 Model Meeting Code prohibits briefing sessions being held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- The prohibition on briefing sessions does not prevent a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. The information must be provided in a way that does not involve any discussion of the information.

Public forums

- The public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums before council and committee meetings.
- Councils are also free to determine the rules under which public forums are to be conducted and when they are to be held. OLG will be issuing model best practice public forum rules that councils can use if they choose to.
- Public forums must be livestreamed.

Councillors' attendance at meetings by audio-visual link

- The provisions governing attendance by councillors at meetings by audio-visual link have been made mandatory and the option to attend meetings by audio-visual link has been restricted to where councillors are prevented from attending a meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

Absences from council meetings

- Changes have been made to the provisions governing absences from meetings.
- Where councillors are unable to attend one or more meetings of the council or committees of the council, the new provisions encourage them to:
 - submit an apology for the meetings they are unable to attend,
 - state the reasons for their absence from the meetings, and

2025 Model Meeting Code - FAQ



- o request that the council grant them a leave of absence from the relevant meetings.
- Where a councillor makes an apology, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting. Councils are required to act reasonably when deciding whether to grant a leave of absence to a councillor. To ensure accountability, if the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

Livestreaming meetings

- As of 1 January 2026, councils are required to livestream their meetings using an audio-visual recording.
- Recordings of meetings must be published on the council's website for the balance of the council's term or for 12 months, whichever is the later date.
- OLG will be issuing updated guidance on the livestreaming of meetings.

New rules of etiquette at meetings

- Councils may determine standards of dress for councillors when attending meetings.
- Where physically able to, councillors and staff are encouraged to stand when the mayor enters the chamber and when addressing the meeting.
- The 2025 Model Meeting Code prescribes modes of address.

Mayoral minutes

- The restrictions on mayoral minutes under the previous code have been removed. A mayoral minute may be put to a meeting without notice on any matter or topic that the mayor determines should be considered at the meeting.

Rules of debate

- The rules of debate have been simplified and the rules governing the foreshadowing of motions and amendments have been removed. It remains open to councillors to foreshadow that they intend to move an amendment during the debate, but there are no longer formal rules governing this.
- An amendment has been made to clarify that there is nothing to prevent a further motion from being moved at a meeting on the same item of business where the original motion is lost, provided the motion is not substantially the same as the one that was lost.

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- Councils will no longer have the option of reducing the duration of speeches to less than 5 minutes. However, councils continue to have other options to expedite business at meetings such as moving that a motion be put where the necessary conditions have been satisfied and to resolve to deal with items by exception.

Voting on planning decisions

- Consistent with the Independent Commission Against Corruption's (ICAC) recommendations, a council or a council committee must not make a final planning decision at a meeting without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

Representations by the public on the closure of meetings

- In the interests of simplifying the code, the rules governing representations by the public on the closure of meetings have been removed. However, there is nothing to prevent councils from adopting their own rules on this. OLG will be issuing model best practice rules for public representations that councils can use if they choose to.

Making information considered at closed meetings public

- Consistent with ICAC's recommendation, the general manager must publish business papers for items of business considered during meetings that have been closed to public on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- Before publishing this information, the general manager must consult with the council and any other affected persons and provide reasons for why the information has ceased to be confidential.

Dealing with disorder

- Councils will be required to determine on the adoption of the new code and at the commencement of each council term, whether to authorise the person presiding at a meeting to exercise a power of expulsion.
- The definition of acts of disorder by councillors have changed. The following constitute acts of disorder under the Regulation and the 2025 Model Meeting Code:

2025 Model Meeting Code - FAQ



- contravening the Act, the Regulation, or the council's code of meeting practice,
 - assaulting, or threatening to assault, another councillor or person present at the meeting,
 - moving or attempting to move a motion or an amendment that has an unlawful purpose, or deals with a matter that is outside the jurisdiction of the council or committee or addressing or attempting to address the council or committee on or such a motion, amendment or matter,
 - using offensive or disorderly words,
 - making gestures or otherwise behaving in a way that is sexist, racist, homophobic or otherwise discriminatory, or if the behaviour occurred in the Legislative Assembly, would be considered disorderly,
 - imputing improper motives, or unfavourably personally reflecting, on another council official or a person present at the meeting, or
 - saying or doing anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.
- Where a councillor fails to remedy an act of disorder at the meeting at which it occurs, they can be required to do so at each subsequent meeting until they remedy the act of disorder. On each occasion the councillor fails to comply with a direction by the chairperson to remedy an act of disorder, they can be expelled from the meeting and each subsequent meeting until they comply.
- Members of the public can be expelled from meetings for engaging in disorderly conduct. Disorderly conduct includes:
 - speaking at meetings without being invited to,
 - bringing flags, signs or protest symbols to meetings,
 - disrupting meetings,
 - making unauthorised recordings of meetings.
- The 2025 Model Meeting Code notes that failure by a councillor or members of the public to leave a meeting when expelled is an offence under section 660 of the Act. Section 660 provides that a person who wilfully obstructs a council, councillor, employee of a council or a duly authorised person in the exercise of any function under the Act, or Regulation is guilty of an offence. An offence under section 660 carries a maximum fine of \$2,100.

2025 Model Meeting Code - FAQ



Committees

- Meetings of committees of a council whose membership comprises only of councillors must be conducted in accordance with the council's adopted meeting code. Such committees will no longer have the option of determining that rules under the council's meeting code do not apply to them.

Department of Planning,
Housing and Infrastructure
Office of Local Government



The model code of meeting practice for local councils in NSW

August 2025

olg.nsw.gov.au

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1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2 Meeting principles

2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3 Before the meeting

Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each time in a different quarter of the year.

Note: Under clause 13 of Schedule 11 of the Act, councils that have been designated as a rural and remote council under the Regulation are required to meet at least four (4) times each year, each time in a different quarter of the year.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 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.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note:** Clause 3.19 reflects section 9(2A)(a) of the Act.
- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- Note:** Clause 3.21 reflects section 9(2) and (4) of the Act.
- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.
- Note:** Clause 3.22 reflects section 9(2A)(b) of the Act.
- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.
- Note:** Clause 3.23 reflects section 9(3) of the Act.
- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.
- Note:** Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 Public forums

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

5 Coming together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 The council may determine standards of dress for councillors when attending meetings.

- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

- 5.4 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.4 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.4 and omit clause 5.3. Councils must not adopt clause 5.4.

- 5.5 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.

- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.7 Where a councillor makes an apology under clause 5.5, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

- 5.8 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.8 reflects section 234(1)(d) of the Act.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:

- a. at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- b. within half an hour after the time designated for the holding of the meeting, or
- c. at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:

- a. by the chairperson, or
- b. in the chairperson's absence, by the majority of the councillors present, or
- c. failing that, by the general manager.

- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- a. give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - b. take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - c. cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

- 5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.32 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note:** Clause 5.32 reflects section 10(1) of the Act.
- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- by a resolution of the meeting, or
 - by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.34 reflects section 10(2) of the Act.

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- the meeting is being recorded and made publicly available on the council's website, and
 - persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36-5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note:** Clauses 5.36–5.40 reflect section 236 of the Regulation.
- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- Note:** Joint organisations are not required to livestream their meetings but may choose to do so by adopting clauses 5.36–5.40. Joint organisations that choose not to livestream their meetings may omit clauses 5.36–5.40.

Attendance of the general manager and other staff at meetings

- 5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note:** Clause 5.42 reflects section 376(1) of the Act.
- 5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note:** Clause 5.43 reflects section 376(2) of the Act.
- 5.44 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note:** Clause 5.44 reflects section 376(3) of the Act.
- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

6 The chairperson

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- a. by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- b. by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- a. any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- b. every councillor present must be silent to enable the chairperson to be heard without interruption.

7 Modes of address

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8 Order of business for ordinary council meetings

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note:** If adopted, Part 13 allows council to deal with items of business by exception.
- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9 Consideration of business at council meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- unless a councillor has given notice of the business, as required by clause 3.10, and
 - unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- is already before, or directly relates to, a matter that is already before the council, or
 - is the election of a chairperson to preside at the meeting, or
 - is a matter or topic put to the meeting by way of a mayoral minute, or
 - is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 Rules of debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
 - a. if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - b. if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

Participation by non-voting representatives in joint organisation board meetings

- 10.26 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.26. Councils must not adopt clause 10.26.

11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

Note: If clause 11.11 is adopted, clauses 11.6–11.9 and clause 11.15 may be omitted.

Voting on planning decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.14 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.15 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

Note: Clauses 11.14–11.17 reflect section 375A of the Act.

Note: The requirements of clause 11.14 may be satisfied by maintaining a register of the minutes of each planning decision.

12 Committee of the whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

Note: Clauses 10.15–10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 Dealing with items by exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

14 Closure of council meetings to the public

Grounds on which meetings can be closed to the public

- 14.1** The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- a. personnel matters concerning particular individuals (other than councillors),
 - b. the personal hardship of any resident or ratepayer,
 - c. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - d. commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the council, or
 - iii. reveal a trade secret,
 - e. information that would, if disclosed, prejudice the maintenance of law,
 - f. matters affecting the security of the council, councillors, council staff or council property,
 - g. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - h. information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - i. alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2** The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- a. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- b. if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- a. are substantial issues relating to a matter in which the council or committee is involved, and
- b. are clearly identified in the advice,
- c. are fully discussed in that advice, and
- d. are subject to legal professional privilege.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- a. a person may misinterpret or misunderstand the discussion, or
- b. the discussion of the matter may:
 - i. cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - ii. cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - should not be deferred (because of the urgency of the matter), and
 - should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- a. the relevant provision of section 10A(2) of the Act,
 - b. the matter that is to be discussed during the closed part of the meeting,
 - c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 Keeping order at meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- a. contravenes the Act, the Regulation or this code, or
- b. assaults or threatens to assault another councillor or person present at the meeting, or
- c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- d. uses offensive or disorderly words, or
- e. makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- f. imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- g. says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The chairperson may require a councillor:

- a. to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- b. to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- c. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f), or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.15 or clause 15.16.

15.17 Clause [15.15/15.16] ~~[delete whichever is not applicable]~~, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.18 reflects section 233(2) of the Regulation.

15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.20 Members of the public attending a meeting of the council:

- a. must remain silent during the meeting unless invited by the chairperson to speak,
- b. must not bring flags, signs or protest symbols to the meeting, and
- c. must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.24 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent

during meetings of the council and committees of the council.

- 15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 Conflicts of interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 Decisions of the council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- Note:** Clause 17.11 reflects section 372(6) of the Act.
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- a. a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
 - b. the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- a. to correct any error, ambiguity or imprecision in the council's resolution, or
 - b. to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 Time limits on council meetings

- 18.1 Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine.
- 18.2 If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- a. defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - b. adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- a. individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - b. publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 After the meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- a. the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- b. details of each motion moved at a council meeting and of any amendments moved to it,
- c. the names of the mover and seconder of the motion or amendment,
- d. whether the motion or amendment was passed or lost, and
- e. such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 Council committees

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- a. such number of members as the council decides, or
- b. if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- a. the time, date and place of the meeting, and
- b. the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

20.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- a. to give notice of business for inclusion in the agenda for the meeting, or
- b. to move or second a motion at the meeting, or
- c. to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.9 The chairperson of each committee of the council must be:
- the mayor, or
 - if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - if the council does not elect such a member, a member of the committee elected by the committee.
- 20.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.
- 20.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.13.
- 20.15 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note:** Clause 20.15 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.15 and omit clause 20.14. Councils must not adopt clause 20.15.
- 20.16 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Mayoral minutes

- 20.17 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is livestreamed where practicable.
- 20.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

- 20.23 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

Minutes of council committee meetings

- 20.24 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - details of each motion moved at a meeting and of any amendments moved to it,
 - the names of the mover and seconder of the motion or amendment,
 - whether the motion or amendment was passed or lost, and
 - such other matters specifically required under this code.
- 20.25 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.26 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.27 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.28 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 20.29 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.30 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 Irregularities

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- a. a vacancy in a civic office, or
- b. a failure to give notice of the meeting to any councillor or committee member, or
- c. any defect in the election or appointment of a councillor or committee member, or
- d. a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- e. a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

DRAFT CODE OF MEETING PRACTICE POLICY

QUALITY CONTROL			
EDMS REFERENCES			
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	

**MODEL CODE OF MEETING PRACTICE
FOR LOCAL COUNCILS IN NSW**

2025

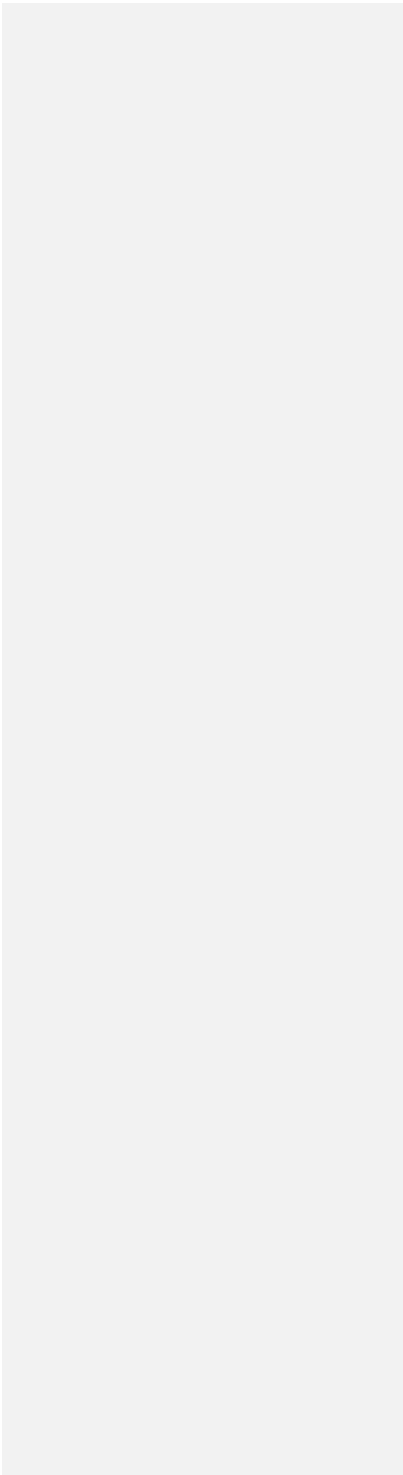


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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act

ethically and make decisions in the interests of the whole community.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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Ordinary Council Meetings will be held on the last Wednesday of every month of the year with the exception of the December Council Meeting which will be set by Council Resolution each year. The meeting will commence at 6:30pm and be held in the Council Chambers.

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Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each time in a different quarter of the year.

Note: Under clause 13 of Schedule 11 of the Act, councils that have been designated as a rural and remote council under the Regulation are required to meet at least four (4) times each year, each time in a different quarter of the year.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt

of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must

be submitted ~~within such reasonable time before the meeting is to be held as determined by the council~~ to the General Manager's Office by 5:00pm two Friday's prior to the Council Meeting.

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- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 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.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.

- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 PUBLIC FORUMS

- 4.1 ~~The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.~~

- 4.2 ~~The council may determine the rules under which public forums are to be conducted and when they are to be held.~~

4.1 That Council holds two public forum sessions of 15 minute duration, during ordinary and extraordinary meetings of the council for the purpose of hearing oral submissions from members of the public. The first public forum session held at the commencement of the meeting will be held for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting or on general matters. The second public forum session held prior to the consideration of confidential matters will be held for the purpose of hearing oral submissions from members of the public on items of business only. Public forums will also be held during extraordinary council meetings.

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4.2 Public forums are to be chaired by the mayor or their nominee.

4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

4.4 To speak at a public forum, a person is encouraged to make an application to the council in the approved form. Applications to speak at the public forum should be delivered to Council's Administrative Centre, Customer Relations Staff, up to 4:00pm on the day of the meeting or handed to a Council staff member 15 minutes prior to the commencement of the Public Forum Session, and must identify the item of business on the agenda of the council meeting the person wishes to speak upon.

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The Chairperson will invite members of the public present at the Public Forum to speak. Members of the public will be asked to state their name and verbally identify the item of business on the agenda of the meeting in which they are speaking, and whether they wish to speak 'for' or 'against' the item.

Members of the public will be invited to speak in the following order:

1. Members of the public who have registered to speak either 'for' or 'against' items listed in the meeting agenda.
2. Members of the public who have registered to speak on general matters.
3. Then if time permits, members of the public who have not registered but wish to speak either 'for' or 'against' items listed in the meeting agenda, or who wish to speak on general matters.

4.5 A person may apply to speak on no more than 2 items of business on the agenda of the council meeting. A person may speak on more than 2 items if approved by the Chairperson.

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4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.7 The Chairperson may refuse an application to speak at a public forum. The Chairperson must state reasons for a decision to refuse an application.

4.8 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the Chairperson or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Speakers at the public forum are to register with the council any written material to be presented in support of their address to the council at the public forum no less than one (1) day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The Chairperson is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have requested to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 1 minute.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 2 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.

4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.22 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.23 Where a speaker engages in conduct of the type referred to in clause 4.19, the Chairperson may refuse further requests from that person to speak at public forums for such a period as the Chairperson considers appropriate.

4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

5 COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 The council may determine standards of dress for councillors when attending meetings.

- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

~~5.4 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

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~~Note: Clause 5.4 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.4 and omit clause 5.3. Councils must not adopt clause 5.4.~~

5.45 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.

5.56 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.

5.67 Where a councillor makes an apology under clause 5.45, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

5.78 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.78 reflects section 234(1)(d) of the Act.

The quorum for a meeting

5.89 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.89 reflects section 368(1) of the Act.

5.409 Clause 5.9-8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.409 reflects section 368(2) of the Act.

5.4410 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.4211 In either case, the meeting must be adjourned to a time, date, and place fixed:

- (a) by the chairperson, or

- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

5.4312 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.4413 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.4514 Where a meeting is cancelled under clause 5.4413, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Meetings held by audio-visual link

5.4615 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.4716 Where the mayor determines under clause 5.4615 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.4817 This code applies to a meeting held by audio-visual link under clause 5.4615 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.4615, it is still required under section 10 of the Act to provide a physical

venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more

previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.32 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

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Note: Clause 5.32 reflects section 10(1) of the Act.

- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.34 reflects section 10(2) of the Act.

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

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Note: If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Livestreaming of meetings

5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.

5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.

5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.

5.40 Clauses 5.36 - 5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.36 – 5.40 reflect section 236 of the Regulation.

5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

~~Note: Joint organisations are not required to livestream their meetings but may choose to do so by adopting clauses 5.36–5.40. Joint organisations that choose not to livestream their meetings may omit clauses 5.36–5.40.~~

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Attendance of the general manager and other staff at meetings

5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.42 reflects section 376(1) of the Act.

5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.43 reflects section 376(2) of the Act.

5.44 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.44 reflects section 376(3) of the Act.

- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 At a meeting of the council, the general order of business ~~is as fixed by resolution of the council~~ shall be:
- 01 Opening Meeting
 - 02 Apologies
 - 03 Leave of Absence Applications
 - 04 Prayer
 - 05 Acknowledgement of Country
 - 06 Acknowledgement of Broken Hill's Mining History
 - 07 Public Forum Session
 - 08 Confirmation of Minutes
 - 09 Disclosures of Interests
 - 10 Mayoral Minute(s)
 - 11 Notices of Motion
 - 12 Notices of Rescission
 - 13 Reports from Delegates
 - 14 Committee Reports

- a) Infrastructure and Environment Committee
- b) Corporate and Community Development Committee
- c) Finance and Governance Committee

15 Further Reports

16 Questions on Notice

17 Questions for Next Meeting

18 Public Forum Session

19 Confidential Matters

20 Conclusion of the meeting

Note: Wording of the Prayer shall be: "Almighty God, we ask you to invoke your blessing upon this Council. Direct and prosper our deliberations to the advancement and true welfare of the people of the Council area, our State and Australia. AMEN"

Note: Wording of the Acknowledgement of Country shall be: "We acknowledge the traditional owners of the land upon which we meet today and pay our respects to their elders: past, present and emerging."

Note: Wording of the Acknowledgement of Broken Hill's Mining History shall be: "We take time to reflect, remember and honour the over 800 miners that lost their lives and those that were crippled or maimed on the Line of Lode. We thank the brave miners and their wives who were part of the 1919-1920 strike that lasted over 500 days and delivered a 35 hour working week. Mining is our past and future."

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- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or

- (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

~~Participation by non-voting representatives in joint organisation board meetings~~

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~~10.26 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.~~

~~Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.~~

~~Note: Joint organisations must adopt clause 10.26. Councils must not adopt clause 10.26.~~

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11 VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

~~Note: Under section 400T(1) of the Act, voting representatives of joint organisations boards are entitled to one (1) vote each at meetings of the board.~~

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- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- ~~11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.~~

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~~Note: Clause 11.4 reflects section 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.~~

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.~~

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Voting at council meetings

- 11.~~54~~ A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

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- 11.~~65~~ If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

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- 11.~~76~~ The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

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- 11.~~87~~ When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the

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names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9~~8~~ When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.6~~4~~ of this code.

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11.40~~9~~ Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

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11.44~~10~~ All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

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Note: If clause 11.44~~10~~ is adopted, clauses 11.6~~5~~ – 11.9~~8~~ and clause 11.45~~14~~ may be omitted.

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Voting on planning decisions

11.42~~11~~ The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

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11.43~~12~~ Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

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11.44~~13~~ The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

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11.45~~14~~ For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

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11.46~~15~~ Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

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11.47~~16~~ Clauses 11.44~~13~~–11.46~~15~~ apply also to meetings that are closed to the public.

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Note: Clauses 11.44~~13~~–11.47~~16~~ reflect section 375A of the Act.

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Note: The requirements of clause 11.44~~13~~ may be satisfied by maintaining a register of the minutes of each planning decision.

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12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must

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identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the

- relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice,
 - (c) are fully discussed in that advice, and
 - (d) are subject to legal professional privilege.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in ~~a manner determined by the council~~, the approved form. Applications must be received by 5:00pm no less than three (3) days before the meeting at which the matter is to be considered.

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Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act, the Regulation or this code, or

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- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) uses offensive or disorderly words, or
- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not.

This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

~~15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.~~

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15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.15 or clause 15.16.

15.17 Clause ~~15.15/15.16~~ ~~delete whichever is not applicable~~ does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

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15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.18 reflects section 233(2) of the Regulation.

15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.20 Members of the public attending a meeting of the council:

- (a) must remain silent during the meeting unless invited by the chairperson to speak,
- (b) must not bring flags, signs or protest symbols to the meeting, and
- (c) must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person

presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.24 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings

of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.~~

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- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 4 days 5:00pm 2 business days after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
- (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude ~~at a time the council may from time to time determine, no later than 10:00pm~~ **at a time**
- 18.2 If the business of the meeting is unfinished at ~~the time the council has determined 10:00pm~~, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the

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- (b) meeting will reconvene, and
publish the time, date and place at which the meeting will reconvene on
the council's website and in such other manner that the general manager
is satisfied is likely to bring notice of the time, date and place of the
reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable

access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

a. Council will operate three Standing Committees, with meetings to be held at 5:30pm on the Monday, Tuesday and Wednesday of the week preceding the Monthly Ordinary Council Meeting. The Standing Committees will consider reports on the following matters:

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- **Infrastructure and Environment Committee** to consider all matters relating to that Directorate.

- **Corporate and Community Development Committee** to consider all matters relating to that Directorate.

- **Finance and Governance Committee** to consider all matters relating to that Directorate.

b. The order of business for the conduct of Standing Committees will consist of:

01 Opening Meeting

02 Apologies

03 Leave of Absence Applications

04 Prayer

05 Acknowledgement of Country

06 Acknowledgement of Broken Hill's Mining History

07 Confirmation of Minutes

08 Disclosure of Interest

09 Reports

10 Confidential Matters

11 Conclusion of the Meeting

Note: Wording of the Prayer shall be: "Almighty God, we ask you to invoke your blessing upon this Council. Direct and prosper our deliberations to the advancement and true welfare of the people of the Council area, our State and Australia. AMEN"

Note: Wording of the Acknowledgement of Country shall be: "We acknowledge the traditional owners of the land upon which we meet today and pay our respects to their elders: past, present and emerging."

Note: Wording of the Acknowledgement of Broken Hill's Mining History shall be: "We take time to reflect, remember and honour the over 800 miners that lost their lives and those that were crippled or maimed on the Line of Lode. We thank the brave miners and their wives who were part of the 1919-1920 strike that lasted over 500 days and delivered a 35 hour working week. Mining is our past and future."

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

- 20.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.9 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.
- 20.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.13.

~~20.15 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~Note: Clause 20.15 reflects section 397E of the Regulation. Joint~~

Model Code of Meeting Practice for Local Councils in NSW

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~~organisations must adopt clause 20.15 and omit clause 20.14. Councils must not adopt clause 20.15.~~

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20.1~~56~~ Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Mayoral minutes

20.1~~67~~ The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

20.1~~78~~ The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.1~~89~~ If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.1~~929~~ Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.1~~89~~ during a part of the meeting that is livestreamed where practicable.

20.2~~04~~ The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.2~~12~~ The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.2~~04~~ and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

20.2~~23~~ The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

Minutes of council committee meetings

20.2~~34~~ Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of councillors attending a meeting and whether they attended

- the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

| 20.24~~5~~ All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

| 20.2~~5~~~~6~~ The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

| 20.2~~6~~~~7~~ Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

| 20.2~~7~~~~8~~ When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

| 20.2~~8~~~~9~~ The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

| 20.2~~9~~~~3~~~~0~~ The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

FINANCE AND GOVERNANCE COMMITTEE

September 3, 2025

ITEM 2

BROKEN HILL CITY COUNCIL REPORT NO. 181/25

SUBJECT: ADOPTION OF DRAFT SOCIAL MEDIA POLICY AND DRAFT
MEDIA RELATIONS POLICY D25/34902

Recommendation

1. That Broken Hill City Council Report No. 181/25 dated September 3, 2025, be received.
2. That Council notes the Department of Planning, Housing and Infrastructure, Free Speech in Local Government NSW Guidelines issued June 2025.
3. That Council notes that nil submissions were received from the public and one (1) submission was received from a member of staff during the public exhibition period of the Draft Social Media Policy and Draft Media Relations Policy.
4. That Council adopts the Draft Social Media Policy and Draft Media Relations Policy as Policies of Council.

Executive Summary:

Council's Social Media Policy and Media Relations Policy provide guidelines for Councillors, Council Officers, volunteers, consultants and contractors when engaging with media and social media, in both an official and personal capacity.

Council's Social Media Policy has received minor changes to update software titles, staff position titles and staff record keeping procedures.

Council's Media Relations Policy has received no significant alterations, with changes only being made to update staff position titles.

The Department of Planning, Housing and Infrastructure issued their Free Speech in Local Government NSW Guidelines in June 2025, and these Guidelines have been taken into consideration during the review of the two Media Policies.

The Draft Policies were placed on public exhibition as per Council Resolution Minute No. 47934 of the Council Meeting held 30 July 2025.

The public exhibition period closed at midnight on Saturday 30 July 2025 during which time Council received nil submissions from the public and one (1) submission from staff during the public exhibition period. The submission from a staff member requested that the Social Media Policy be amended to include reference to Council's Social Media Governance Procedure under the "Related Documents" section of the draft policy, and this inclusion has been made.

Report:

NSW Councils are required to review and adopt their Code of Conduct Policies (based on the Office of Local Government's (OLG) Model Code of Conduct 2020 (Model Code)) within 12 months after each Ordinary Election.

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

Under Section 440 of the Act, each Council in NSW is required to adopt a Code of Conduct based on the Model Code as prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code in their adopted Codes of Conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code with additional provisions in their adopted Codes of Conduct.

However, Councils cannot weaken the standards prescribed in the Model Code in their adopted Codes of Conduct. Provisions contained in a Council's adopted Code of Conduct that are less onerous than those prescribed under the Model Code will be invalid and the equivalent provisions of the Model Code will override them through the operation of section 440 of the *Local Government Act 1993*.

Sections of the Model Code of Conduct relate to media relations and the use of social media.

Council's Social Media and Media Relations policies provide guidelines for Councillors, Council officers, volunteers, consultants, and contractors when engaging with the media and social media, in both an official and personal capacity.

Council's Social Media Policy has received minor changes to update software titles, staff position titles, and staff record keeping procedures.

Council's Media Relations Policy has received no significant alterations, with changes only being made to update staff position titles.

The Department of Planning, Housing and Infrastructure issued their Free Speech in Local Government NSW Guidelines in June 2025, and these Guidelines have been taken into consideration during the review of the two Media Policies.

The Draft Policies were considered at the Ordinary Council Meeting held 30 July 2025 and endorsed (Minute No. 47934) for the purpose of public exhibition. The Draft Policies were placed on public exhibition for a period of 28 days during which time Council received nil submissions from the public and one (1) submission from a member of staff requesting the inclusion of Council's Social Media Governance Procedure under the Related Documents section of the draft Social Media Policy; and this inclusion has been made.

The Draft Policies are now presented to Council for the consideration of adoption.

Community Engagement:

The draft Policies were placed on public exhibition for submissions to be received for a period of 28 days.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.2	Undertake communication and authentic, open and reciprocal engagement with the community to increase confidence in decision-making
Strategy:	4.1.4	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Section 440

Local Government (General) Regulation 2021

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Social Media Policy
2. [↓](#) Draft Media Relations Policy

DARRIN MANUEL
MANAGER COMMUNICATIONS AND MARKETING

JAY NANKIVELL
GENERAL MANAGER

DRAFT SOCIAL MEDIA POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D17/9747		
RESPONSIBLE POSITION	Manager Communications and Marketing		
APPROVED BY	Council Resolution		
REVIEW DATE	July 2028	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
28 February 2018	Public Exhibition	45745	
26 April 2018	Adoption	45800	
30 March 2022	Public Exhibition	46790	
25 May 2022	Adoption	46857	
30 July 2025	Public Exhibition	47934	

1. INTRODUCTION

Australians are among the most active users of social media globally, and local government is increasingly expected to operate with greater transparency, responsiveness, and community engagement. For Council, social media presents a powerful opportunity to inform, connect, and collaborate with the community in real time.

This policy recognises the important role that social media plays in modern governance and outlines how Council will use these platforms to:

- ▶ Increase accessibility to services, information, and decision-making
- ▶ Strengthen engagement with residents, stakeholders, and partners
- ▶ Foster transparency, trust, and timely communication
- ▶ Support emergency and crisis communication efforts
- ▶ Reach targeted audiences with relevant content
- ▶ Gather community insights and feedback to inform planning and service delivery

Through responsible, inclusive, and strategic use of social media, Council aims to create stronger relationships and more responsive local government.

2. POLICY OBJECTIVE

To provide a policy position in respect to the expectations of Council's representatives when engaging in social media, in both an official and personal capacity.

3. POLICY SCOPE

This Policy applies to Councillors, Council officers, volunteers, consultants and contractors.

4. POLICY STATEMENT

The following are the guiding principles and standards that Council must adhere to for the implementation of this policy.

4.1 Authorised user protocols

Authorised users using social media must:

- Only disclose publicly available information, or information intended to be made publicly available at the time of disclosure.
- Publish copyright or trademark material only with permission from the copyright/trademark holder.
- Ensure that information posted on accounts they oversee is not illegal, libellous, discriminatory, defamatory, abusive or obscene.
- Maintain compliance with the Model Code of Conduct, and all other relevant Council policies when publishing content.
- Ensure parental consent has been obtained before posting an image of a minor, except where the minor's identity cannot be determined by a viewer.
- Use the content flowchart (attached) to determine if the content should be posted.
- Respond to genuine enquires within the timeframe outlined in the Customer Service Strategy where possible.
- Only engage in public conversation where relevant and appropriate.
- Not release CCTV footage on Council's social media without authorisation from the General Manager.
- Not communicate on behalf of the Mayor or Councillors without authorisation from the General Manager.

4.2 Content Monitoring

The Manager Communications and Marketing and the Digital and Marketing Officer will monitor content posted on official social media channels to ensure adherence to the social media policy and associated documents.

4.3 Content Moderation

Authorised Users will moderate user content. Any content that the Authorised User believes breaches this policy or associated documents is to be reported to the Digital and Marketing Officer or the Manager Communications and Marketing. Offending content will be documented before being removed.

4.4 Personal Accounts

Council representatives must not use personal accounts in a manner that is likely to breach Council's Code of Conduct.

4.5 Live Streaming

Council may utilise live streaming at Council meetings and events. During meetings, a disclaimer will be published in the business papers informing attendees they are consenting to their image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing.

Attendees will also be advised that they may be subject to legal action if they engage in unlawful behavior or commentary.

Signage will be posted at events to inform the public when live streaming is in process. A print friendly version of appropriate signage can be found at the end of this document.

4.6 Non-compliance

Non-compliance with the Social Media Policy by employees will be managed in line with Council's Disciplinary Policy.

Non-compliance by all other Council Representatives will be managed through the relevant Code of Conduct disciplinary systems.

5. IMPLEMENTATION

The following Council officers are responsible for the implementation and the adherence to this policy.

5.1 Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Manager Communications and Marketing
- Digital and Marketing Officer
- Authorised Users

5.2 Communication

This Policy will be communicated to staff in accordance with Council's Policy, Procedure and Process Framework.

Following approval by the General Manager, the Policy will be made available on Council's intranet.

5.3 Associated Documents

The following documentation is to be read in conjunction with this policy.

- BHCC Model Code of Conduct
- BHCC Communication and Engagement Strategy
- BHCC Disciplinary Policy
- BHCC Email, Internet and Computer Systems Usage Policy
- BHCC Media Relations Policy
- BHCC Social Media Guidelines
- BHCC Customer Service Strategy
- BHCC Social Media Lighthouse Protocol
- BHCC Social Networking and Online Media Policy
- BHCC Records Management Policy
- BHCC Information and Communications Technology Policy
- BHCC Social Media Governance Procedure

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Manager Communications and Marketing is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

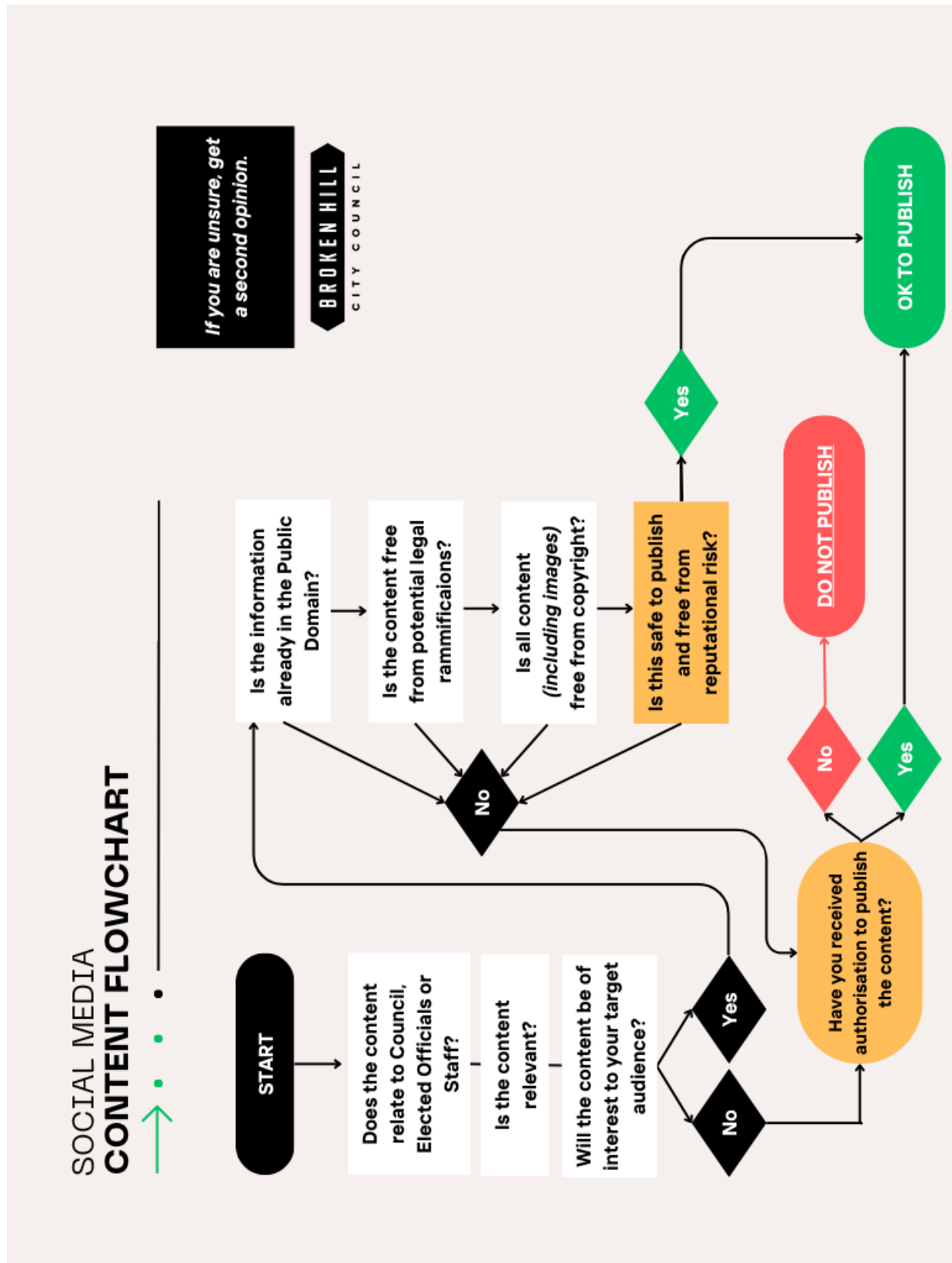
- Anti-Discrimination Act 1977
- Archives Act 1983
- Children and Young Persons (Care and Protection) Act 1998
- Copyright Act 1968
- Copyright Amendment Act 2006
- Copyright Amendment (Disability Access and Other Measures) Act 2017
- Defamation Act 2005
- Free Speech in Local Government in NSW Guideline.
- Government Information (Public Access) Act 2009
- Intellectual Property Laws Amendment Act 2015
- Local Government Act 2020
- Privacy Act 1988
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- Trademarks Act 1995

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Social Media Policy.

Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

Authorised User	is a staff member authorised by the General Manager, Manager Communications and Marketing or the Digital and Marketing Officer to manage, maintain, publish to and operate a Council social media channel
BHCC	is the acronym for Broken Hill City Council
CCTV	is Closed Circuit Television
Content	is any information, opinion, text, video, audio, image, link, or document published to social media
Council Representative	is any employee, elected member, volunteer, consultant or contractor
Minor	is a person under the age of 18 years
Moderate	is the process of assessing content (normally user generated) against predetermined standards and removing content which does not meet those standards
Platform	is a specific Social Media network, website, application or service (for example Facebook, Twitter, Instagram, etc.)
Post/Publish/Comment	are all terms meaning to make information, opinion or content available for others to view on a social media platform
Public Domain	means available to the public
Social Media	is the term for websites and applications that enable users to create and share content or to participate in social networking
User	is any content consumer or creator other than the account owner, operator, publisher or author





Filming in progress.

**This event may be filmed,
photographed, recorded
and broadcast live for
Media and Social Media
Purposes.**

General Manager

DRAFT MEDIA RELATIONS POLICY

QUALITY CONTROL			
TRIM REFERENCES	D25/25651		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	June 2025	REVISION NUMBER	5
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
29/11/2000	Adoption	38961	
26/11/2003	Adoption	40205	
28/11/2012	Adoption	43236	
29/03/2017	Public Exhibition	45503	
31/05/2017	Adoption	45544	
30/03/2022	Public Exhibition	46790	
25/05/2022	Adoption	46857	
30/07/2025	Public Exhibition	47934	

1. INTRODUCTION

This Policy provides a framework for Councillors and staff to use to promote coverage of Council affairs that is consistent, fair, accurate and reliable.

2. POLICY OBJECTIVE

The Media Relations Policy has the following objectives:

- To ensure consistency by Councillors and staff in dealing with the media.
- To promote open exchange of information between Council and the media.
- To limit the publication of inaccurate information which could cause conflict or embarrassment for employees and Councillors.
- To limit the possibility of miscommunication and reputation risk.
- To promote positive media relationships.
- To clearly indicate Council's authorised spokespersons.
- To ensure appropriate authorisation and responsibility for information provided.

3. POLICY SCOPE

This Policy applies to Councillors, Council officers, volunteers, consultants, and contractors.

4. POLICY STATEMENT

The following guidelines should be observed at all times when interacting with media:

4.1 Staff and Media

- All media enquiries should be directed to the Manager Communications and Marketing.
- Council staff must not speak to the media about matters related to Council unless authorised by the General Manager or Manager Communications and Marketing to do so.
- Council employees may not provide any comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.
- Council employees may speak to the media or write Letters to the Editor as private individuals providing they do not comment on Council business or policy, and do not identify themselves as Council employees.
- From time to time it may be necessary for a Letter to the Editor or similar public statement to be written as an official Council communication to inform the community about a particular matter. Such statements must be issued through the Manager Communications and Marketing, subject to the approval of the Mayor and/or General Manager.
- In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
- When appropriate, a member of Council staff may be nominated by the General Manager to act as the sole spokesperson on a specific issue, event or initiative within their operational portfolio, to ensure consistency of message.
- Council staff should treat all media outlets equally and avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.
- Council staff should never provide information "off the record" during media interviews. Anything said to a media representative can be used in a news story.
- Contractors, volunteers or service providers employed by Council must refer all media enquiries relating to Council to the Communications and Community Engagement Coordinator.

4.2 Councillors and Media

- Councillors have been elected to represent the community and are free to speak to the media as individuals.
- Councillors may speak on behalf of the Council only when delegated by the Mayor. In such an instance they must completely support Council's position on the issue at hand.

- Councillors may speak with media on behalf of Committees on which they are Chair or Acting Chair on matters that directly relate to their Committee.
- Councillors are welcome to contact the Manager Communications and Marketing or General Manager before speaking to media to ensure they can provide the most up to date information from Council on the matter at hand.

4.3 Media Releases

- Staff are encouraged prepare draft media releases, but they must be forwarded to the Manager Communications and Marketing for editing, formatting and distribution to ensure consistency in communication with media.
- Media releases should never be issued without the Manager Communications and Marketing's knowledge, and the prior approval of the General Manager, the Mayor, or a delegated authority.
- A media release should never be issued quoting a Councillor or member of staff without that person's permission.
- Staff with specialist knowledge may be quoted in media releases with the permission of the relevant delegated authority.
- Media releases must be approved by the General Manager or the delegated authority before posting on the Council website or social media.

4.4 Media Alerts

Any Councillor or staff member who is aware of a Council matter that may be of interest to the media should immediately contact the General Manager's Office.

4.5 Complaints about the Media

Staff complaints about incorrect or unfair media content regarding Council matters should be forwarded to the Manager Communications and Marketing. Official complaints about media, or requests for a correction can only be made with the authorisation of the General Manager.

4.6 Emergency Communication

Council recognises that ill-considered and uninformed comments can cause dire consequences and have legal implications in the event of an emergency, disaster, crisis or other sensitive issue.

In the event of an emergency in the Council area involving serious injury to and/or death of residents, the Mayor/Councillors or Council employees, or involving significant damage to Council assets or private property, or involving significant law enforcement activity on Council property, the following procedures will apply:

- The General Manager's Office must be notified immediately of details of the incident or activity.
- Details of the incident or activity must not be discussed with any media representatives unless approved in advance by the General Manager.
- Requests by the media to film, photograph or interview Council employees or Council assets involved in the emergency situation must be referred to the General Manager's Office.

4.7 Crisis Management

In communications planning, a crisis is regarded as an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or war like action) which creates an emergency that requires a significant and coordinated response.

A crisis is defined as a situation that:

(a) endangers, or threatens to endanger, the safety or health of persons or animals in the Local Government Area and;

(b) destroys or damages, or threatens to destroy or damage, any property in the Local Government Area.

If the District Emergency Management Committee enacts the District DISPLAN, requests must be referred to the General Manager's Office. The General Manager will be guided by the advice of the District and Local Emergency Operations Controllers.

4.8 Non-compliance with this Policy

Failure to comply with this policy may be dealt with in accordance with Council's Code of Conduct.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

Authorised Officer	Roles and Responsibilities
Mayor	Council's official spokesperson on all strategic and policy matters. Authorised signatory for Letters to the Editor on policy issues.
Deputy Mayor	To act as the Mayor's delegated spokesperson if the Mayor is unavailable.
General Manager	Council's official spokesperson on all policy, operations, strategic, and administrative issues. Authorised signatory for Letters to the Editor on these issues.
Councillors	Provide the media with comment, identifying that it is provided as their own personal opinion, and not the official position of Council.
Department Managers	May make statements on behalf of Council as a designated spokesperson if authorised by the General Manager.
Manager Communications and marketing	Responsible for coordinating responses, and providing information and press releases to the media.
General Staff	No media role unless authorised by the General Manager or Manager Communications and Marketing to act as a designated spokesperson.

- The Mayor and the General Manager are Council's official spokespersons on all matters.
- The General Manager or Manager Communications and Marketing may nominate other staff to act as spokespersons for the Council.
- The Mayor may delegate another Councillor to speak on a particular matter.
- The Manager Communications and Marketing is responsible for co-ordinating media liaison and issuing press releases, and is delegated to respond to media enquiries on behalf of Council.
- No staff member, other than those authorised by the General Manager, are to handle an enquiry from the media without prior approval.
- Information given to the media of a controversial, legal, or ethical nature requires the approval of the General Manager and/or the Mayor.
- All staff, Councillors, volunteers and contractors must abide by Council's Code Of Conduct when speaking with the media.

5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website, and also directly supplied to local media outlets.

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Communication and Community Engagement Coordinator is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- 2015 Model Code of Conduct for Councils in NSW
- Free Speech Guidelines 2025

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Media Relations Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

"DISPLAN" – The Broken Hill City Council Local Disaster Plan

FINANCE AND GOVERNANCE COMMITTEE

September 3, 2025

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 182/25

SUBJECT: DRAFT AUDIT RISK AND IMPROVEMENT COMMITTEE
STRATEGIC PLAN D25/40989

Recommendation

1. That Broken Hill City Council Report No. 182/25 dated September 3, 2025, be received.
2. That the Draft Audit, Risk and Improvement Committee Strategic Plan be adopted.

Executive Summary:

From 4 June 2022 all councils and joint organisations were required under the *Local Government Act 1993* to have an Audit, Risk and Improvement Committee. Councils and joint organisations can share Audit, Risk and Improvement Committees. Council has been operating an Audit, Risk and Improvement Committee since 2012, well before its legislated mandate.

There is also now a requirement for The Audit Risk and Improvement Committee (ARIC) to develop a strategic workplan every four years to ensure that all matters listed in *Section 428A* of the *Local Government Act 1993* are reviewed by the Committee and considered by Council's internal audit function when developing their risk-based program of internal audits.

Report:

It is essential that the work of the Audit, Risk and Improvement Committee is thoroughly planned and executed to ensure that no Council activity or function is missed by the Committee and that Council receives value for money from their assurance investment.

Council's Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that all the matters listed in *Section 428A* of the *Local Government Act 1993* are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The plan must be developed by the Audit, Risk and Improvement Committee in consultation with the governing body, General Manager, the internal audit coordinator and senior managers (where appropriate) and adopted by the governing body of the Council at the start of the Council term.

To maintain the independence of the Audit, Risk and Improvement Committee, the governing body of the Council must be careful when adopting the strategic work plan not to direct the Committee's work over the Council term.

The nature of the strategic work plan will be commensurate with the size and operational complexity of the Council and its risk profile, and consistent with the requirements of the International Professional Practices Framework.

At a minimum, it should document:

1. The goals and expected outcomes of the Audit, Risk and Improvement Committee for the Council term

2. Key organisational issues and risks faced by the Council and how the Committee will review these, and
3. Key performance indicators to measure progress across the Council term.

When developing the Council's strategic work plan, the Audit, Risk and Improvement Committee should consider at a minimum:

- The Council's strategic objectives
- Risks facing the Council
- The work of other review activities or functions (for example, external and performance audits, and reviews or audits by other government agencies)
- An assurance map of the Council's assurance activities which may assist to determine where the Committee's and internal audit function's work should focus, and
- Stakeholder expectations.

There should also be sufficient flexibility in the strategic work plan to accommodate the need for additional audits on emerging risks from time to time.

The Audit, Risk and Improvement Committee may, in consultation with the Council's governing body, vary the strategic work plan at any time to address new or emerging risks.

The governing body of the Council may also, by resolution, request the Committee to approve a variation to the strategic work plan. However, any decision to vary the strategic work plan will rest with the Committee.

When considering whether to vary the strategic work plan, the Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the strategic work plan

The Audit, Risk and Improvement Committee must review the four-year strategic plan at least annually to ensure that it is dynamic, relevant and aligns with the Council's risk profile. This will also ensure that the Council remains on track with its audits and any delay in progress can be quickly addressed.

Annual work plan

Council's Audit, Risk and Improvement Committee must develop an annual work plan to guide its work over the forward year.

The annual work plan must be developed by the Audit, Risk and Improvement Committee in consultation with the governing body, General Manager, the internal audit coordinator and senior managers (where appropriate).

The annual work plan must be consistent with the requirements of the International Professional Practices Framework and identify:

- The internal audits that will be carried out during the year to support the work of the Audit, Risk and Improvement Committee
- The key goals, objectives and scope of the proposed audits
- The resources needed for each audit (for example, staffing, budget, technology), and
- Key performance indicators to measure annual progress against.

The annual work plan must be flexible enough to allow it to be reviewed and adjusted as necessary throughout the year in response to any changes to the Council's risks or operations.

The Audit, Risk and Improvement Committee may, in consultation with the Council's governing body vary the annual work plan to address new or emerging risks.

The governing body of the Council may also, by resolution, request the Committee to approve a variation to the annual work plan. However, any decision to vary the annual work plan will rest with the Committee.

When considering whether to vary the annual work plan, the Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the annual work plan.

Performance measurement

The performance of each Council's Audit, Risk and Improvement Committee and internal audit function must be able to be assessed to measure progress and improvement.

The Audit, Risk and Improvement Committee must establish key performance indicators for the Council's four-year strategic work plan and annual work plan to allow the Council to gauge the:

- Performance of the Committee and internal audit function and the value they are providing to the Council, and
- Council's performance regarding the matters listed in S428A so that the Council can assess whether it is improving each Council term in these areas.

These key performance indicators are to be reviewed and refreshed by the Audit, Risk and Improvement Committee for each annual work plan and four-year strategic work plan to ensure they reflect the changing needs of the Council and the increased capacity of the Committee and internal audit function as they mature.

The General Manager, in consultation with the Audit, Risk and Improvement Committee, must ensure that a data collection or performance management system is established and maintained to collect the data needed to measure progress against these key performance indicators.

Community Engagement:

Not applicable.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.4	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

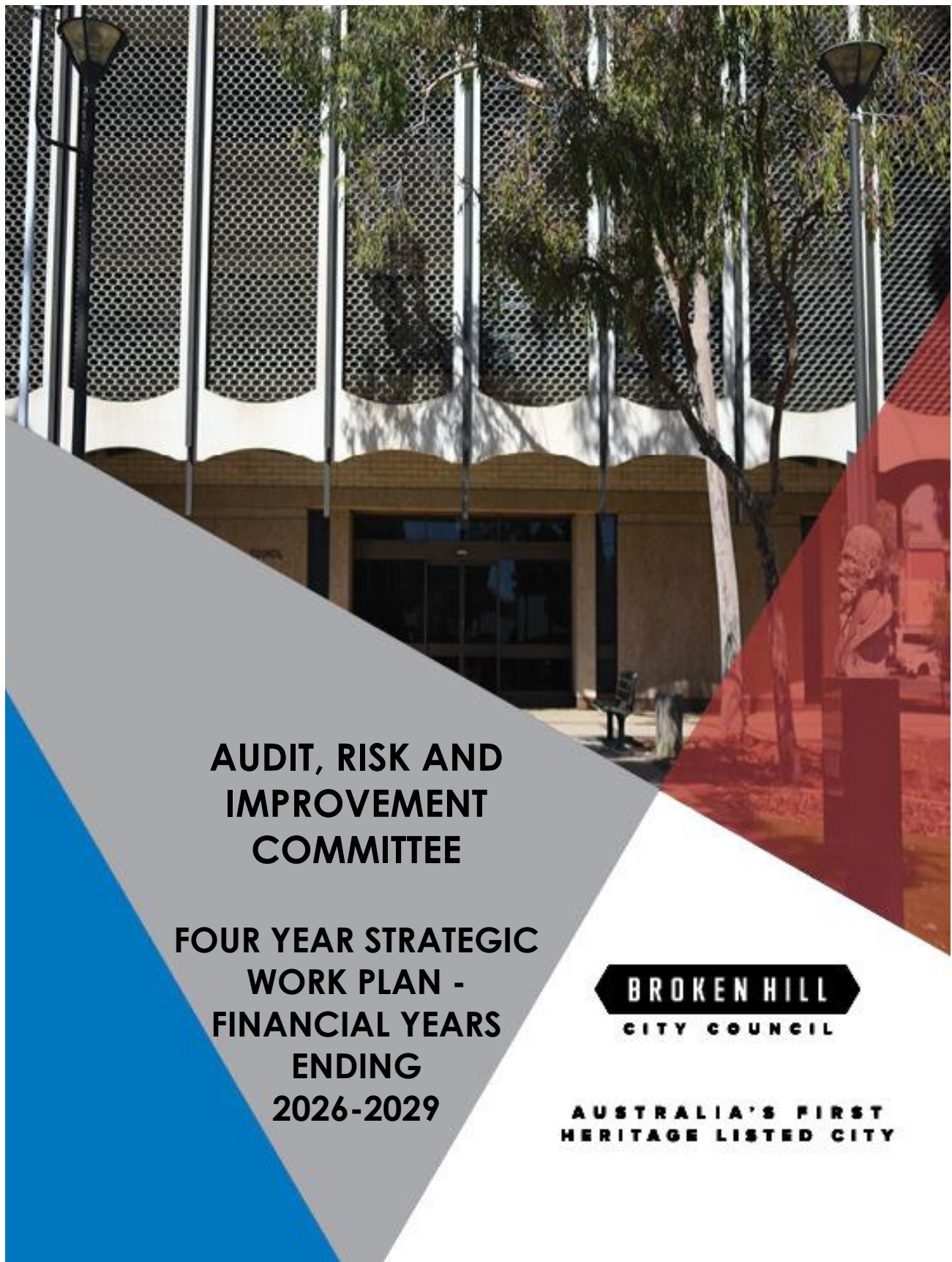
1. [↓](#) Draft ARIC Strategic Work Plan

SIMON BROWN

DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL

GENERAL MANAGER





QUALITY CONTROL			
KEY DIRECTION	4. Our Leadership		
OBJECTIVE	4.1 Openness and transparency in decision making		
STRATEGY	4.1.4 Support the organisation to operate its legal framework		
FUNCTION	Leadership and Governance		
FILE REFERENCE	13/19	EDRMS NUMBER	XXXXXXXXX
RESPONSIBLE OFFICER	General Manager		
REVIEW DATE	October 2028		
DATE	ACTION	MINUTE No.	
NOTES			
ASSOCIATED DOCUMENTS			

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1. Introduction

Broken Hill City Council ("Council") has established an Audit Risk and Improvement Committee ("Committee") in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW* (November 2023).

2. Background

The work of the Audit, Risk and Improvement Committee is to be thoroughly planned and executed to ensure that no council activity or function is missed by the committee and that council receive value for money from their assurance investment through independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3. Community Strategic Objectives

Our CSP Themes

To support the achievement of our community vision, collaborative efforts will focus on four interconnected themes:

1. **Our Community** – We value lifestyle and wellbeing; a place that encourages safe, active, cultural and social opportunities
2. **Our Economy** – We value a diverse economy which is resilient and adaptable to change, making the best use of the unique advantages of our remoteness and lifestyle
3. **Our Environment** – We value our unique landscape; we are committed to conservation and preservation of the natural environment and greater reduction of the human impact to ensure a sustainable and healthy community
4. **Our Leadership** – We value collaboration and working together for the greater good – Broken Hill community continues shared responsibility for good governance

4. Objective

The Committee must develop a strategic workplan every four years to ensure that all matters listed in section 428A of the Local Government Act are reviewed by the Committee and considered by internal audit function when developing their risk-based program of internal audits.

5. Committee Responsibilities

The Committee is required under section 428A of the Act to fulfil the following responsibilities:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- performance measurement data, and
- internal audit.

6. Audit Risk and Improvement Committee Meetings

The Committee meets at least four (4) times per year on a quarterly basis with one (1) additional special meeting to review the Council's financial statements.

7. Secretariat Support

The Committee is supported by the Executive Officer.

8. Council Strategic Risks

The 6 strategic risks identified by the Executive Leadership Team (ELT) are listed below:

- Financial - Changes to community demographic and loss of major industry
- Service Delivery - Inability to attract and retain key staff
- Safety - Injury, illness or fatality to staff, volunteers contractors or public
- Service Delivery – Ability to manage built environment and projects
- Reputation – Ability to deliver key infrastructure projects within budget constraints and within availability of skilled labour

9. Meeting Planner

July	August	September	October	November	December	January	February	March	April	May	June
Meeting 1: Q1			Meeting 2: Q2			Meeting 3: Q3			Meeting 4: Q4		
Standing Agenda Items <ul style="list-style-type: none"> Update from: <ul style="list-style-type: none"> General Manager Internal Audit Enterprise Risk Management Report Improvement/Service reviews Quarterly Budget Review Governance – as required Cyber Security Other/General Business 			Standard Agenda Items <ul style="list-style-type: none"> Update from: <ul style="list-style-type: none"> General Manager Internal Audit Enterprise Risk Management Report Improvement/Service reviews Quarterly Budget Review Governance – as required Cyber Security Other/General Business 			Standard Agenda Items <ul style="list-style-type: none"> Update from: <ul style="list-style-type: none"> General Manager Internal Audit Enterprise Risk Management Report Improvement/Service reviews Quarterly Budget Review Governance – as required Cyber Security Other/General Business 			Standard Agenda Items <ul style="list-style-type: none"> Update from: <ul style="list-style-type: none"> General Manager Internal Audit Enterprise Risk Management Report Improvement/Service reviews Quarterly Budget Review Governance – as required Cyber Security Other/General Business 		
Special Agenda Items <ul style="list-style-type: none"> Internal Audit: Review of Annual Internal Audit Plan Internal Audit: Review of Internal Audit Charter 			Special Agenda Items <ul style="list-style-type: none"> Financial Management: Presentation and review of Financial Statements External Audit: Audit Management Letter 			Special Agenda Items <ul style="list-style-type: none"> External Audit: AONSW – Annual Engagement Plan for year ended 30 June 			Special Agenda Items <ul style="list-style-type: none"> External Audit: Auditor-General's Report on Local Government 		

10. Reporting and Performance Review

Quarterly	Annual	End of Term	Performance Review
ARIC: <ul style="list-style-type: none"> Quarterly reporting to Council (minutes) 	ARIC: <ul style="list-style-type: none"> Annual Report to Council GM: <ul style="list-style-type: none"> Annual attestation ARIC Risk management Internal Audit 	ARIC: <ul style="list-style-type: none"> comprehensive independent assessment of all the matters listed in section 428A of the Local Government Act that have been reviewed during the council term. review of the effectiveness of the ARIC in conformance with the International Professional Practice Framework. 	Quality Assessment Internal Audit <ul style="list-style-type: none"> Independent external assessments performed at least once every term by a qualified, independent assessor or assessment team from outside the organisation.

11. Key Performance Indicators

Details of the key performance indicators for the Audit Risk and Improvement Committee are as follows:

No.	Key Performance Indicator	Measures and Descriptions	Frequency
1.	Committee Arrangements	<ul style="list-style-type: none"> - Composition – minimum 3 independent, maximum one councillor - Experience and capability - Meetings held - Meetings attended by each independent member - Charter (current, adopted, annual review). 	Annually End of Term (generally 4- years)
2.	Committee Planning	<ul style="list-style-type: none"> - Annual Work Plan (current, approved) - 4-Year Strategic Work Plan (current, approved, reviewed annually) 	Annually End of Term (generally 4- years)
3.	Committee Performance	As per schedule 1 of the ARIC Charter: <ul style="list-style-type: none"> - Audit - Risk - Improvement - Other 	Annually End of Term (generally 4- years)
4.	Committee Reporting	<ul style="list-style-type: none"> - Quarterly report to Council - Annual report to Council 	Annually End of Term (generally 4- years)

12. Detailed Annual Work Plan

As *per Schedule 1* of the Committee Charter to ensure the Committee meets its responsibilities under legislation:

ARIC Responsibility	Task	Frequency (Minimum)	Financial Year – Due By			
			Q1 Aug	Q2 Nov	Q3 Feb	Q4 May
AUDIT (Schedule 1)						
Internal audit <ul style="list-style-type: none">Provide overall strategic oversight of internal audit activities:Act as a forum for communication between the governing body, General Manager, ELT, the internal audit function and external audit.Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions. andReview and advise the council:<ul style="list-style-type: none">on whether the council is providing the resources necessary to successfully deliver the internal audit function.if the council is complying with internal audit requirements.if the council 's Internal Audit Charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by council are suitableof the strategic four-year plan and annual work plan of internal audits to be undertaken by council 's internal audit function.if council 's internal audit activities are effective, including the performance of the head of the internal audit function and internal audit function.of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised.of the implementation by the council of these corrective actions.on the appointment of the head of the internal audit function and external providers. andif the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.	Quarterly Internal Audit Report	Quarterly	X	X	X	X
	Annual Internal Audit Plan	Annually			X	
	Annual Internal Audit Plan	Annually			X	
	Review Internal Audit Charter	Annually				X
	Quality Assurance and Improvement Program					
External Audit <ul style="list-style-type: none">Act as a forum for communication between the governing body, General Manager, ELT, the internal audit function and external audit.Coordinate as far as is practicable, the work programs of internal audit and external audit.	Review Annual Financial Statements	Annually	X			
	Annual Engagement Plan	Annually			X	

<ul style="list-style-type: none"> Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided. Review all external plans and reports in respect of planned or completed audits and monitor council 's implementation of audit recommendations. and Provide advice to the governing body and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides. 	Interim Management Letter	Annually				X
	Engagement Closing Report	Annually		X		
	Final Management Letter	Annually		X		
RISK (Schedule 1)						
Risk Management Review and advise the council: <ul style="list-style-type: none"> if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard. whether council is providing the resources necessary to successfully implement its risk management framework. whether the council 's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated individual projects, programs and other activities. if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting. of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile. whether a sound approach has been followed in developing risk 	Enterprise Risk Management Update	Quarterly	X	X	X	X
	Risk Registers	Annually	X			

<p>management plans for major projects or undertakings.</p> <ul style="list-style-type: none"> whether appropriate policies and procedures are in place for the management and exercise of delegations. if council has taken steps to embed a culture which is committed to ethical and lawful behaviour. if there is a positive risk culture within the council and strong leadership that supports effective risk management. of the adequacy of staff training and induction in risk management. how the council's risk management approach impacts on council's insurance arrangements. of the effectiveness of the council's management of its assets, and of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans. 	Business Continuity Management and Disaster Recovery Planning	Annually		X		
<p>Internal Controls</p> <p>Review and advise the Council:</p> <ul style="list-style-type: none"> whether the council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective. whether the council has in place relevant policies and procedures and that these are periodically reviewed and updated. whether appropriate policies and procedures are in place for the management and exercise of delegations. 	Internal Audit Policies and Procedures Manual	Annually				X
	Internal Audit Performance Review (Self-Assessment)	Annually	X			
<ul style="list-style-type: none"> whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with. if the council's monitoring and review of controls is sufficient, and if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately. 	Internal Audit Reviews	Quarterly	X	X	X	X
	Internal Audit Follow Ups	Quarterly	X	X	X	X
<p>Compliance</p> <p>Review and advise the council of the adequacy and effectiveness of council's compliance framework, including:</p> <ul style="list-style-type: none"> if the council has appropriately considered legal and compliance risks as part of the council's risk management framework. how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and 	Legal Services Report	Annually				X

<ul style="list-style-type: none"> whether appropriate processes are in place to assess compliance. 						
Fraud and corruption Review and advise the council of the adequacy and effectiveness of the council 's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.	Fraud Control and Corruption Prevention Framework	Quarterly	X	X	X	X
Financial Management Review and advise the council: <ul style="list-style-type: none"> if the council is complying with accounting standards and external accountability requirements. of the appropriateness of the council 's accounting policies and disclosures. of the implications for the council of the findings of external audits and performance audits and the council 's responses and implementation of recommendations. whether the council 's financial statement preparation procedures and timelines are sound. the accuracy of the council 's annual financial statements prior to external audit, including: <ul style="list-style-type: none"> management compliance/representations. significant accounting and reporting issues. the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements. and appropriate management sign off on the statements. if effective processes are in place to ensure financial information included in the council annual report is consistent with signed financial statements. if the council 's financial management processes are adequate. the adequacy of cash management policies and procedures. if there are adequate controls over financial processes, for example: <ul style="list-style-type: none"> appropriate authorisation and approval of payments and transactions. adequate segregation of duties. timely reconciliation of accounts and balances. review of unusual and high value purchases. if policies and procedures for management review and consideration of the financial position and performance of the council are adequate. and if the council 's grants and tied funding policies and procedures are sound. 	Finance policies and accounting positions	Annually			X	
	Review Draft Financial Statements	Annually	X			
	Quarterly Budget Review	Quarterly		X	X	X

Governance Review and advise the council regarding the council's governance framework, including the council's: <ul style="list-style-type: none"> ▪ decision-making processes. ▪ implementation of governance policies and procedures. ▪ reporting lines and accountability. ▪ assignment of key role and responsibilities. ▪ committee structure. ▪ management oversight responsibilities. ▪ human resources and performance management activities. ▪ reporting and communication activities. ▪ information and communications technology (ICT) governance, and ▪ management and governance of the use of data, information and knowledge. 	Governance	Quarterly	X	X	X	X
IMPROVEMENT (Schedule 1)						
Strategic Planning Review and advise the council: <ul style="list-style-type: none"> ▪ of the adequacy and effectiveness of the council 's IP&R processes. ▪ if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives. and ▪ whether the council is successfully implementing and achieving its IP&R objectives and strategies. 	Integrated Planning and Reporting Annual report	Annually				X
Service Reviews and Business Improvement Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies). and <ul style="list-style-type: none"> ▪ Review and advise the council: <ul style="list-style-type: none"> ○ if the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance. ○ if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance. and ▪ how the council can improve its service delivery and the council 's performance of its business and functions generally 	Service Reviews	Quarterly	X	X	X	X
Performance Data and Measurement Review and advise the council: <ul style="list-style-type: none"> ▪ if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives. ▪ if the performance indicators the council uses are effective. and ▪ of the adequacy of performance data collection and reporting. 	Performance Review	Annually	X			

Other <ul style="list-style-type: none"> The ARIC Charter must be reviewed annually by the committee (ARIC) and once each council term by the governing body. The Chair will initiate a review of the committee's performance annually The committee will provide an annual assessment to the governing body and the General Manager on the committee's work and its opinion on how the council is performing The committee's annual report will be presented to council The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate and takes into account the council's emerging risks. The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year. 	In-Camera Session	Annually		X		
	Annual Report to Council	Annually	X			
	Review of ARIC Charter	Annually				X
	Annual Self-assessment	Annually	X			
	ARIC Strategic Work Plan	Annually				X
	ARIC Annual Work Plan	Annually				X

13. Audit Risk and Improvement Committee - Annual Work Plan: 2025-26

TIMELINES					
Activity	Task	Aug	Nov	Feb	May
INTERNAL AUDIT	- Internal Audit updates				
	- Internal Audit reports				
	- Outstanding Management Actions updates				
	- Review of Charter				
	- 2025/26 Annual Audit plan				
EXTERNAL AUDIT	- External audit updates				
	- Annual Engagement Plan for audit of the financial statements for the year ending 30 June 2025				
	- 2025 Auditor- General's Report on Local Government				
	- 2025/26 Interim Audit Management Letter				
	- 2025/26 Presentation of Draft Financial Statements				
	- 2025/26 Full Year Audited Financial Statements Management Letter				
RISK MANAGEMENT	- ERM updates				
OTHER	- General Manager updates				
	- 2024/25 ARIC Annual Self- Assessment				
	- 2025/26 ARIC Annual Report to Council				
	- Review of ARIC Charter				
	- Annual Legal Services Report				

FINANCE AND GOVERNANCE COMMITTEE

September 4, 2025

ITEM 4**BROKEN HILL CITY COUNCIL REPORT NO. 183/25****SUBJECT:** **INVESTMENT REPORT FOR AUGUST 2025** **D25/41120****Recommendation**

1. That Broken Hill City Council Report No. 183/25 dated September 4, 2025, be received.

Executive Summary:

The *Local Government (General) Regulation 2021* (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 August 2025, Council's Investment Portfolio had a current market valuation of \$20,599,288 or principal value (face value) of \$20,519,595 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 August 2025 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Compliant with policy
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review**Global issues:**

- In the US, latest economic data was overall positive in August. US consumer confidence dipped a little but is still running close to historical averages despite all the political chaos of this year.
- The June quarter US GDP was revised up to 3.3% (from 3.0% previously). While this reverses the weakness in March quarter (GDP fell by 0.5%), imports increased providing another sign that the US economy is still holding up. Third quarter GDP estimates are running at over 2% annualised.

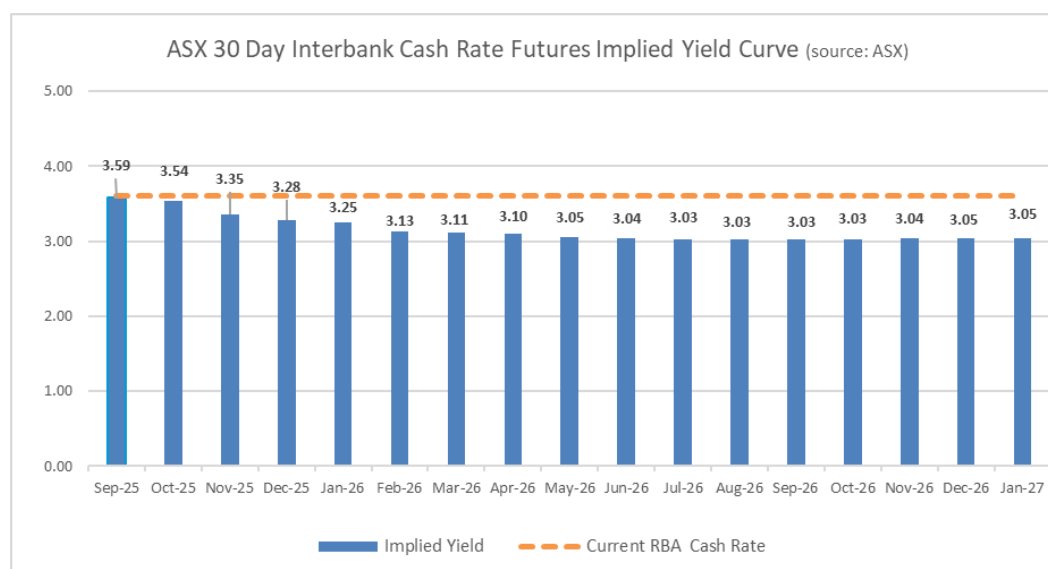
- Despite the positive signs about the US economy, investors are still pricing in an 84% chance of a rate cut in September and another 4 cuts after that, with rates expected to be at 3% by late 2026.
- The Reserve Bank of New Zealand cut its cash rate by 25bps to just 3%, the lowest level in three years. New Zealand continued to see multiple headwinds that support further rate cuts, including slow population growth, an unemployment rate that equals the peak during the pandemic, declining house prices, and a stalling economic recovery.
- With no pressure to change rates now, the European Central Bank postponed any rate decision to September. The ECB has already cut by 200 basis points, with interest rates there at 2%.
- Global shares had another solid month in August despite global tensions and US tariffs dominating the news. Good corporate results coming out of the US and expectations that the Federal Reserve will start cutting rates soon, helped US shares gain 2%. Housing stimulus measures in China helped its share market to surge 11% for the month. Australian shares had a strong month (+3.2%), led by the Mining/Materials sector, pushing the 12 month return close to +15%.

Domestic issues

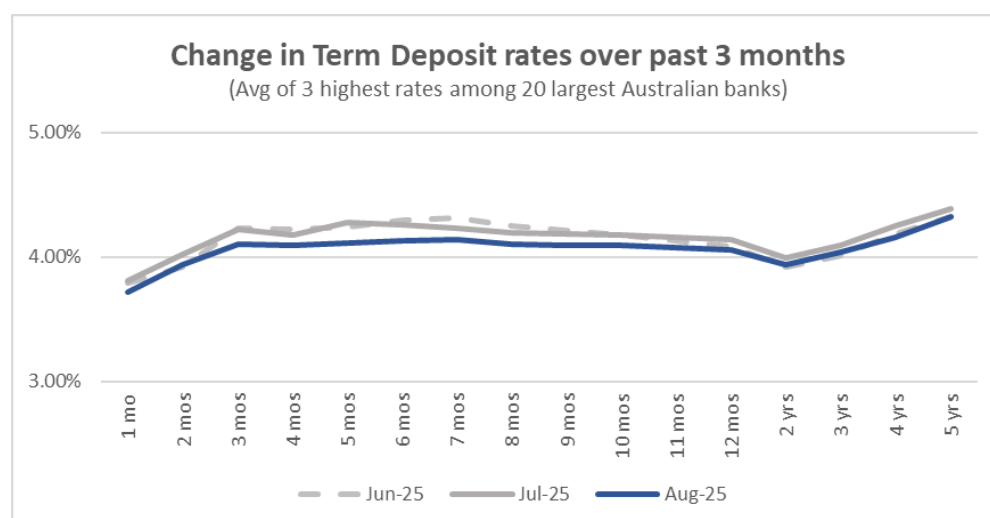
- The July monthly consumer price indicator was stronger than expected, up by 2.8% over the year (expectations were for a 2.3% rise). The upside surprise came from a stronger than expected lift in electricity prices. The monthly CPI release is regarded as more volatile than the more comprehensive quarterly release.
- The rise in inflation was not wholly unexpected. As the RBA noted at its August meeting: *“headline inflation is expected to increase temporarily over the second half of 2025 to around 3 per cent, before returning close to the midpoint of the target range over the latter part of the forecast period. This volatility reflects the legislated unwinding of electricity rebates, which would boost headline inflation over 2025 and 2026.”* Latest consumer sentiment surveys showed more Australians are feeling optimistic about their family finances, economic outlook, and purchasing intentions. Households are also turning bullish on property prices, with house price expectations survey hovering around record highs and the “time to buy a dwelling” index reaching a 4-year record

Interest rates

- As was widely expected, the RBA cut the official cash rate to 3.60% at its August meeting. The central bank noted that the information received since the previous meeting had provided further evidence that inflation was heading sustainably towards the midpoint of the 2-3% target range.
- The market is pricing in another 25 basis point cut by the end November and a further 25 basis point cut in the first quarter of 2026, taking the cash rate to 3.10%:



- Term deposit rates across the 1 – 12 month range declined by 10 basis points on average from last month. The 3 - 7 month area is offering the best rates, currently in the 4.10% to 4.15% area. Long dated rates fell slightly as well, down an average of 7 basis points and now ranging from 3.93% to 4.32%:



Investment Portfolio Commentary

Council's investment portfolio returned 4.24%pa (0.35% actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 3.84%pa (0.32% actual) return. Over the past 12 months, the investment portfolio has returned 5.00% versus the bank bill index benchmark's 4.25%.

The NSW TCorp Medium Term Growth Fund recorded another strong result during the month with a gain of 1.07% (actual). The return was reflective of the gains in the domestic and international share markets as well as improved valuations on fixed rate bonds and floating rate notes due to interest rates declining.

During August, Council's portfolio had no maturities and no new investments were made.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including senior ranked fixed and floating rate notes, listed property and international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

Council's Portfolio by Source of Funds – August 2025

As at 31 August 2025, Council's Investment Portfolio had a current market valuation of \$20,599,288 or principal value (face value) of \$20,519,595 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$5,554,597
	Royalties Reserve	\$615,905
	Domestic Waste Management Reserve	\$5,163,065
	Grants	\$9,186,028
	TOTAL PORTFOLIO	\$20,519,595

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

Key Direction 4: Our Leadership
 Objective 4.1: Openness and Transparency in Decision Making
 Action 4.1.5 Support the organisation to operate within its legal framework

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2021*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) August 2025 Investment Report

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER



Investment Summary Report
August 2025

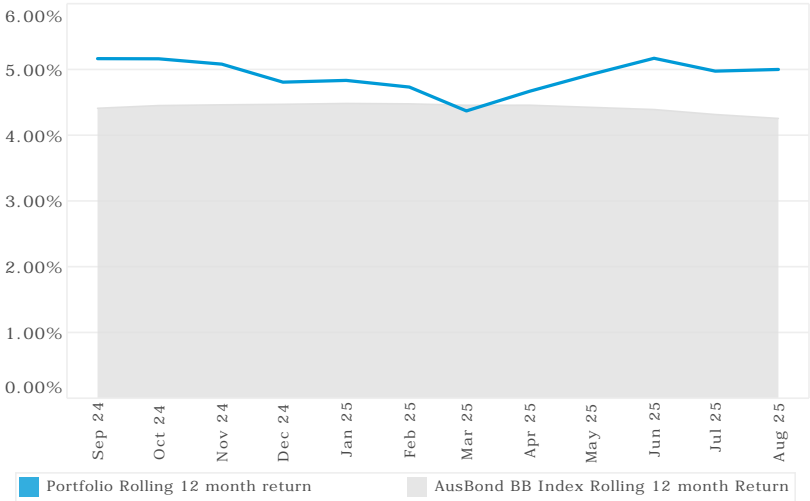


BROKEN HILL CITY COUNCIL
Executive Summary - August 2025

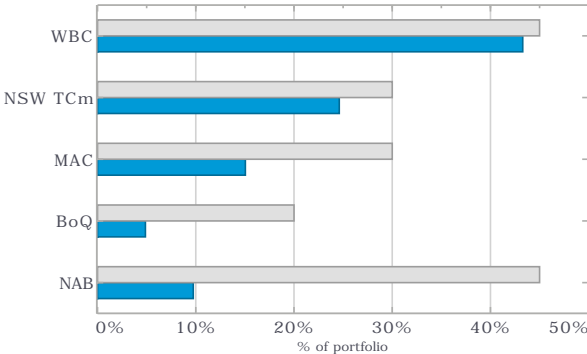
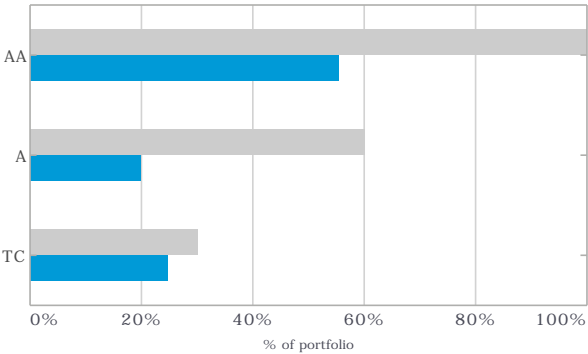


Investment HoldingsInvestment Performance

	Face Value (\$)	Current Value (\$)
Cash	11,970,063	11,970,063
Managed Funds	5,049,532	5,049,532
Term Deposit	3,500,000	3,579,693
	20,519,595	20,599,288



Total Credit ExposureInvestment Policy ComplianceIndividual Institutional ExposuresTerm to Maturities



	Face Value (\$)	Policy Max
Between 0 and 1 years	20,519,595	100% 100% a
	20,519,595	

Specific Sub Limits			
Between 5 and 10 year:	0	0%	30% a

Portfolio ExposureInvestment Policy Limit



BROKEN HILL CITY COUNCIL
Investment Holdings Report - August 2025



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
0.00	2.9000%	Westpac Group	AA-	0.00	535442	90d Notice
3,088,021.19	3.5974%	Macquarie Bank	A+	3,088,021.19	540354	Accelerator
8,882,041.74	0.0000%	Westpac Group	AA-	8,882,041.74	473409	Cheque
11,970,062.93	0.9281%			11,970,062.93		

Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
5,049,531.88	1.0683%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	5,049,531.88	536441	
5,049,531.88	1.0683%				5,049,531.88		

Term Deposits

Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
10-Sep-25	1,000,000.00	4.7500%	Bank of Queensland	A-	1,000,000.00	5-Mar-25	1,023,424.66	545848	23,424.66	At Maturity	
23-Sep-25	1,000,000.00	4.7500%	National Australia Bank	AA-	1,000,000.00	11-Mar-25	1,022,643.84	545898	22,643.84	At Maturity	
7-Oct-25	1,000,000.00	4.7500%	National Australia Bank	AA-	1,000,000.00	11-Mar-25	1,022,643.84	545899	22,643.84	At Maturity	
21-Oct-25	500,000.00	4.8000%	Suncorp Bank	AA-	500,000.00	18-Mar-25	510,980.82	545933	10,980.82	At Maturity	
	3,500,000.00	4.7571%			3,500,000.00		3,579,693.16		79,693.16		

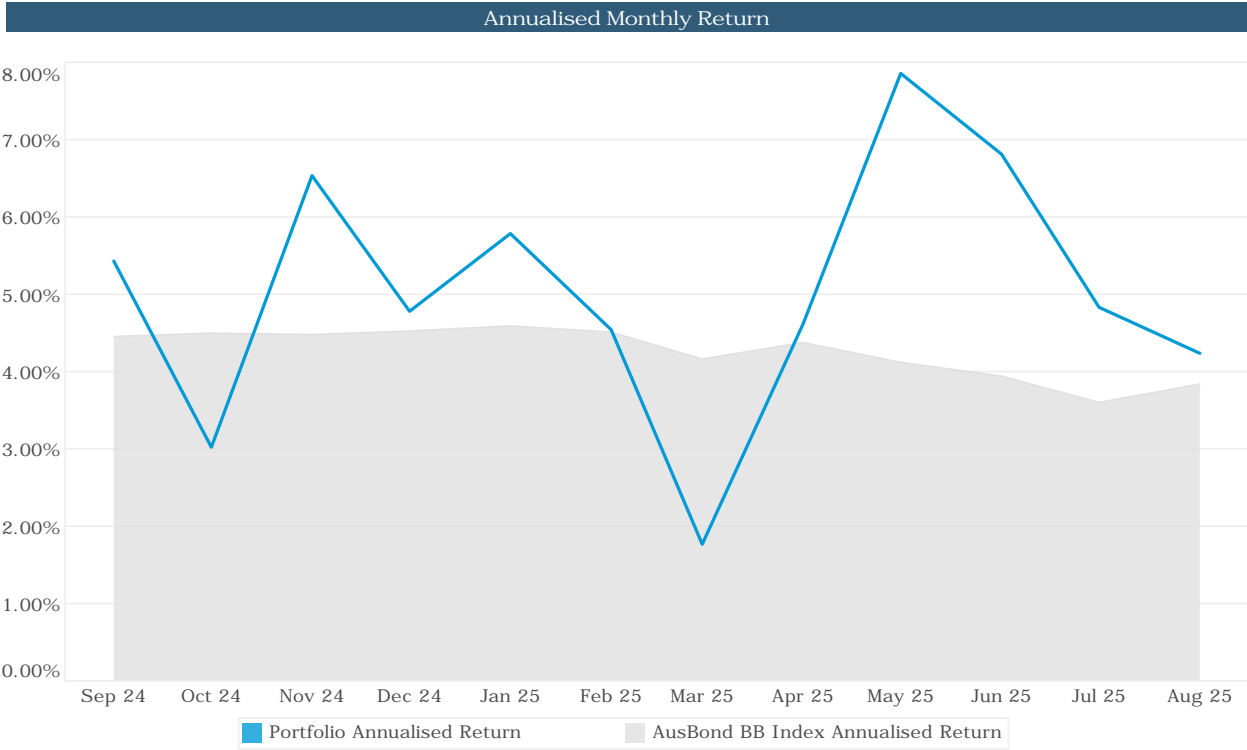
BROKEN HILL CITY COUNCIL

Accrued Interest Report - August 2025



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Cash									
Macquarie Bank	540354					9,406.19	0	9,406.19	3.60%
Westpac Group	473409					0.00	0	0.00	0.00%
Westpac Group	535442					9,424.75	0	9,424.75	2.90%
						18,830.94		18,830.94	1.40%
Managed Funds									
NSW T-Corp Medium Term Growth Fund	536441				4-Jun-26	0.00	0	53,373.98	13.33%
						0.00		53,373.98	13.33%
Term Deposits									
Bank of Queensland	545848		1,000,000.00	5-Mar-25	10-Sep-25	0.00	31	4,034.25	4.75%
National Australia Bank	545898		1,000,000.00	11-Mar-25	23-Sep-25	0.00	31	4,034.25	4.75%
National Australia Bank	545899		1,000,000.00	11-Mar-25	7-Oct-25	0.00	31	4,034.25	4.75%
Suncorp Bank	545933		500,000.00	18-Mar-25	21-Oct-25	0.00	31	2,038.35	4.80%
						0.00		14,141.10	4.76%
Grand Totals						18,830.94		86,346.02	4.24%

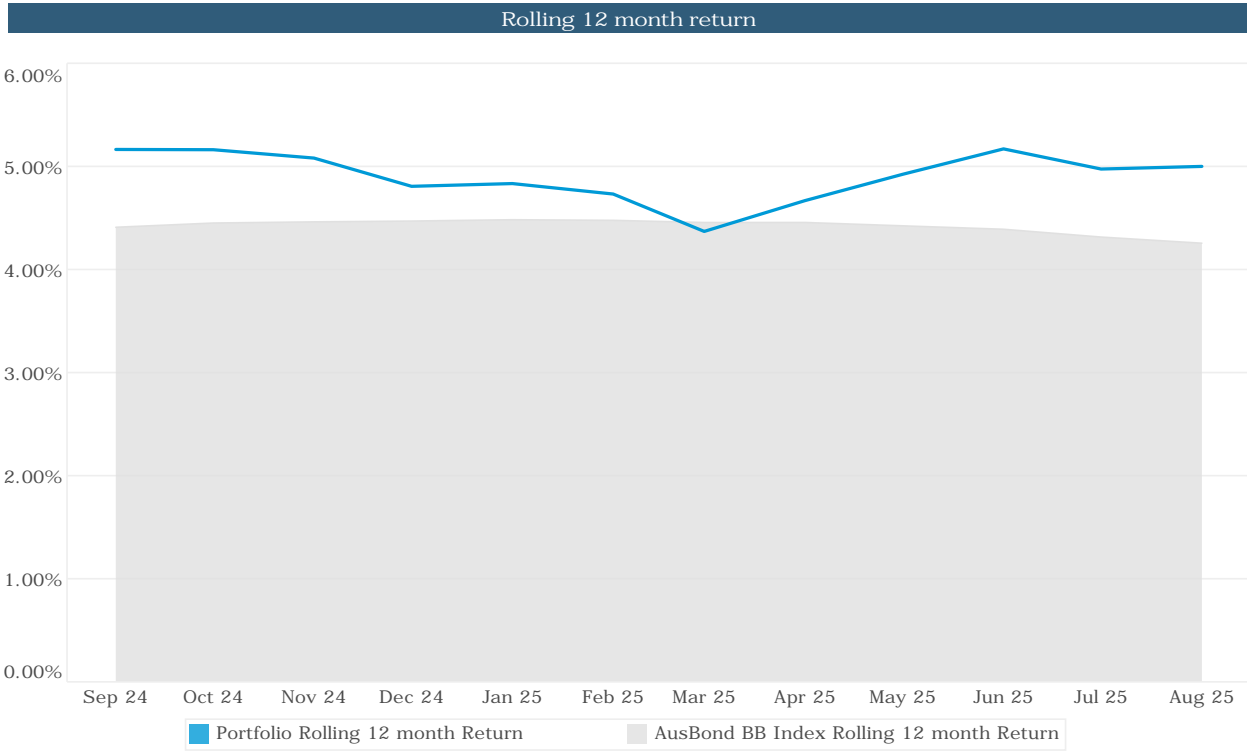
BROKEN HILL CITY COUNCIL
Investment Performance Report - August 2025



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2025	4.24%	3.84%	0.40%
Last 3 months	5.27%	3.79%	1.48%
Last 6 months	4.99%	4.00%	0.99%
Financial Year to Date	4.53%	3.72%	0.81%
Last 12 months	5.00%	4.25%	0.75%



BROKEN HILL CITY COUNCIL
Investment Performance Report - August 2025

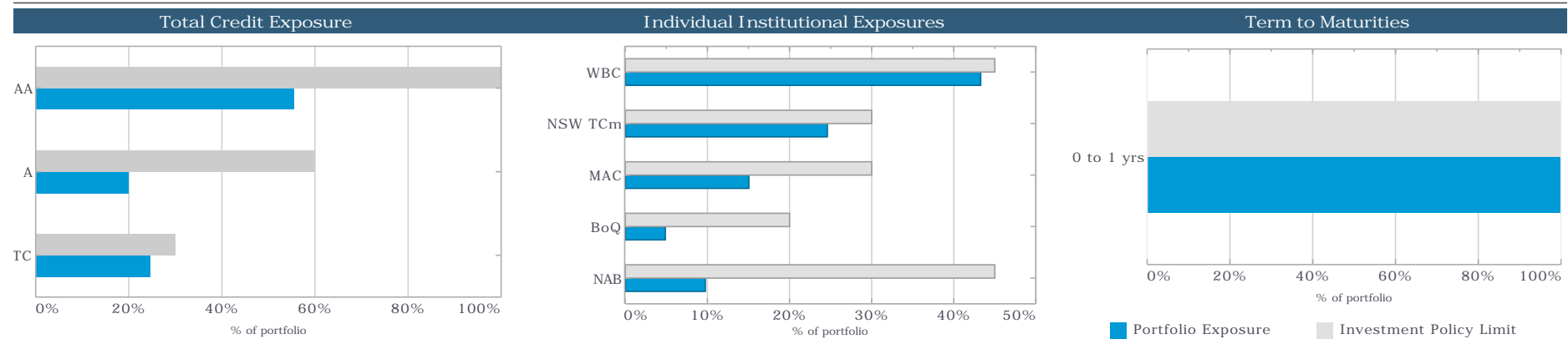


Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2025	0.35%	0.32%	0.03%
Last 3 months	1.30%	0.94%	0.36%
Last 6 months	2.49%	2.00%	0.49%
Financial Year to Date	0.76%	0.62%	0.14%
Last 12 months	5.00%	4.25%	0.75%



BROKEN HILL CITY COUNCIL

Investment Policy Compliance Report - August 2025



Credit Rating Group	Face Value (\$)	Policy Max
AA	11,382,042	55% 100% a
A	4,088,021	20% 60% a
TC	5,049,532	25% 30% a
	20,519,595	

Institution	% of portfolio	Investment Policy Limit
Westpac Group (AA-)	43%	45% a
NSW T-Corp (TCm)	25%	30% a
Macquarie Bank (A+)	15%	30% a
Bank of Queensland (A-)	5%	20% a
National Australia Bank (AA-)	10%	45% a
Suncorp Bank (AA-)	2%	45% a

	Face Value (\$)	Policy Max
Between 0 and 1 years	20,519,595	100% 100% a
	20,519,595	

Specific Sub Limits				
A-	1,000,000	5%	40%	a

Specific Sub Limits				
Between 5 and 10 years	0	0%	30%	a

Credit Rating	Current Longest Maturity (years)	Policy Max
AA+, AA, AA-	0.14	5.00 a
A+, A, A-	0.03	3.00 a

a = compliant
r = non-compliant

BROKEN HILL CITY COUNCIL

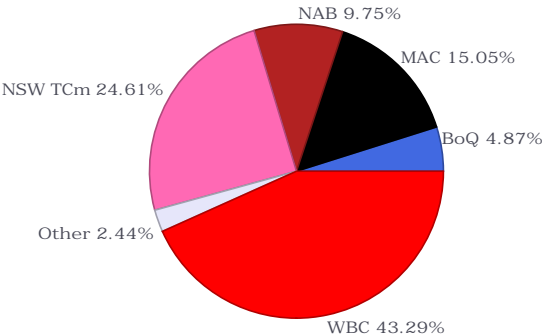
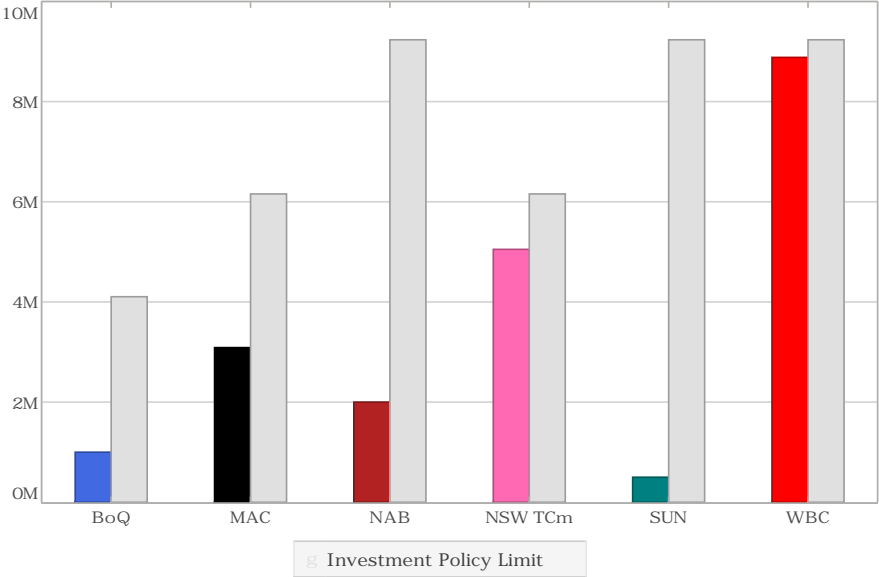
Individual Institutional Exposures Report - August 2025



Individual Institutional Exposures

Individual Institutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Bank of Queensland (A-)	1,000,000	5%	4,103,919	20%	3,103,919
Macquarie Bank (A+)	3,088,021	15%	6,155,878	30%	3,067,857
National Australia Bank (AA-)	2,000,000	10%	9,233,818	45%	7,233,818
NSW T-Corp (TCm)	5,049,532	25%	6,155,878	30%	1,106,346
Suncorp Bank (AA-)	500,000	2%	9,233,818	45%	8,733,818
Westpac Group (AA-)	8,882,042	43%	9,233,818	45%	351,776
	20,519,595				

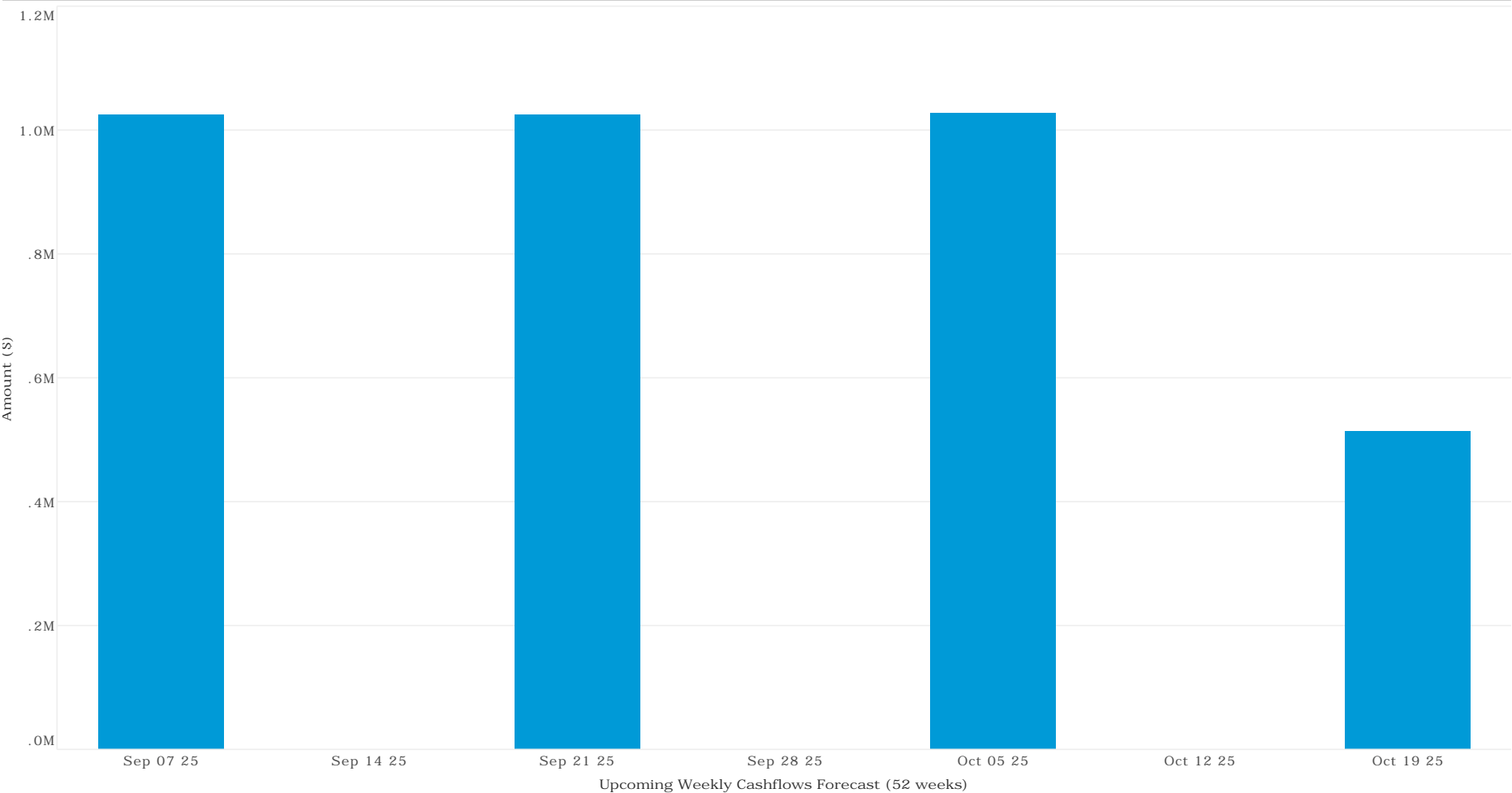


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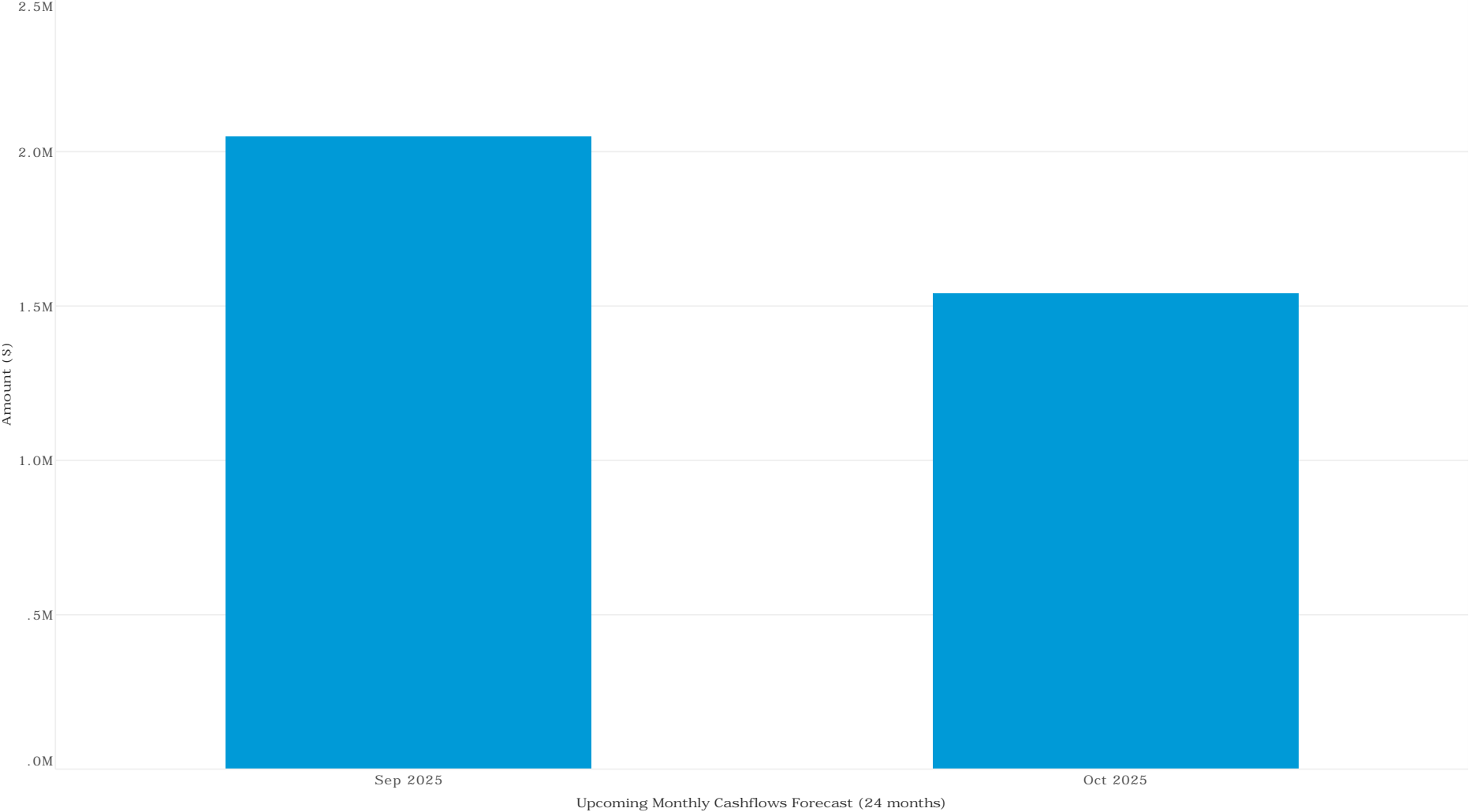
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
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Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
10-Sep-25	545848	Bank of Queensland	Term Deposit	Maturity: Face Value	1,000,000.00
		Bank of Queensland	Term Deposit	Maturity: Interest Received/Paid	24,595.89
				<u>Deal Total</u>	<u>1,024,595.89</u>
				Day Total	1,024,595.89
23-Sep-25	545898	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	25,506.85
				<u>Deal Total</u>	<u>1,025,506.85</u>
				Day Total	1,025,506.85
				Total for Month	2,050,102.74

BROKEN HILL CITY COUNCIL
Cashflows Report - August 2025



BROKEN HILL CITY COUNCIL
Cashflows Report - August 2025



FINANCE AND GOVERNANCE COMMITTEE

September 5, 2025

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 184/25

SUBJECT: BUDGET CARRYOVER'S 2024/25 D25/41268

Recommendation

1. That Broken Hill City Council Broken Hill City Council Report No. 184/25 dated September 5, 2025, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$1,632,292.
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$20,957,442.

Executive Summary:

At the conclusion of each financial year some works remain either not commenced or not completed. Under *Local Government (General) Regulation (2005)* Division 5, Section 211 (Authorisation of Expenditure) it is necessary for Council each year to revoke funds for those works that are not commenced in order that the works can be carried out during the following financial year. It is not a requirement for Council to revoke funds for works that have commenced or are/have been contracted to be carried out.

The 2024-25 capital projects programme was again disrupted by ongoing delays to supply chains for equipment and materials and shortage of skilled trades people in Broken Hill. As a result, there are several projects that are not completed at the end of the financial year including some plant items ordered in the 2023-24 financial year that are still to be delivered by our suppliers.

As at 30 June 2025, thirteen capital projects budgeted for \$1,632,292 as listed below in *Table 1* require Council's revoke and 31 capital projects budgeted for \$20,957,442 as listed below in *Table 2* have been included for Council's notation.

The total capital expenditure budget to be carried over to the 2025/26 financial year is \$22,589,734. Ten of the carryover projects are partly or fully grant funded and the total grant funding still to be received for these projects is \$4,135,165.

Report:

A reconciliation of all budgeted capital project items for the 2024/25 financial year has been completed. As a result of this reconciliation, fourteen capital projects have been identified that are yet to be commenced. For these works to be carried out in the 2025/26 financial year Council is required to revoke these funds.

In addition, there are 31 capital projects that have been started in the 2024/25 financial year or prior years but are incomplete. These are included in this report for Council notation.

Below is a summary of the capital works that are required to be carried forward into the 2025/26 financial year.

For Council's re-vote:

The capital projects that have yet to be started with their matching unspent funds and Council contribution are listed below and require Council to formally re-vote them as part of the 2025/26 budget:

Table 1

No.	Project Name	Budgeted Expenditure
1	Aquatic Centre – Replace Sand Filters	84,000
2	Aquatic Centre - Refurbish Starting Blocks	84,500
3	Point of Sale Software Replacement	30,000
4	BIU Band Hall Roof Replacement	120,000
5	Replace UPS for Admin Centre Server Core	10,000
6	Extend Fibre Run to Waste Facility	10,000
7	Annual Reseal Program 24-25	800,000
8	Crack Sealing and Linemarking Program 24-25	200,000
9	LRCIP Ph4 B - Zebina St- Thomas St to Fisher St	186,578
10	Electronic Community Notice Board	50,000
11	Bus Shelter -266 Wills Street (CPTIGS 24-25)	19,214
12	Upgrade Smart Lighting Controllers for 4g	30,000
13	Memorial Oval Driveway Upgrade	8,000
	Total capital expenditure required for re-vote	\$1,632,292

1. Aquatic Centre – Replace Sand Filters

This project has been delayed due to the unavailability of contractors willing and able to provide quotes.

2. Aquatic Centre - Refurbish Starting Blocks

This project has been delayed due to the unavailability of contractors willing and able to provide quotes.

3. Point of Sale Replacement

This project has been delayed due to other information technology projects taking priority.

4. BIU Band Hall Roof Replacement

This project was delayed after investigation revealed the roof damage was related to evaporative air conditioning units which required the project to be rescoped and requoted to replace the air conditioners.

5. Replace UPS for Admin Centre Server Core

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. There was insufficient time to commence the project prior to 30 June 2025.

6. Extend Fibre Run to Waste Facility

This project has been delayed due to other information technology projects taking priority.

7. Annual Reseal Program 24-25

The 2024-25 reseal program was postponed until 2025-26 pending delivery of the replacement bitumen wagon. This project is planned to commence in October 2025.

8. Crack Sealing and Line Marking Program 24-25

The 2024-25 crack sealing and line marking program was postponed until 2025-26 pending delivery of the replacement bitumen wagon as it is done in conjunction with the annual reseal program. This project is planned to commence in October 2025.

9. LRCIP Ph4 B - Zebina St- Thomas St to Fisher St

This grant funded project was delayed pending the funding body's approval of a scope variation and availability of the roads team. This project is planned to be completed in September 2025.

10. Electronic Community Notice Board

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. There was insufficient time to commence the project prior to 30 June 2025.

11. Bus Shelter -266 Wills Street (CPTIGS 24-25)

This grant funded project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. There was insufficient time to commence the project prior to 30 June 2025.

12. Upgrade Smart Lighting Controllers for 4g

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. There was insufficient time to commence the project prior to 30 June 2025.

13. Upgrade Smart Lighting Controllers for 4g

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. It was a component of Council's in kind support for the Mundi Mundi Bash and was completed in August 2025.

For Council's notation:

The following is a list of commenced but incomplete projects as at 30 June 2025 and is for Council's notation. All unspent funds on these projects were placed in reserves at the year end and will be brought forward to cover the cost of these projects. These works with their matching reserves and/or unspent grant funds will be added to this year's budget.

Table 2

No.	Project Name	Budgeted Expenditure
1	Library, Archive & Cultural Precinct - Construction	2,480,708
2	Housing Subdivision Development	694,659
3	CBD Redevelopment	156,000
4	Changeroom Redevelopment - Alma Oval and Norm Fox Oval	904,333
5	Upgrade airport taxiways and apron	9,400,166
6	Wolfram St - Oxide St to Iodide Ln Reconstruction	613,981
7	Warnock Depot Garage and Utilities Construction	2,525,689
8	Memorial Oval Lighting Renewal	532,113
9	IT Asset Replacement 2023-24	1,120
10	Plant & Equipment Renewal 2023-24	66,726
11	Airport Carpark Upgrade	566,763
12	Skate Rink Roof Replacement	349,220
13	Library Furniture	237,307
14	Library Audio Visual Equipment	101,492
15	Library Carpark	783,039
16	ICT and AV Budget 2024-25	10,986
17	Telephone Coverage Living Desert	29,245
18	Riddiford Arboretum Irrigation System Replacement	3,717
19	Airport Rental Carpark Footpaths & Solar Lights	53,264
20	Public Art Preservation	13,249

21	Plant & Equipment Renewal 2024-25	397,516
22	E.T. Lamb Memorial Oval - Cricket Pitch and Net Upgrades	3,495
23	Aquatic Centre - Replace Chemical Pumps	27,000
24	CBD Redevelopment - Town Square CCTV	35,000
25	CBD Redevelopment - Town Square Auto Timer for Mister	21,000
26	Duff St Park - Cricket Pitch and Net Upgrades	7,890
27	Bitumen Pontoon	34,345
28	Queen Elizabeth Park Accessible Water Fountain	10,910
29	South Sport and Recreation Centre - Mould Repair and Refurbishment	29,472
30	Aquatic Centre -Replace Air Exchange Unit	88,220
31	Regional Emergency Road Repair Fund Projects	778,820
	Total capital expenditure carry forward that does not require a re-vote:	\$20,957,443

1. Library, Archive & Cultural Precinct - Construction

This is a multi-year project that is planned to be completed by December 2025. Construction has commenced and project is currently on schedule.

2. Housing Subdivision and Duke of Cornwall Redevelopment

The housing component of this project was delayed by the need to rezone land for the housing subdivision contractor availability. This component is expected to completed in July 2026.

Replacement of the amenities building and refurbishment of the tennis courts at Duke of Cornwall Park was completed in financial 2024.

3. CBD Redevelopment

This project was commenced in the 2022 financial year and currently has five components:

- Erection of banner poles – Complete
- Banner pole lighting – Complete
- Installation of wayfinding signs and structures – Complete
- Town Square redevelopment – Complete
- Argent Street paving replacement – Under construction
- Town Square CCTV – Under Construction

- Town Square Auto timer and Mister – Under construction

4. Changeroom Redevelopment - Alma Oval and Norm Fox Oval

This project is being rescoped and retendered after all tenders received for a prefabricated buildings exceeded the approved budget.

5. Upgrade Airport Taxiways and Apron

This project was delayed after the initial tenders exceeded the budget causing the project to be rescoped and retendered. Negotiations with the preferred tenderer are continuing.

6. Wolfram St - Oxide St to Iodide Ln Reconstruction

This project is partly funded by a grant under the Commonwealth Roads to Recovery program. Completion has been delayed due to an extension of the scope and also several rain events at critical stages of the project. It is expected to be completed in September 2025.

7. Warnock Street Depot Garage and Utilities

Construction has commenced is planned to be completed by November 2025.

8. Memorial Oval Lighting

This project was delayed to enable Council to seek engineering reports on existing light towers for reuse, to reduce overall costs. The engineering reports have been received, and Council has sought revised quotes from suppliers revised

9. IT Asset Replacement 2023-24

One piece of ordered equipment had not been delivered as at 30 June 2025.

10. Plant and Equipment Replacement – 2023-24

Completion of this project was delayed because one piece of equipment was delivered but had to be returned to the supplier due to unacceptable manufacturing defects. Alternative quotes have been requested other suppliers.

11. Airport Carpark Upgrade

Technical design phase is complete and the tender for the project will be issued in October 2025.

12. Memorial Oval – Skate Rink Roof Replacement

The tenders phase of this project are complete and the preferred contractor selected. Construction is expected to be completed by November 2025.

13. Library Furniture

Some items have been delivered and are in storage pending completion of the library construction. The remainder are due to be delivered in September 2025.

14. Library Audio Visual Equipment

Some items have been delivered and are in storage pending completion of the library construction. The remainder are due to be delivered in September 2025.

15. Library Carpark

Design phase has been completed and materials ordered. Construction of this component of the library project is planned to commence in September 2025.

16. ICT and AV Budget 2024-25

Equipment has been ordered awaiting delivery and availability of technicians to instal.

17. Improvement of Telephone Coverage in the Living Desert

Awaiting technical information from suppliers to determine the most technically feasible and cost effective solution.

18. Riddiford Arboretum Irrigation System Replacement

Construction and installation is complete with only commissioning and handover to caretakers required to complete the project.

19. Airport Rental Carpark Footpaths and Solar Lights

Footpath construction is complete and tenders have been evaluated for the supply and installation of solar lights. Works are expected to be completed by October 2025.

20. Public Art Preservation

This project had one component to complete at 30 June 2025 which was restoration of the Pro Hart mural in the airport terminal.

21. Plant and Equipment Renewal 2024-25

Two of the four pieces of equipment have been delivered with the other two expected by December 2025.

22. E.T. Lamb Memorial Oval - Cricket Pitch and Net Upgrades

Majority of work is complete with adjustment to the bowler run up required.

23. Aquatic Centre - Replace Chemical Pumps

This was delayed awaiting availability of a technician and was completed in August 2025.

24. CBD Redevelopment - Town Square CCTV

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. The project was completed in August 2025.

25. CBD Redevelopment - Town Square auto timer for Mister

This project was included in the 3rd Quarterly Budget Review for 2024-25 approved in the May 2025 Council meeting. The project was completed in August 2025.

26. Duff Street Park - Cricket Pitch and Net Upgrades

Majority of work is complete with adjustment to the bowler run up required.

27. Bitumen Pontoon

The pontoon has been delivered and installed awaiting final commissioning. It is expected to be operational in October 2025.

28. Queen Elizabeth Park Accessible Water Fountain

Site preparation is complete awaiting availability of a plumber to install. Planned to be completed in September 2025.

29. South Sport and Recreation Centre - Mould Repair and Refurbishment Photocopier Refresh

Works were commenced at 30 June 2025 and are expected to be completed by October 2025.

30. Aquatic Centre -Replace Air Exchange Unit

This project was delayed because the replacement unit has to be manufactured. Expected project completion date is November 2025.

31. Regional Emergency Road Repair Fund Projects

This project is fully funded by Transport for NSW and consists of 26 separate local and regional road projects. Five projects were completed in 2024 with whole project scheduled to be completed by 30 June 2027.

In summary, \$1,632,292 requires a Council re-vote and \$20,957,442 will be carried forward into the 2025/26 financial year which does not require a Council re-vote.

The total carryover expenditure budget for 2025/26 is \$22,589,734. Ten of the carryover projects are partly or fully grant funded and the total grant funding still to be received for these projects is \$4,135,165.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.4	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2021 Division 5, Section 211

Financial Implications:

The recommendation will have an impact on the representation of the cash flow in the 2025/26 year as the carry forward expenditure of \$22,589,734 less related grant income of \$4,135,165 was not forecast to be expended in this year.

However, it will not influence Council's budgeted cash position as this revenue and expenditure were forecasted for 2025/26 based on the projects being completed in the 2024/25 financial year.

An updated capital budget inclusive of the approved carryovers will form part of the September 2025 Quarterly Budget Review report.

Attachments

There are no attachments for this report

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JAY NANKIVELL
GENERAL MANAGER



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