



BUSINESS PAPER

Extraordinary Meeting of Council

Council Chambers
9 October 2024

5.30pm

BROKEN HILL
CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that an Extraordinary Meeting of the Broken Hill City Council will be held in the Council Chambers on **Wednesday 9 October 2024** commencing at **5:30pm** to consider the following business:

AGENDA

1	Opening the Meeting
2	Mayor and Councillor Oath/Affirmation of Office
3	Apologies
4	Leave of Absence Applications
5	Prayer
6	Acknowledgement of Country
7	Acknowledgement of Broken Hill's Mining History
8	Public Forum Session
9	Reports regarding machinery matters associated with the new term of Council
10	Public Forum Session
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 Council meeting is being streamed live on Youtube, recorded and published on Council's website. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published.

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

Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

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EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 137/24SUBJECT: ELECTION OF DEPUTY MAYOR D24/31124**Recommendation**

1. That Broken Hill City Council Report No. 137/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Section 231* Council elects the Deputy Mayor at this meeting and the election be carried out in accordance with the *Local Government (General) Regulation 2021 Schedule 7*.
3. That the Deputy Mayor be elected for the period commencing from this Council Meeting until the September 2025 Ordinary Council Meeting.
4. That voting in the Deputy Mayor election be by open voting, i.e. "show of hands".
5. That the result of the Deputy Mayor election be forwarded to the Office of Local Government and to Local Government NSW.

Executive Summary:

Councillors may elect one Councillor to be Deputy Mayor in accordance with the *Local Government Act 1993 Section 231*. This person may be elected for the Mayoral term or for a shorter term.

Council has historically elected a Deputy Mayor for a twelve-month period from September to September each year. In the year of a Local Government Election this period would be slightly shorter from the date of the first Ordinary Council Meeting following the declaration of the election to the Ordinary Council Meeting held in September the following year.

As at 14 September 2024 (date of the Local Government Elections), the incumbent Deputy Mayor, Councillor Hickey's term as Deputy Mayor ceased.

Report:

As per the *Local Government Act 1993 Section 231* the Deputy Mayor's role is to exercise any function of the Mayor:

- At the request of the Mayor, or
- If the Mayor is prevented by illness, absence, or otherwise from exercising the function; or
- If there is a casual vacancy in the Office of Mayor.

If no Deputy Mayor is elected or if the Deputy Mayor is unable to act, the Councillors may elect one of their number to act as Deputy Mayor.

As this is the first meeting of the new term of Council the Deputy Mayor election must be held to appoint a Deputy Mayor for the period until the September 2025 Ordinary Council Meeting to align with Broken Hill's historical September to September annual term.

The election of Deputy Mayor is to be conducted in accordance with the *Local Government (General) Regulations Schedule 7*, which provides:

- The General Manager (or person appointed by the General Manager) is the Returning Officer.
- Nominations are to be made in writing by two or more Councillors (one of whom may be the nominee) and given to the Returning Officer. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- Nominations may be made without notice but must be in writing signed by two or more Councillors one of whom may be the nominee. Nominations are not valid unless the Councillors nominated give consent to the nomination in writing.
- Nominations are to be announced and elections conducted at the same Council meeting at which Council resolves on the method of voting.
- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated Council must decide by resolution whether the election will proceed by preferential ballot, ordinary ballot or open voting. Preferential ballots and Ordinary Ballots are to be secret ballots. Open voting means a show of hands or similar means.

Councillors also have the option of submitting a nomination without notice prior to the election of Deputy Mayor. Councillors attending the Council Meeting in person who wish to submit a nomination without notice, can hand their nomination form to the Returning Officer (General Manager) prior to the election of Deputy Mayor, providing the formalities concerning signatures and written consent from the nominated Councillor are observed in order to comply with the *Local Government Regulations 2021 Schedule 7, Part 1*, which reads:

“2 Nomination

- (1) A Councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.”*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.”*

The nomination form for Deputy Mayor is attached to this report (Attachment 1).

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Section 231

Local Government (General) Regulations 2021, Schedule 7, Part 1, Section 2

Financial Implications:

The Deputy Mayor is entitled to an additional fee when acting in the role of Mayor.

This additional fee is a daily fee based on the annual additional Mayoral fee; with daily fee being calculated dependent on the number of days in the month, with the fee so payable deducted from the Mayor's fee.

Attachments

1. [↓](#) Nomination Form for Deputy Mayor Election

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



To the Returning Officer (General Manager)
 Broken Hill City Council
 PO Box 448
 BROKEN HILL NSW 2880

NOMINATION FOR DEPUTY MAYOR

We, the undersigned Councillors of the City of Broken Hill hereby nominate the following Councillor for the position of Deputy Mayor:

Councillor _____

Nominated by:

Councillor	Signature

I, the undersigned Councillor of the City of Broken Hill, hereby accept the above nomination for the position of Deputy Mayor.

Councillor	Signature

DATE: _____ / _____ / 2024

EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

BROKEN HILL CITY COUNCIL REPORT NO. 138/24SUBJECT: DELEGATION OF FUNCTIONSD24/31134**Recommendation**

1. That Broken Hill City Council Report No. 138/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the Mayor of the Broken Hill City Council, the Functions of the Mayor pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 2 Section 226* and in accordance with the Instruments of Delegation attached to this report at Attachment 1.
3. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the Deputy Mayor of the Broken Hill City Council, the Functions of the Deputy Mayor pursuant to the *Local Government Act 1993 Division 2 Section 231* and in accordance with the Instruments of Delegation attached to this report at Attachment 2.
4. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the General Manager of the Broken Hill City Council, the Functions of General Manager pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Section 377* and in accordance with the Instrument of Delegation attached to this report at Attachment 3.
5. That Council notes that pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Sections 377 and 378* the General Manager will sub-delegate functions of the General Manager to the relevant Council Officers as per the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 4.
6. That during the current Term of Council, the Broken Hill City Council delegates authority to the Mayor pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* for the Mayor to consult with the General Manager to determine and issue to the appropriate Council Officer who from time to time will act in the position of General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager; and that such person acting as General Manager pursuant to this Council resolution be given all the functions and delegations given to the General Manager by the Council in accordance with the *Local Government Act 1993 Chapter 12 Part 3 Sections 377* and as issued by point 4 of this recommendation.

Executive Summary:

Due to the Broken Hill City Council Local Government Election held 14 September 2024 and this being the first meeting of the newly elected Council, it is necessary for Council to resolve to issue the delegations of functions to the Mayor, Deputy Mayor and General Manager as

per the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a), Division 2 Section 231 and Chapter 12 Part 3 Sections 377*.

A Schedule of all delegable functions is attached to the report. These delegations will be sub-delegated to various staff by the General Manager as per his powers of sub-delegation under the *Local Government Act 1993, Chapter 12 Part 3 Section 378*.

Report:

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to *the Local Government Act 1993* as well as a range of other Acts and Regulations. In most cases the relevant Acts and Regulations grant those obligations and powers directly on the Council as a body.

It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many duties and activities that are required in the day-to-day administration of the Council's roles and functions.

Delegations are the way in which the Council enables its General Manager (and subsequently Council Officers) to undertake these day-to-day duties on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate the authority to make decisions, perform functions or undertake duties and activities on behalf of Council to the General Manager (this is pursuant to section 377 of the *Local Government Act 1993*).

There are a number of functions under the *Local Government Act 1993 Section 377* that Council cannot delegate. These are matters that Council must determine by resolution.

Sections 377 and 378 read as follows:

377 General power of the council to delegate

- (1) *A Council may, by resolution, delegate to the general manager or any other person to body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
- a) The appointment of a General Manager,*
 - b) The making of a rate,*
 - c) A determination under section 549 as to the levying of a rate,*
 - d) The making of a charge,*
 - e) The fixing of a fee,*
 - f) The borrowing of money,*
 - g) The voting of money for expenditure on its works, services or operations,*
 - h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - i) The acceptance of tenders to provide services currently provided by members of staff of the council,*
 - j) The adoption of an operational plan under section 405,*
 - k) The adoption of a financial statement included in an annual financial report,*
 - l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - m) The fixing of an amount or rate for the carrying out by the Council of work on private land,*

- n) *The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,*
 - o) *The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
 - p) *The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - q) *A decision under section 356 to contribute money of otherwise grant financial assistance to persons,*
 - r) *A decision under section 234 to grant leave of absence to the holder of a civic office,*
 - s) *The making of an application, or the giving of a notice, to the Governor or Minister,*
 - t) *This power of delegation,*
 - u) *Any function under this or any other Act that is expressly required to be exercised by resolution of the Council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
- (a) *The financial assistance is part of a specified program, and*
 - (b) *The program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *The program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *The program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*
- (3) *A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

378 Delegations by the general manager

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) *Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).*

Under section 377 and 378 of the *Local Government Act 1993*, Council cannot delegate functions directly to an employee of Council. Rather, this must be done by first delegating to the General Manager who in turn sub-delegates to an employee. The General Manager therefore must be delegated the necessary functions to be able to sub-delegate those functions to an employee.

Attached to the report is a schedule of all delegable functions along with draft delegations recommended for the Mayor, Deputy Mayor and the General Manager. The draft delegations provide a standardised approach to the issuing of delegations which refer to a Schedule of Delegable Functions. This Schedule is updated by Local Government Legal (to whom Council has an annual subscription) and reflects changes to Acts and Regulations that affect Local Government.

Compliance with Council's policies are also included in Council's Instruments of Delegations as well as delegations from third party authorities.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Sections 377-381.

Financial Implications:

Annual subscription to Local Government Legal's Delegations Database is \$6,600.00 (inc GST). This expenditure is included in the 2024/2025 Budget.

Attachments

1. [↓](#) Draft Delegation of Authority - Mayor
2. [↓](#) Draft Delegation of Authority - Deputy Mayor
3. [↓](#) Draft Delegation of Authority - General Manager
4. [↓](#) Schedule of Delegable Functions

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

BROKEN HILL CITY COUNCIL

INSTRUMENT OF DELEGATION TO MAYOR

On Wednesday, XXXXXXXX the Broken Hill City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council’s Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

6. In this delegation:

- **'Functions'** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- **'Legislation'** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **'LG Act'** means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p>Mayor Functions –</p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant To –</p> <p>section 226</p>	

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday, XXXXXXXXXX,

Delegations of Functions adopted at Council Meeting held XXXXXXXXXX for term of Council ending September 2028 - Minute No. XXXX.

Mayor XXXXX

Date: Wednesday, XXXXX

Delegate Acknowledgement of Delegation

I, Mayor XXXXX do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Mayor XXXXX
Broken Hill City Council

Date: Wednesday, XXXX

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BROKEN HILL CITY COUNCIL

INSTRUMENT OF DELEGATION TO DEPUTY MAYOR

On Wednesday, XXXXXXXX the Broken Hill City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Deputy authority to exercise and/or perform on behalf of the Council the Council’s Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Deputy Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o **‘Functions’** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

- **'Legislation'** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **'LG Act'** means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p>Mayor Functions –</p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant To –</p> <p>section 226</p>	<p>The Deputy Mayor may only exercise these functions:</p> <p>a) at the request of the Mayor; or</p> <p>b) if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or</p> <p>c) if there is a casual vacancy in the office of Mayor.</p>

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday XXXXXXXXXXXX,
Delegations of Functions adopted at Council Meeting held XXXXXXXXXXXX for term of Council
ending September 2028 - Minute No. XXXXX.

Mayor XXXXXXXXXXXX

Date: Wednesday, XXXXXXXXXXXX

Delegate Acknowledgement of Delegation

I, Deputy Mayor Councillor XXXXXXXXXXXX, do hereby acknowledge that I have read and
understood this Instrument of Delegation and that I will perform these delegations and
authorities in accordance with this Instrument of Delegation and my position description.

Deputy Mayor Councillor XXXXXXXXXXXX
Broken Hill City Council

Date: Wednesday, XXXXXXXXXXXX

BROKEN HILL CITY COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Wednesday, XXXXXXXXXXXX the Broken Hill City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council (“**General Manager**”), being at the date of this instrument XXXXXXXXXXXX, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council’s Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.

5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.

6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a.a the requirements of the relevant Legislation;

 - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and

 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:
 - **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

 - **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.

 - **“LG Act”** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A

Part B – General Limitations
N/A

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Minister for Crown Lands	sub-delegate Willyama Common matters	Friday, 9 April 2021
Minister for Crown Lands	GM to deal with Willyama Common matters	Friday, 9 April 2021
Minister for Crown Lands	management of Crown Reserves	Sunday, 1 July 2018
Minister for Crown Lands	management of Crown Reserves sub-delegation	Sunday, 1 July 2018
Minister for Planning and Infrastructure	Making of Local Environmental Plans (LEP's)	1 February 2022
NSW Food Authority	Appointment as enforcement agency	1 July 2024
Transport for NSW	Temporary delegation to NSW Councils - Traffic Management and Pedestrian Works – Roads Act 1993	29 March 2023 to 30 June 2026
Transport for NSW	Authority to Council's General Manager to sub-delegate to staff - Temporary delegation to NSW Councils - Traffic Management and Pedestrian Works – Roads Act 1993	29 March 2023 to 30 June 2026
Transport for NSW	Temporary delegation to NSW Councils - Installation or Display of Prescribed Traffic Control	29 March 2023 to 30 June 2026

	Device – Roads Transport Act 2013	
Transport for NSW	Authority to Council's General Manager to sub-delegate to staff - Temporary delegation to NSW Councils - Installation or Display of Prescribed Traffic Control Device – Roads Transport Act 2013	29 March 2023 to 30 June 2026

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
Authority to Approve Community Assistance Grants	Authority to give final approval of recommendations of the Community Assistance Grant Panel, through two rounds of grant funding annually and within the adopted annual budget of the grants program, as per the Community Assistance Grants Policy - Minute No. 45524 and S356 of the Local Government Act 1993.	N/A
Authority to Approve Payments	Authority to certify electronic funds transfers, sign cheques and sign vouchers on behalf of Council to the limits authorised by the General Manager.	N/A
Authority to Approve Purchases	Authority to authorise the purchase of goods and services to the spend limit and purchasing card limit allocated to the position within the area of budget responsibility.	N/A
Authority to General Manager to Write Off Debts	Authority to the General Manager to write off debts (including but not limited to rates, charges, interest and sundry debts) to the value of \$5,000	N/A

	for any individual rate, charge or transaction (Minute No. 44690 Council Meeting 25/06/2014).	
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Pursuant to a Resolution of the Council at its meeting of Wednesday, XXXXXXXXXXXXXXXX,

Delegations of Functions adopted at Council Meeting held XXXXXXXXXXXXXXXX for term of Council ending September 2028 - Minute No. XXXXX.

Mayor XXXXXXXXXXXXX
Broken Hill City Council

Date: XXXXXXXXXXXXX

General Manager’s acknowledgement of Delegations of Authority

I, Jay Nankivell, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Jay Nankivell
General Manager
Broken Hill City Council

Date: XXXXXXXXXXXXX

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Schedule of Delegable Functions, October 2024

CODE	FUNCTION
Aged Care Act 1977	
AC Act 000	<p>Aged Care Approved Provider:</p> <p>Authority to act on behalf of the Council as a local government authority Approved Provider for the purposes of the Aged Care Act 1997 (Cth) and associated legislation.</p> <p>Pursuant to Aged Care Act 1977 (Cth)</p>
Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)	
AFR Act 000	<p>All functions:</p> <p>Authority to act on behalf of the Council as a State/Territory entity for the purposes of the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth) and associated legislation.</p> <p>Pursuant to Australia's Foreign Relation (State and Territory Arrangements) Act 2020</p>
Aviation Transport Security Act 2004 (Cth)	
ATS Act 001	<p>Transport Security Program:</p> <p>Authority on behalf of the Council as an aviation industry participant to undertake all functions in relation to a transport security program in accordance with Part 2 of the Aviation Transport Security Act 2004 (Cth).</p> <p>Pursuant to Part 2 and in particular ss18 and 22 and 23A and 26A</p>
ATS Act 000	<p>All functions:</p> <p>Authority to exercise and or perform on behalf of the Council the Council's delegable functions as an airport operator and/or an aviation industry participant under this Act and the Regulations in force as amended from time to time.</p> <p>Pursuant to Aviation Transport Security Act 2004 and Aviation Transport Security Regulation 2005.</p>
Biodiversity Conservation Act 2016	
BC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Biodiversity Conservation Act 2016
BC Act 001	<p>Agreements:</p> <p>Authority on behalf of the council, being a public authority that owns or has the control and management of Crown land or lands of the Crown, to enter into a biodiversity stewardship agreement, conservation agreement or wildlife refuge agreement, or a joint management agreement.</p> <p>Pursuant to ss5.9(2), 5.21(2) and 5.28(2) and clause 2.25 of the Biodiversity Conservation Regulation 2017.</p>
BC Act 002	<p>Biodiversity Offsets:</p> <p>Authority to participate as the owner of land in the Biodiversity Offsets Scheme, including to apply for registration of a transfer of, or to retire, a biodiversity credit and appeal as the holder of a biodiversity credit to the Land and Environment Court.</p> <p>Pursuant to Part 6</p>
BC Act 003	<p>Biodiversity certification:</p> <p>Authority to apply for biodiversity certification, request that the application be declared a strategic application and enter into an agreement in connection with an application for biodiversity certification.</p> <p>Pursuant to ss8.5(1)(a), (2)(c) and (6)</p>
BC Act 004	<p>Biodiversity certification agreement:</p> <p>Authority to enter into a biodiversity certification agreement and apply to modify such an agreement.</p> <p>Pursuant to ss 8.16(3) and 8.22(2)(a)</p>
BC Act 005	<p>Disputes:</p> <p>Authority as a party to a biodiversity certification or biodiversity certification agreement, to refer a dispute to the Premier.</p> <p>Pursuant to s8.25</p>
BC Act 006	<p>Civil proceedings:</p> <p>Authority to bring proceedings in the Land and Environment Court to remedy or restrain a breach of the Act or regulations or Part 5A of the Local Land Services Act 2013, or breach of a biodiversity stewardship, private land conservation or biodiversity certification agreement.</p> <p>Pursuant to Part 13, Division 2</p>
BC Act 007	<p>Opinion as to significant affect:</p> <p>Authority on behalf of the council as consent authority to determine whether development or an activity is likely to significantly affect threatened species and</p>

	<p>hold an opinion as to whether a proposed development is likely to have serious and irreversible impacts on biodiversity values and be satisfied that an application for modification of development consent will not increase the impact on biodiversity values, in accordance with Part 7</p> <p>Pursuant to Part 7</p>
Biodiversity Conservation Regulation 2017	
BC Reg 001	<p>Biodiversity Values Map:</p> <p>Authority to hold the opinion on behalf of the Council that land contains vegetation connectivity features or threatened species habitat for the purposes of inclusion in the Biodiversity Values Map.</p> <p>Pursuant to clause 7.3(3)(j)</p>
Biosecurity Act 2015	
Bio Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of the Council as the Local Control Authority, the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Pursuant to the Biosecurity Act 2015</p>
Bio Act 001	<p>Appointment of Authorised Officers:</p> <p>Authority to appoint authorised officers in relation to weeds in accordance with Part 22 Division 2 of the Biosecurity Act 2015.</p> <p>Pursuant to Pursuant to section 372 of the Biosecurity Act 2015.</p>
Bio Act 002	<p>Recovery of Fees:</p> <p>Authority to charge and recover fees charged, or costs and expenses incurred by the Council acting as local control authority in connection with the exercise of functions by an authorised officer appointed by the Council, in accordance with Part 20 of the Biosecurity Act 2015.</p> <p>Pursuant to Pursuant to s373(1) of the Biosecurity Act</p>
Bio Act 005	<p>Biosecurity Directions and Undertakings:</p> <p>Authority to exercise the powers of the Secretary with respect to any biosecurity direction given by, or any biosecurity undertaking executed by an authorised officer appointed by the local control authority.</p> <p>Pursuant to Pursuant to s372(4) of the Biosecurity Act</p>
Bio Act 003	<p>Arrangements for joint exercise of functions:</p>

	<p>Authority to enter into an arrangement for the joint exercise of functions on behalf of the Council as a local control authority.</p> <p>Pursuant to Pursuant to s374 Biosecurity Act</p>
Bio Act 004	<p>Order requiring compliance with biosecurity undertaking:</p> <p>Authority to apply to the Land and Environment Court for an order if a person contravenes a biosecurity undertaking.</p> <p>Pursuant to Pursuant to s148(1)</p>
Bio Act 007	<p>Revocation of Biosecurity Direction:</p> <p>Authority to revoke or vary a biosecurity direction given by an authorised officer appointed by the Council.</p> <p>Pursuant to Pursuant to s125(3)</p>
Bio Act 006	<p>Exemption for watercourses:</p> <p>Authority to exempt the whole or part of a watercourse, river or inland water from the duty to control aquatic weeds.</p> <p>Pursuant to Pursuant to clause 4(5) of Schedule 1</p>
Bio Act 008	<p>Certificate as to Weed Control Notices:</p> <p>Authority to issue a Certificate as to weed control notices, expenses and charges on land.</p> <p>Pursuant to Schedule 7, clause 28</p>
Boarding Houses Act 2012	
BH Act 001	<p>Power of entry:</p> <p>Authority to authorise a person to enter a premises of a registered boarding house for the purpose of conducting an initial compliance investigation and issue an authority to enter premises under section 25. Authority to recover an approved fee in association with an initial compliance investigation in accordance with section 23.</p> <p>Pursuant to sections 17, 23 and 25</p>
BH Act 002	<p>Notice of Entry:</p> <p>Authority to give the proprietor or manager of the premises of a registered boarding house written notice of the intention to enter the premises in accordance with section 19 and to give a notification or use of force or urgent entry in accordance with section 21.</p> <p>Pursuant to sections 19 and 21 of the Boarding Houses Act 2012.</p>

BH Act 003	<p>Reasonable use of force:</p> <p>Authority to authorise the reasonable use of force in gaining entry to a premises to conduct an initial compliance investigation.</p> <p>Pursuant to section 20 of the Boarding Houses Act 2012.</p>
BH Act 004	<p>Exchange of information:</p> <p>Authority to enter into an information sharing arrangement with an administrator of the Boarding Houses Act 2012.</p> <p>Pursuant to section 94</p>
BH Act 005	<p>Court Proceedings:</p> <p>Authority to commence proceedings for an offence against a provision of Part 2 (Registration of Boarding Houses) of the Boarding Houses Act 2012.</p> <p>Pursuant to section 99 of the Boarding Houses Act 2012.</p>
BH Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Boarding Houses Act 2012</p>
Building and Development Certifiers Act 2018	
BPC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Building and Development Certifiers Act 2018 and Building and Development Certifiers Regulation 2020</p>
BDC Act 001	<p>Contracts for certification work:</p> <p>Authority to execute a written contract for certification work to be done in the name of or on behalf of the council.</p> <p>Pursuant to section 31</p>
BDC Act 002	<p>Exchange of Information:</p> <p>Authority to enter into an arrangement with the Secretary for the purpose of sharing or exchanging information in accordance with s108 of the <i>Building and Development Certifiers Act 2018</i>.</p> <p>Pursuant to section 108</p>

BDC Act 003	<p>Carrying out certification work:</p> <p>Authority to carrying out certification work of a class prescribed by the regulations that is done in the name of or on behalf of the council.</p> <p>Pursuant to section 112</p>
Building and Development Certifiers Regulation 2020	
BDC Reg 001	<p>Appropriate person:</p> <p>Authority on behalf of the Council as a building owner to give a written opinion that a person is competent to exercise the function of an accredited practitioner (fire safety) under Divisions 4 and 5 of Part 9 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>Pursuant to Clause 65(1)(b)</p>
Building Products (Safety) Act 2017	
BP(S) Act 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Building Products (Safety) Act 2017</p>
BP(S) Act 001	<p>Building Product Rectification Order:</p> <p>Authority on behalf of the Council as a relevant enforcement agency to make a building product rectification order, including to be satisfied on reasonable grounds that the building is an affected building.</p> <p>Pursuant to section 20 of the Building Products (Safety) Act 2017</p>
BP(S) Act 002	<p>Exchange of information:</p> <p>Authority to enter into an information sharing arrangement with the Commissioner for Fair Trading, Department of Finance, Services and Innovation.</p> <p>Pursuant to section 86 Building Products (Safety) Act 2017</p>
Cemeteries and Crematoria Act 2013	
C&C Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Cemeteries and Crematoria Act 2013</p>
C&C Act 001	<p>Cemeteries Register:</p>

	<p>Authority to notify the Cemeteries Agency in relation to the Cemeteries and Crematoria Register.</p> <p>Pursuant to s27 Cemeteries and Crematoria Act 2013</p>
C&C Act 002	<p>Notice appeal:</p> <p>Authority to appeal against an improvement notice issued by the Cemeteries Agency.</p> <p>Pursuant to s33(5) Cemeteries and Crematoria Act 2013</p>
C&C Act 003	<p>Comply with Notice / Order:</p> <p>Authority to take any actions to comply with an improvement notice in accordance with section 33 or short term order in accordance with section 36 issued by the Cemetery Agency. Authority to give, withdraw or vary an enforceable undertaking in accordance with section 39 and report to the Cemeteries Agency as required by a notice in accordance with section 41.</p> <p>Pursuant to ss33, 36, 39 and 41 of the Cemeteries and Crematoria Act 2013</p>
C&C Act 004	<p>Interment right:</p> <p>Authority to grant or renew, transfer to another person or transfer to the cemetery operator, an interment right, and to give notice under s 54 of entitlement to apply to renew a renewable interment right.</p> <p>Pursuant to s47, s54, s58 and s59 of the Cemeteries and Crematoria Act 2013</p>
C&C Act 005	<p>Cemetery Operators Register:</p> <p>Authority to keep and amend the cemetery operator's register in accordance with section 63 and make a copy of an entry in the register available in accordance with 63(10).</p> <p>Pursuant to s63 Cemeteries and Crematoria Act 2013</p>
C&C Act 006	<p>Heritage Advisory Committee:</p> <p>Authority to establish a heritage advisory committee, and appoint a chairperson of the committee, in accordance with section 69.</p> <p>Pursuant to s69 Cemeteries and Crematoria Act 2013</p>
C&C Act 007	<p>Advice of committee:</p> <p>Authority to seek advice of the heritage advisory committee in accordance with section 69(2).</p> <p>Pursuant to s69 Cemeteries and Crematoria Act 2013</p>
C&C Act 008	<p>Conversion of Cemeteries:</p>

	<p>Authority to exercise the council's functions under Schedule 4 (Conversion of Cemeteries) including considering and determining objections and making an application to the Minister that the whole or any part of the land referred to in a resolution of council under clause 3 be declared as a public park and authority to determine to preserve, or remove and preserve or dispose of a monument in accordance with the relevant provisions.</p> <p>Pursuant to Schedule 4 (Conversion of Cemeteries) of the Cemeteries and Crematorium Act 2013.</p>
Cemeteries and Crematoria Regulation 2022	
C&C Reg 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Regulation in force and as amended from time to time.</p> <p>Pursuant to All sections providing delegable functions under the <i>Cemeteries and Crematoria Regulation 2022</i>.</p>
C&C Reg 001	<p>Applications for a cemetery operator licence:</p> <p>Authority to apply to the Cemeteries Agency for the grant of a cemetery operator licence or cemetery operator (caretaker) licence.</p> <p>Pursuant to section 4C</p>
C&C Reg 002	<p>Suspension or cancellation of cemetery operator licence:</p> <p>Authority to apply to the Cemeteries Agency for the suspension or cancellation of a cemetery operator licence or cemetery operator (caretaker) licence.</p> <p>Pursuant to section 4O</p>
C&C Reg 003	<p>Apply to the Cemeteries Agency for review of a decision:</p> <p>Authority to apply to the Cemeteries Agency for a review of any decision described in subsection 4P(1).</p> <p>Pursuant to section 4Q</p>
C&C Reg 004	<p>Apply to NCAT for administrative review:</p> <p>Authority to apply to the NSW Civil and Administrative Tribunal for administrative review under the <i>Administrative Decisions Review Act 1997</i> of any of the decisions described in subsection 4Q(1).</p> <p>Pursuant to section 4Q</p>
C&C Reg 005	<p>Enquire whether cultural or religious practices apply:</p> <p>Authority to make enquiries and take any other steps considered reasonable to ascertain whether any cultural or religious practices apply to the remains of a deceased person, in accordance with section 5 of the C&C Regulation.</p>

	Pursuant to section 4Q
Children (Protection and Parental Responsibility) Act 1997	
CPPR Act 001	<p>Operational Area:</p> <p>Authority to request the Attorney General to declare (or revoke a declaration) that an area is an operational area for the purposes of Division 2 of Part 3.</p> <p>Pursuant to sections 14 and 16</p>
CPPR Act 002	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to prepare a draft local crime prevention plan for the council's area</p> <p>Pursuant to Section 31(1)</p>
CPPR Act 003	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to request assistance from the Attorney-General in preparing draft plan</p> <p>Pursuant to Section 31(2)</p>
CPPR Act 004	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to publicise the intention to prepare a draft plan and seek and consider submissions on intention to prepare draft plan</p> <p>Pursuant to Section 31(3)</p>
CPPR Act 005	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to place draft plan on public exhibition</p> <p>Pursuant to Section 34</p>
CPPR Act 006	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to seek and consider submissions on draft plan</p> <p>Pursuant to Sections 34 and 35</p>
CPPR Act 007	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to adopt draft plan with or without amendments</p> <p>Pursuant to Section 35</p>
CPPR Act 008	<p>Prepare draft Crime Prevention Plan:</p> <p>Authority to amend or revoke plan</p> <p>Pursuant to Section 37</p>
CPPR Act 009	<p>Prepare draft Crime Prevention Plan:</p>

	<p>Authority to request the Attorney-General to approve a draft Local Crime Prevention Plan or adopted Local Crime Prevention Plan as a safer community compact</p> <p>Pursuant to Section 39</p>
CPPR Act 010	<p>Apply for financial assistance:</p> <p>Where there is or is proposed to be a safer community compact for a council's area, authority to apply to the Attorney General for financial assistance in accordance with section 40.</p> <p>Pursuant to Section 40</p>
CPPR Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Children (Protection and Parental Responsibility) Act 1997</p>
Children's Guardian Act 2019	
CG Act 000	<p>All functions under Part 4:</p> <p>Authority to exercise and/or perform on behalf of the Council, all delegable Functions of the General Manager (being the "head" of the relevant entity) under Part 4 of the Act, other than the power of delegation.</p> <p>Pursuant to Part 4 and Section 65</p>
Civil Aviation Act 1988 (Cth)	
CivA Act 001	<p>Civil Aviation Authorisation:</p> <p>Authority on behalf Council as the operator of an aerodrome to undertake all functions in relation to any necessary civil aviation authorisation as amended from time to time.</p> <p>Pursuant to Civil Aviation Act 1998 and Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998</p>
CA Act 000	<p>All functions:</p> <p>Authority to exercise and perform on behalf of the Council the Council's delegable functions under the Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998, as amended from time to time.</p> <p>Pursuant to Civil Aviation Act 1988, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998</p>
Commons Management Act 1989	

CM Act 001	<p>Manage affairs of trust:</p> <p>Authority to decide whether to accept appointment to manage affairs of trust</p> <p>Pursuant to Section 7(2)</p>
CM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Commons Management Act 1989</p>
Community Assistance Grants	
pa	<p>Authority to Approve Community Assistance Grants:</p> <p>Authority to give final approval of recommendations of the Community Assistance Grant Panel, through two rounds of grant funding annually and within the adopted annual budget of the grants program, as per the Community Assistance Grants Policy - Minute No. 45524 and S356 of the Local Government Act 1993.</p>
Community Land Development Act 1989	
CLD Act 001	<p>Compliance Certificate - Community Development and Precinct Land:</p> <p>Authority to grant a certificate in relation to the subdivision of a community development lot by a community plan of subdivision or subdivision of a precinct development lot by a precinct plan of subdivision in accordance with sections 8(4)(a) and 12(4)(a) respectively.</p> <p>Authority to issue a certificate signifying consent to the conversion of a community development lot to community property or neighbourhood lot to neighbourhood property under Schedule 6(1)(c) and Schedule 7(1)(c) respectively, or a certificate signifying consent to severing a community development lot from a community scheme, or a precinct development lot from a precinct scheme under Schedule 8(1)(b).</p> <p>Pursuant to Section 8(4)(a), 12(4)(a), Schedules 6(1)(c), 7(1)(c) and 8(1)(b).</p>
CLD Act 002	<p>Development Contracts:</p> <p>Authority to certify a development contract in accordance with section 26(5) and approve the registration of an amendment of a development contract in accordance with section 27(2)(b)</p> <p>Pursuant to sections 26(5) and 27(2)(b)</p>
CLD Act 003	<p>By-laws:</p> <p>Authority to request that a community management statement or neighbourhood management statement includes specified by-laws.</p> <p>Pursuant to Schedule 3(4), Schedule 4(4)</p>

CLD Act 004	<p>Variation or termination of schemes:</p> <p>Authority to represent the council as a party to Supreme Court proceedings to vary or terminate a scheme under sections 70 and 71, and authority to consent to the termination of a neighbourhood scheme under section 72.</p> <p>Pursuant to Section 71(3)</p>
CLD Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Community Land Development Act 1989</p>
Community Land Management Act 1989	
CLM Act 001	<p>Amendment of Development Contract:</p> <p>Authority to approve the amendment of a development contract and grant a development consent compliance certificate.</p> <p>Pursuant to section 16</p>
CLM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Community Land Management Act 1989</p>
Companion Animals Act 1998	
CA Act 001	<p>Notice Requiring registration:</p> <p>Authority to issue a notice requiring a companion animal to be registered.</p> <p>Pursuant to section 10B of the Companion Animals Act 1998</p>
CA Act 002	<p>Companion Animals killed by Traffic:</p> <p>Authority to act in relation to companion animals killed by traffic.</p> <p>Pursuant to section 11A</p>
CA Act 003	<p>Appointment of authorised officers:</p> <p>Authority to authorise an employee of the council as an authorised officer and provide the person with an identification card under section 69F of the Companion Animals Act 1998</p> <p>Pursuant to section 5 (definitions)</p>

CA Act 004	<p>Off-leash Area:</p> <p>Authority to declare a public place to be an off-leash area in accordance with section 13(6).</p> <p>Pursuant to section 13(6)</p>
CA Act 005	<p>Prohibition in public places:</p> <p>Authority to make orders prohibiting dogs from recreation areas, public bathing areas, shopping areas and wildlife protection areas and to prohibit cats from wildlife protection areas</p> <p>Pursuant to sections 14 and 30</p>
CA Act 006	<p>Revoke declaration:</p> <p>Authority to revoke a dangerous dog declaration in accordance with section 39 and revoke a declaration by an authorised officer that a dog is a restricted dog in accordance with section 58D, and give notice of revocation or of non revocation.</p> <p>Pursuant to sections 39, 40 and 58D, 58DA</p>
CA Act 007	<p>Act in Court proceedings:</p> <p>Authority to act in any local court appeal proceedings in relation to companion animals, including appeal proceedings against the making of a dangerous dog declaration or refusal to revoke a dangerous dog declaration and an appeal to the District Court against disqualification from owning a dog or cat.</p> <p>Pursuant to section 41, 44, 46, 24</p>
CA Act 008	<p>Commence Court Proceedings:</p> <p>Authority, subject to the General Manager's consent, to institute and carry on proceedings in the Local Court for an offence against the Companion Animals Act 1998</p> <p>Pursuant to section 93</p>
CA Act 009	<p>Unclaimed seized or surrendered animals:</p> <p>Authority to sell or destroy unclaimed seized or surrendered animals, and recover fees, charges and expenses from an owner</p> <p>Pursuant to section 64 and 64A and 66 and 67(a)</p>
CA Act 010	<p>Arrangement with Departmental Chief-Executive:</p> <p>Authority to enter into an agreement or arrangement with the Departmental Chief Executive in accordance with section 83J.</p> <p>Pursuant to section 83J</p>
CA Act 012	<p>Fees:</p>

	<p>Authorise any fee or charge payable under this Act:</p> <p>(a) to be paid by instalments, and</p> <p>(b) to be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the <i>Social Security Act 1991</i> of the Commonwealth.</p> <p>Pursuant to section 95</p>
CA Act 013	<p>Notify nuisance dog or cat order:</p> <p>Authority to notify Director General of issuing of nuisance dog or cat order</p> <p>Pursuant to section 32A(6) and section 31(6)</p>
CA Act 014	<p>Destroy animal:</p> <p>Authority to destroy dog seized in transition period</p> <p>Pursuant to section 57(5)</p>
CA Act 015	<p>Detain animal:</p> <p>Authority to detain animal which is being investigated or is the subject of proceedings</p> <p>Pursuant to section 64(3A)</p>
CA Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Companion Animals Act 1998</p>
CA Act 016	<p>Notice for permit for companion animal:</p> <p>Authority to give the owner of a companion animal a notice requiring the owner to apply for a Permit under Part 2A.</p> <p>Pursuant to section 11E</p>
Companion Animals Regulation 2018	
CA Regulation 001	<p>Registration Agent:</p> <p>Authority to act on behalf of Council as a registration agent for the purposes of companion animals registration including serving a notice requiring an animal to be registered under clause 24 of the Regulation.</p> <p>Pursuant to Clause 13 and 24 of the Companion Animals Regulation 2018</p>
Contaminated Land Management Act 1997	

CLMM Act 001	<p>Management Orders:</p> <p>Authority, where the Council is the subject of a management order or approved voluntary management proposal made under Part 3 of the CLM Act, to carry out, or cause to be carried out, any requirement of such an order or proposal.</p> <p>Pursuant to sections 30 and 31</p>
CLMM Act 002	<p>Voluntary management proposals:</p> <p>Authority to prepare and submit a voluntary management proposal to the EPA for contaminated land owned by Council</p> <p>Pursuant to section 17</p>
CLMM Act 003	<p>Costs:</p> <p>Authority to issue a notice requiring payment of any reasonable costs incurred by Council in carrying out the requirements of an investigation or remediation order, including the entry into an arrangement for the payment of those costs, and apply to Registrar General to register a costs notice and to remove such notice</p> <p>Pursuant to Sections 35, 39, 41</p>
CLMM Act 004	<p>Disputes between EPA and public authorities:</p> <p>Authority to refer a dispute between the EPA and Council to the Premier for settlement in accordance with this section 102</p> <p>Pursuant to Section 102</p>
CLMM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Contaminated Land Management Act 1997</p>
Conveyancing (Sale of Land) Regulation 2022	
C Reg 001	<p>Diagrams from a recognised sewerage authority:</p> <p>Authority to issue diagrams showing the sewer lines and infrastructure on behalf of the Council as a recognised sewerage authority.</p> <p>Pursuant to Clause 2 of Part 1 of Schedule 1</p>
Conveyancing Act 1919	
C Act 001	<p>Restrictions on use of land and public positive covenants (land held by prescribed authority):</p> <p>Authority to, by order, impose restrictions on the use of or impose public positive covenants on any prescribed land vested in the council, and vary any such</p>

	<p>restriction or covenant and rescind or revoke any such order, in accordance with section 88D.</p> <p>Pursuant to Section 88D</p>
C Act 002	<p>Restrictions on use of land and public positive covenants (land NOT held by prescribed authority):</p> <p>Authority to impose restrictions on the use of land or impose a public positive covenant on any land not vested in the council in accordance with section 88E.</p> <p>Pursuant to Section 88E</p>
C Act 003	<p>Effect of certain positive covenants:</p> <p>Authority to, on behalf of the council as the prescribed authority with the benefit of a public positive covenant over land, inspect the land, insure a structure, carry out development, recover expenses incurred and apply for registration of a charge over land in accordance with section 88F.</p> <p>Pursuant to Section 88F</p>
C Act 004	<p>Certificate of amount due:</p> <p>Authority to issue a certificate of amount due in accordance with section 88G.</p> <p>Pursuant to Section 88G</p>
C Act 005	<p>Enforcement of Covenants:</p> <p>Authority to apply to the Court on behalf of the council as a prescribed authority, to enforce a covenant imposing a restriction on the use of land or a positive covenant by seeking an injunction in accordance with section 88H, or for an order that the land be conveyed or transferred to the authority in accordance with section 88I or for an order requiring the delivery of any deed, certificate of title or other instrument relating to the title to the land in accordance with section 88J.</p> <p>Pursuant to sections 88H, 88I and 88J</p>
C Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Conveyancing Act 1919</p>
C Act 006	<p>Creation and release of easements, profits ? prendre and restrictions on use of land by plans:</p> <p>Authority to sign a s88B instrument on behalf of the council, except the "surrender of any land" owned by the council.</p>

	Pursuant to Section 88B of the <i>Conveyancing Act 1919</i> and the lodgement rules under the <i>Real Property Act 1900</i> .
Crown Land Management Act 2016	
CL Act 001	<p>Functions of Crown Land Managers:</p> <p>Authority to carry out all the functions of the Council acting as a Crown Land Manager of specified dedicated or reserved Crown Land, which includes the functions of the Council under the <i>Local Government Act 1993</i> in respect of public land, being either operational or community land, including to prepare a draft Plan of Management, to grant an approval and to grant leases and licences.</p> <p>Pursuant to s2.21(4), Divisions 3.3 and 3.4, 3.6 (s3.33(2)) and 3.7</p>
CL Act 002	<p>Notices prohibiting structure or land use:</p> <p>Authority on behalf of Council as a Crown Land Manager to cause a notice to be displayed that prohibits persons from carrying out an activity on Crown land, in accordance with s9.5(2).</p> <p>Pursuant to s9.5(2)</p>
CL Act 003	<p>Directions re vehicles on Crown land:</p> <p>Authority on behalf of Council as a Crown Land Manager to give reasonable directions to persons concerning the entry, use and parking or storage of vehicles on Crown land for the purpose of preventing danger or harm to persons, animals, structures or property.</p> <p>Pursuant to s9.6(4)</p>
CL Act 004	<p>Authorisation of employees:</p> <p>Authority on behalf of Council as a Crown Land Manager to authorise an employee of the Council (an "authorised employee") to exercise functions under s9.12.</p> <p>Pursuant to s9.12(1)(b)</p>
CL Act 005	<p>Transitional Reserve Trust:</p> <p>Authority to continue to carry out functions associated with Council acting as a reserve trust manager for the continuation period in accordance with clause 10A of Schedule 7.</p> <p>Pursuant to clause 10A of Schedule 7</p>
CL Act 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Crown Land Management Act 2016 and Crown Land Management Regulation 2018
Crown Land Management Regulation 2018	
CL Regulation 001	<p>Functions of Responsible Manager:</p> <p>Authority to carry out the functions of the Council as the responsible manager (the Crown Land Manager) of dedicated or reserved Crown Land. The functions of a responsible manager include to set aside any part of the land (including any building or enclosure in or on the land) for any purpose for which the land may be used (clause 6), to determine conditions of entry and designate entrance and exit points (clause 8) and give a direction or written consent to do things (clause 10).</p> <p>Pursuant to Part 2, Division 1 of the Crown Land Management Regulation 2018</p>
Dams Safety Act 2015	
DS Act 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulation in force as amended from time to time.</p> <p>Pursuant to Dams Safety Act 2015</p>
DS 001	<p>Arrangement with Dams Safety NSW:</p> <p>Authority on behalf of Council to enter into an arrangement with Dams Safety NSW.</p> <p>Pursuant to s49 Dams Safety Act 2015</p>
Dangerous Goods (Road and Rail Transport) Act 2008	
DG Act 001	<p>Costs Recovery:</p> <p>Authority to recover costs and expenses incurred or the amount of loss or damage suffered in connection with an incident in accordance with the Dangerous Goods (Road and Rail Transport) Act 2008.</p> <p>Pursuant to sections 56, 57 and 68 of the Dangerous Goods (Road and Rail Transport) Act 2008</p>
DG Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations made under this Act in force and as amended from time to time.</p> <p>Pursuant to The Dangerous Goods (Road and Rail Transport) Act 2008 and Dangerous Goods (Road and Rail Transport) Regulation 2014</p>
Disability Inclusion Act 2014	

DI Act 2014	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and any Regulation made under this Act in force from time to time.</p> <p>Pursuant to The Disability Inclusion Act 2014</p>
DI Act 001	<p>Agreement:</p> <p>Authority to enter into an agreement about financial assistance.</p> <p>Pursuant to section 30 of the Disability Inclusion Act 2014.</p>
Environmental Planning and Assessment Act 1979	
EPA Act 001	<p>LEP Planning Proposals:</p> <p>Authority to carry out the steps associated with the making of a local environmental plan, as the planning proposal authority, including preparing a planning proposal, requiring the owner to carry out studies or provide other information or pay the costs of the authority, carrying out community consultation and forwarding a planning proposal to the Minister (or the Greater Sydney Commission), in accordance with Part 3, Division 3.4 of the EP&A Act.</p> <p>Pursuant to Part 3 Division 3.4 of the EP&A Act</p>
EPA Act 002	<p>Prepare DCP:</p> <p>Authority to prepare, on behalf of the council as the relevant planning authority, a development control plan in accordance with Division 3.6.</p> <p>Pursuant to section 3.43 and generally Division 3.6</p>
EPA Act 004A	<p>Evaluation of DA:</p> <p>Authority to carry out all functions of the council as consent authority associated with the administration and evaluation of an application for development consent associated with the administration and assessment of an application for development consent.</p> <p>Pursuant to Part 4 of the EP&A Act and Part 2 Division 1 Section 8 of the EP&A Regulation.</p>
EPA Act 005	<p>Determinations and decisions subject to review:</p> <p>Authority to conduct a review of a determination of an application for development consent, the modification of a development consent and the decision of a council to reject and not determine an application for development consent.</p> <p>Pursuant to section 8.2</p>
EPA Act 007	<p>Complying Development:</p>

	<p>Authority to evaluate and determine an application for complying development in accordance with section 4.28 and modification of a complying development certificate in accordance with section 4.30.</p> <p>Pursuant to section 4.28 and 4.30 and generally Part 4, Division 4.5</p>
EPA Act 009	<p>Extension of lapsing period:</p> <p>Authority to determine an application for a 1-year extension of a consent in accordance with section 4.54.</p> <p>Pursuant to section 4.54</p>
EPA Act 010	<p>Voluntary Planning Agreements:</p> <p>Authority to enter into, or agree to the revocation or amendment of, a voluntary planning agreement in accordance with Division 7.1, Subdivision 2.</p> <p>Authority to execute Voluntary Planning Agreements on behalf of Council where agreement approved by council resolution</p> <p>Pursuant to Section 7.4</p>
EPA Act 011	<p>Developer Contributions:</p> <p>Authority to impose conditions of development consent imposing developer contributions</p> <p>Pursuant to Section 7.11 and 7.12</p>
EPA Act 012	<p>Preparation of contributions plan:</p> <p>Authority to prepare a draft contributions plan in accordance with section 7.18</p> <p>Pursuant to Section 7.18</p>
EPA Act 013	<p>Application for Modification:</p> <p>Authority to determine an application for modification of a consent, in accordance with section 4.55 or 4.56 and to form the opinion that a modification is of minimal environmental impact.</p> <p>Pursuant to Sections 4.55 and 4.56 of the EP&A Act and Section 100 of the EP&A Regulation</p>
EPA Act 015	<p>Revocation or modification of consent:</p> <p>Authority to revoke or modify a development consent in accordance with section 4.57.</p> <p>Pursuant to Section 4.57</p>
EPA Act 016	<p>Building and Subdivision Certificates:</p>

	<p>Authority to issue Part 6 Certificates in accordance with Part 6 of the EP&A Act and all associated and ancillary functions including to require additional information.</p> <p>Pursuant to Sections 6.5 and generally Part 6 of the EP&A Act and Division 2 subdivision 1 & 2 of the EP&A Regulation.</p>
EPA Act 017	<p>Principal Certifier:</p> <p>Authority to act on behalf of the council as the principal certifier appointed in respect of building or subdivision work under Part 6.</p> <p>Pursuant to Section 6.5 and generally Part 6 of the EP&A Act</p>
EPA Act 018	<p>Agreement as to work:</p> <p>Authority to reach agreement on behalf of the consent authority with an applicant for a subdivision certificate in circumstances where the work has not yet been completed, in accordance with section 6.15(2)(c).</p> <p>Pursuant to Section 6.15(2)(c)</p>
EPA Act 019	<p>Part 5 consideration:</p> <p>Authority, on behalf of the council as the determining authority in relation to an activity under Part 5, to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity in accordance with section 5.5 and Part 7 of the Biodiversity Conservation Act 2016.</p> <p>Pursuant to Section 5.5</p>
EPA Act 020	<p>Activities for which EIS required:</p> <p>Authority to determine whether to grant an approval in relation to an activity to which Division 5.1 Subdivision 3 (where an EIS is required) applies.</p> <p>Pursuant to Section 5.7</p>
EPA Act 021	<p>Appointment of Investigation Officers:</p> <p>Authority to appoint a person as a Council Investigation Officer for the purposes of Division 9.2 and to authorise a person to be an Authorised Person for the purposes of section 9.58 (Penalty notices as to certain offences).</p> <p>Pursuant to Section 9.14 of the Environmental Planning & Assessment Act 1979 and schedule 5, section 2 of the Environmental Planning & Assessment Regulation 2021.</p>
EPA Act 022	<p>Investigation Authority powers:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions as an "investigation authority" under Division 9.2, including: Authority to give the owner or occupier of premises written notice of the intention of an investigation officer to enter the premises, in accordance with section 9.17. Authority to authorise in writing (either generally on in a particular case) entry without notice if entry is required urgently in accordance with section</p>

	<p>9.17(4)(d). Authority to give notice that an investigation officer used force for the purpose of gaining entry to premises in accordance with section 9.21(2). Authority to require a corporation to nominate a director or officer of the corporation in accordance with section 9.23(2). Authority to give the owner or occupier of premises written notice requiring the owner/occupier to provide reasonable assistance and facilities to an investigation officer in accordance with section 9.27. Authority to recover the reasonable costs of entry and inspection from the owner or occupier of the premises in accordance with section 9.29.</p> <p>Pursuant to Division 9.2</p>
EPA Act 026	<p>Settlement of disputes:</p> <p>Authority to submit a dispute to the Premier or the Minister for Planning and Infrastructure for settlement in accordance with section 10.2</p> <p>Pursuant to Section 10.2</p>
EPA Act 027	<p>Development Control Orders:</p> <p>Authority to exercise Council's functions under Division 9.3 and Schedule 5 as the relevant enforcement authority in relation to Development Control Orders.</p> <p>Pursuant to Division 9.3 and Schedule 5</p>
EPA Act 031	<p>Development Control Orders (representations and determinations):</p> <p>Authority to hear and consider representations as a nominated person and determine to give an order in accordance with the proposed order or in accordance with modification or not to give an order.</p> <p>Pursuant to Clause 14 and 15 of Schedule 5</p>
EPA Act 033	<p>Compliance Cost Notices:</p> <p>Authority on behalf of the relevant enforcement authority that gives a Development Control Order to serve on the other person a compliance cost notice and to recover any unpaid amount as a debt in accordance with Schedule 5, clause 37.</p> <p>Pursuant to Clause 37 of Schedule 5</p>
EPA Act 035	<p>Enforcement of orders by cessation of utilities :</p> <p>Authority to make application, or instruct the Council's lawyers, to make an application, to the Local Court or the Land & Environment Court for an order directing that a provider of water, electricity or gas to cease to provide those services</p> <p>Pursuant to Schedule 5, clause 35</p>
EPA Act 036	<p>Restraint of breaches:</p> <p>Authority to commence and conduct court proceedings to remedy or restrain a breach of the EP&A Act, in accordance with section 9.45.</p>

	Pursuant to Section 9.45
EPA Act 037	<p>Proceedings for offences:</p> <p>Authority to commence and conduct proceedings for an offence against the EP&A Act or Regulations in accordance with section 9.57</p> <p>Pursuant to Section 9.57</p>
EPA Act 039	<p>Planning Certificates:</p> <p>Authority to issue a planning certificate in accordance with section 10.7 of the EP&A Act.</p> <p>Pursuant to Section 10.7</p>
EPA Act 040	<p>Building Certificates:</p> <p>Authority to determine an application for building information certificate.</p> <p>Pursuant to Part 6, Division 6.7</p>
EPA Act 041	<p>Imposition of Conditions:</p> <p>Authority to accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of any monies paid as security and authorise the release of any payment of security by an applicant pursuant to a condition of development consent imposed</p> <p>Pursuant to Section 4.17(6)</p>
EPA Act 042	<p>Special Infrastructure Contributions:</p> <p>Authority to seek the consent of the Minister to accept, and to accept, the dedication of land or provision of material public benefit in satisfaction of a special infrastructure contribution condition imposed by the Minister</p> <p>Pursuant to Section 7.24(5)</p>
EPA Act 043	<p>Local infrastructure contributions:</p> <p>Authority to accept the dedication of land or the provision of a material public benefit in part or full satisfaction of a condition imposed under section 7.11(1) or (3) and to determine applications for refunds of, or credit for contributions or levies imposed as conditions of development consent.</p> <p>Pursuant to Section 7.11(5) and generally Division 7.1 Subdivision</p>
EPA Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Environmental Planning and Assessment Act 1979</p>

EPA Act 045	<p>Paper Subdivisions:</p> <p>Authority to carry out all delegable functions of the council as a relevant authority designated by a subdivision order</p> <p>Pursuant to Schedule 7 of the EP&A Act</p>
EPA ACT 046	<p>Enforcement of undertakings:</p> <p>Authority to recommend that the Planning Secretary accept an undertaking that the planning authority has negotiated.</p> <p>Pursuant to section 9.5(5)</p>
EPA Act 044	<p>Revocation or regrant of development consents after order of Court:</p> <p>Authority to revoke a development consent to which an order of suspension applies, and to regrant the consent.</p> <p>Pursuant to Section 4.61</p>
EPA Act 047	<p>Variations to development standards:</p> <p>Authority to assume the concurrence of the Secretary of the Department of Planning and Environment under clause 4.6(4)(b) of the Standard Instrument - Principal Local Environmental Plan, in accordance with the Notice issued by the Secretary dated 21 February 2018 which is attached to Planning Circular PS18-003.</p> <p>Pursuant to clause 4.6(4)(b) of the Council's Local Environmental Plan</p>
EPA Act 004B	<p>Determination of DA:</p> <p>Authority to carry out the functions of the council as consent authority associated with the determination of an application for development consent and associated functions.</p> <p>Pursuant to Part 4, specifically section 4.16 of the EP&A Act and Part 4 of the EP&A Regulation</p>
EPA Act 048	<p>Local Strategic Planning Statement:</p> <p>Authority to prepare, on behalf of the council, a Local Strategic Planning Statement in respect of its area.</p> <p>Pursuant to s3.9 of the Environmental Planning & Assessment Act 1979</p>
Environmental Planning and Assessment Regulation 2021	
EPA Reg 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Regulation in force and as amended from time to time.</p> <p>Pursuant to Environmental Planning and Assessment Regulation 2021</p>

EPA Reg 001	<p>Costs and expenses of studies:</p> <p>Authority to negotiate and sign an agreement on behalf of the council as the relevant planning authority with a person who requests the preparation of a planning proposal for the payment of the costs and expenses incurred by the authority in undertaking studies and other matters required in relation to the planning proposal.</p> <p>Pursuant to section 10</p>
EPA Reg 002	<p>Notice of voluntary surrender:</p> <p>Authority to carry out all functions of the Council as consent authority associated with the determination of a notice of voluntary surrender.</p> <p>Pursuant to section 68</p>
EPA Reg 003	<p>Refund for withdrawal:</p> <p>Authority to refund to the applicant the whole or any part of any application fee paid in connection with an application what has been withdrawn.</p> <p>Pursuant to clause 253</p>
EPA Reg 004	<p>Additional information for Modification Application:</p> <p>Authority to request an applicant for modification of a development consent to provide the consent authority with additional information about the development that the consent authority considers necessary to properly consider the application for modification.</p> <p>Pursuant to clause 104</p>
EPA Reg 005	<p>Additional Information for DCP:</p> <p>Authority to request the owner of land to provide additional information for the purposes of making a development control plan (where an environmental planning instrument requires or permits such a plan to be prepared and submitted to the relevant planning authority under section 3.44 of the Act).</p> <p>Pursuant to section 18</p>
EPA Reg 006	<p>Rejection of DA:</p> <p>Authority to reject a development application.</p> <p>Pursuant to section 39</p>
EPA Reg 007	<p>Request for additional information:</p> <p>Authority to request the applicant for development consent to provide it with such additional information about the proposed development as it considers necessary to its proper consideration of the application</p>

	Pursuant to section 36
EPA Reg 008	<p>Amendment of DA:</p> <p>Authority to approve or reject to the amendment of a development application</p> <p>Pursuant to section 38</p>
EPA Reg 009	<p>Notice of DAs not required:</p> <p>Authority to decide to not comply with section 56 notice requirements in relation to an amended development application if the consent authority complied with section 56 before the application was amended and the Council considers the amended development application differs from the original development application in minor ways only.</p> <p>Pursuant to Section 57</p>
Finance	
pa	<p>Authority to Approve Purchases:</p> <p>Authority to authorise the purchase of goods and services to the spend limit and purchasing card limit allocated to the position within the area of budget responsibility.</p>
pa	<p>Authority to Approve Payments:</p> <p>Authority to certify electronic funds transfers, sign cheques and sign vouchers on behalf of Council to the limits authorised by the General Manager.</p>
pa	<p>Authority to General Manager to Write Off Debts:</p> <p>Authority to the General Manager to write off debts (including but not limited to rates, charges, interest and sundry debts) to the value of \$5,000 for any individual rate, charge or transaction (Minute No. 44690 Council Meeting 25/06/2014).</p>
Fines Act 1996	
Fines Act 001	<p>Internal Review:</p> <p>Authority to exercise the Council's functions as a reviewing agency under Part 3, Division 2A of the Fines Act 1996 including to decide not to conduct an internal review and take other such action as the delegate sees fit, in accordance with section 24B, conduct a review (provided the delegate was not involved in making the decision that is the subject of the review) in accordance with section 24C and 24E, serve a penalty reminder notice in accordance with section 24F, request additional information from the applicant in accordance with section 24D, give an official caution in accordance with section 24G.</p> <p>Pursuant to Sections 24B, 24C, 24D, 24E and 24F</p>
Fines Act 000	All functions:

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Fines Act 1996</p>
Fire and Emergency Services Levy Act 2017	
FESL Act 000	<p>All Functions:</p> <p>Authority to exercise and or perform on behalf of the Council the Council's delegable functions under this Act and Regulations in force and amended from time to time.</p> <p>Pursuant to Fire and Emergency Services Levy Act 2017</p>
FESL Act 001	<p>Classification of land for levy:</p> <p>Authority to act on behalf of the Council to classify and sub-classify parcels of land in the council area, including in response to an application for classification or review and in response to zoning and change in use, to approve the from and manner of a change of circumstances under section 73(4), waive or refund part of the fixed component of the levy charged in respect of a parcel of land situated in more than one area under section 75(3) and to respond to or defend appeals in the Land and Environment Court, in accordance with Part 5 of the Fire and Emergency Services Levy Act 2017.</p> <p>Pursuant to Part 5 of the Fire and Emergency Levy Act 2017</p>
FESL Act 002	<p>Recovery of levy:</p> <p>Authority to act on behalf of Council to recover a levy payable to council under section 89 and to enter into an arrangement with the Chief Commissioner under section 91.</p> <p>Pursuant to Sections 89 and 91</p>
Fluoridation of Public Water Supplies Act 1957	
FPWS Act 001	<p>Fluoridation of public water supplies:</p> <p>Authority to carry out the council's functions under the <i>Fluoridation of Public Water Supplies Act 1957</i> and <i>Fluoridation of Public Water Supplies Regulation 2022</i> including authority to apply to the Secretary of the Department of Health for approval to add fluorine to any public water supply under Councils control and to allow a qualified operator to add fluorine to such water supply in accordance with such approval or direction, the Act and Regulation.</p> <p>Pursuant to Section 6</p>
FPWS Act 000	<p>All functions:</p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Fluoridation of Public Water Supplies Act 1957 and Fluoridation of Public Water Supplies Regulation 2022</p>
Food Act 2003	
Food Act 001	<p>Seized items:</p> <p>Authority to deal with items seized by an authorised officer, in accordance with Part 4 Division 2.</p> <p>Pursuant to sections 47, 48, 49, 50, 51, 53</p>
Food Act 002	<p>Prohibition Notice and Certificate of Clearance:</p> <p>Authority to serve a prohibition notice or give a certificate of clearance in accordance with section 60</p> <p>Pursuant to sections 60(1) and (4)</p>
Food Act 003	<p>Compensation:</p> <p>Authority to determine an application for compensation in relation to a prohibition order and, if it is determined to grant compensation, to authorise the payment of such compensation in accordance with section 66</p> <p>Pursuant to section 66</p>
Food Act 004	<p>Fees and charges:</p> <p>Authority to exercise the powers of the Council in its capacity as enforcement agency in relation to fees and charges, being to waive the requirement to pay a fee, or extend the time for payment of a fee, in respect of an improvement notice in accordance with section 66AA of the Food Act 2003, to increase the charge or reduce or waive payment of a charge in accordance with clause 14(4), and to issue a notice imposing an annual administration charge, extend the time for payment of the charge or reduce or waive payment of the charge, in accordance with clause 15 of the Food Regulation 2015.</p> <p>Pursuant to Section 66AA(2) of the Food Act 2003 and clauses 14(4) and 15 of the Food Regulation 2015.</p>
Food Act 005	<p>Appointment of Authorised Officer:</p> <p>Authority for an enforcement agency to appoint a person as an authorised officer if the enforcement agency considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.</p> <p>Pursuant to Section 114</p>
Food Act 006	<p>Food Safety Programs:</p>

	<p>Priority classification system and frequency of auditing: authority to determine the priority classification of individual food businesses for the purposes of any food safety program, and to determine the frequency of auditing of any food safety programs.</p> <p>Pursuant to Section 93</p>
Food Act 007	<p>Court proceedings:</p> <p>Authority to act in relation to proceedings to review a decision to refuse a certificate of clearance.</p> <p>Pursuant to Section 65</p>
Food Act 008	<p>Institute proceedings:</p> <p>Authority to institute and carry on proceedings for an offence against the Food Act 2003 or the regulations.</p> <p>Pursuant to Sections 118, 119</p>
Food Act 009	<p>Authority to Sub-Delegate:</p> <p>Authority to sub-delegate a function of the Food Authority delegated by the Food Authority if authorised in writing to do so by the Food Authority.</p> <p>Pursuant to Section 109E(3)</p>
Food Act 010	<p>Delegated Powers:</p> <p>Authority for an Authorised Officer to carry out any function of the NSW Food Authority delegated and sub-delegated in accordance with section 109E.</p> <p>Pursuant to Section 109E</p>
Food Act 011	<p>Consent to Delegation:</p> <p>Authority to provide consent in writing to the Food Authority to the delegation of a function(s) of the NSW Food Authority.</p> <p>Pursuant to Section 109E(4)</p>
Food Act 012	<p>Appointment of Authorised Officer:</p> <p>Authority to appoint a person as an Authorised Officer for the purposes of the Food Act 2003 and provide each Authorised Officer appointed with a certificate of authority as an Authorised Officer under section 115.</p> <p>Pursuant to Sections 114 and 115</p>
Food Act 013	<p>Legal Proceedings:</p> <p>Authority to commence proceedings for an offence under the Food Act or Regulations</p>

	Pursuant to Section 118
Food Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Food Act 2003</p>
Game and Feral Animal Control Act 2002	
GFAC Act 001	<p>Recommending land be available for hunting:</p> <p>Authority to make recommendations in respect of land under control of council</p> <p>Pursuant to Sections 4, 20</p>
GFAC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Game and Feral Animal Control Act 2002</p>
Geographical Names Act 1966	
GN Act 001	<p>Make submissions:</p> <p>Authority to make submissions to the Board in respect of proposed names or changes to names</p> <p>Pursuant to Section 9</p>
GN Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Geographical Names Act 1966</p>
Government Information (Public Access) Act 2009	
GIPA Act 001	<p>Overriding Public Interest Against Disclosure:</p> <p>Authority to decide whether there is an overriding public interest against disclosure for the purposes of sections 6-9, 32(1)(d), 58(1)(d) and (f)</p> <p>Pursuant to</p>
GIPA Act 002	Authorised Proactive release of information:

	<p>Authority to make any government information held by the council publicly available unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant to Section 7</p>
GIPA Act 003	<p>Informal release of information:</p> <p>Authority to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant to Section 8</p>
GIPA Act 004	<p>Validity of application:</p> <p>Authority to decide whether the application is a valid access application and notify the applicant of its decision in accordance with sections 51, 51A and 52</p> <p>Pursuant to Section 51</p>
GIPA Act 005	<p>Consultation:</p> <p>Authority to consult with a person before providing access to information relating to the person and decide whether information about a person consulted under this section is likely to be included in the agency’s disclosure for the purposes of giving a written notice to the person, in accordance with section 54</p> <p>Pursuant to Section 54</p>
GIPA Act 006	<p>Personal factors of the application:</p> <p>Authority to require an applicant to provide evidence concerning any personal factors of the application that were relevant to a decision by the agency that there was not an overriding public interest against disclosure of the information.</p> <p>Pursuant to Section 55</p>
GIPA Act 007	<p>Deciding access applications:</p> <p>Authority to decide an access application and give the applicant notice of the decision in accordance with section 9 and Part 4, Division 4 (sections 57 – 63).</p> <p>Pursuant to Sections 9 and Part 4, Division 4 of the Government Information (Public Access) Act 2009</p>
GIPA Act 008	<p>Processing charge:</p> <p>Authority to carry out the functions of the Council as an agency under the Government Information (Public Access) Act 2009 which are provided for in Part 4, Division 5 (sections 64-71) of the Government Information (Public Access) Act 2009 in accordance with those sections, including the following functions:</p> <ul style="list-style-type: none"> • To impose or waive a processing charge, or discounted processing charge, for

	<p>dealing with an access application,</p> <ul style="list-style-type: none"> • to require the applicant to make an advance payment of a processing charge • to refuse to deal further with an access application if the applicant has failed to pay an advance deposit within the time required for payment. <p>Pursuant to Part 4, Division 5 of the Government Information (Public Access) Act 2009</p>
GIPA Act 009	<p>Deferral of access:</p> <p>Authority to defer access to information where the Council has decided to provide access in response to an access application, in accordance with section 78.</p> <p>Pursuant to Section 78</p>
GIPA Act 010	<p>Application for Internal review:</p> <p>Authority to agree to accept an application for internal review out of time.</p> <p>Pursuant to Section 83</p>
GIPA Act 011	<p>Conduct of Internal Review:</p> <p>Authority to determine an application for internal review of a decision of the Council and give the applicant notice of the decision in accordance with Part 5, Division 2.</p> <p>Pursuant to Part 5, Division 2 of the Government Information (Public Access) Act 2009</p>
GIPA Act 012	<p>Review by Information Commissioner:</p> <p>Authority, pursuant to a recommendation by the Information Commissioner, to reconsider a decision and make a new decision in accordance with section 93.</p> <p>Pursuant to Section 93</p>
GIPA Act 013	<p>Waiver, reduction or refund of fees and charges:</p> <p>Authority to waive, reduce or refund any fee or charge payable or paid under the Government Information (Public Access) Act 2009 in any case that the delegate thinks appropriate.</p> <p>Pursuant to Section 127</p>
GIPA Act 014	<p>Confidential information in register:</p> <p>Authority to decide whether or not to include information in the register</p> <p>Pursuant to section 32</p>
GIPA Act 000	<p>All functions:</p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Government Information (Public Access) Act 2009</p>
Graffiti Control Act 2008	
GC Act 001	<p>Graffiti Removal Work :</p> <p>Authority to carry out graffiti removal work with consent of owner or occupier of private land or without such consent where graffiti visible from public place.</p> <p>Pursuant to Sections 11 and 12</p>
GC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Graffiti Control Act 2008</p>
Growth Centres (Development Corporations) Act 1974	
GCDC Act 001	<p>Agreements:</p> <p>Authority to negotiate an agreement with a development corporation in accordance with section 19 or 30.</p> <p>Pursuant to Sections 19 and 30</p>
GCDC Act 002	<p>Disputes:</p> <p>Authority to submit a dispute between the council and a development corporation to the Minister for Planning & Infrastructure in accordance with section 32.</p> <p>Pursuant to Section 32</p>
GCDC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Growth Centres (Development Corporations) Act 1974</p>
Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2013	
HV Act 000	<p>All Functions:</p> <div style="border: 1px solid black; padding: 5px;"> <p>All functions - Authority to exercise and/or perform on behalf of Council as the "road manager" the Council's delegable Functions under the this Act and the Regulations in force and as amended from time to time.</p> </div>

	Pursuant to Heavy Vehicles National Law (NSW), Heavy Vehicle (Adoption of National Law) Act 2013 and any Regulation made under this legislation.		
HV Act 001	Mass or Dimension Exemption Permit:		
	Authority to exercise or perform the functions in Column 2, subject to the limitations in Column 3:		
	Column 1 - Reference	Column 2 - Function	Column 3 - Limitation
	Part 4.5 Division 3 - Exemptions by permit	All functions of the Regulator in respect of the issue of or refusal to issue a mass or dimensional exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.
	Part 4.7 Division 4 - Amendment, cancellation or suspension of mass or dimension authority granted by permit.	All functions of the Regulator in respect of the amendment, cancellation or suspension of a mass or dimension exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.
Part 4.7 Division 5 - Provisions about permits for mass or dimension authorities	All functions of the Regulator in respect of the return or replacement of a mass or dimension exemption (permit) under this Division.	The delegate may only exercise functions in respect of a road for which the delegate is the Road Manager.	
<p>The Instrument of Delegation specifies that the Delegate may subdelegate these functions to suitably qualified persons for the purpose of giving effect of the National Law in NSW.</p> <p>Pursuant to The "Instrument of Delegation - Permits" dated 20 February 2017 made by the National Heavy Vehicle Regulator under section 661 of the Heavy Vehicle National Law.</p>			
Heritage Act 1977			
Heritage Act 001	<p>Interim heritage orders:</p> <p>Authority (where authorised by the Minister for Heritage in accordance with section 25) to make an interim heritage order for a place, building, etc in the council's area that the delegate considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the delegate considers is being or is likely to be harmed, in accordance with Part 3 of the Heritage Act 1977. Authority to revoke an interim heritage order in accordance with section 29(4)</p> <p>Pursuant to sections 25, 28 and 29</p>		

Heritage Act 002	<p>Exemption from approval:</p> <p>Authority to grant an exemption from section 57(1) by causing an order to be published in the government gazette</p> <p>Pursuant to section 57(3)</p>
Heritage Act 003	<p>Applications for approval:</p> <p>Authority to give public notice of, and determine, an application for approval in relation to an item of environmental heritage in accordance with Part 4, Division 3, and to modify an approval in accordance with section 65A</p> <p>Pursuant to Sections 61, 62, 63, 63A, 63B, 64 and 65A</p>
Heritage Act 004	<p>Request Heritage Council:</p> <p>Authority to recommend to Minister listing of item on State Register</p> <p>Pursuant to Section 32</p>
Heritage Act 005	<p>Make submissions to Heritage Council:</p> <p>Authority to make submissions to Heritage Council on proposed recommendation for listing of item on State Register</p> <p>Pursuant to Section 33</p>
Heritage Act 006	<p>Request Heritage Council:</p> <p>Authority to recommend to Minister removal of listing of item on State Register and make submissions to Heritage Council in respect of a proposed recommendation to remove listing of item</p> <p>Pursuant to Section 38</p>
Heritage Act 007	<p>Make submissions to Heritage Council:</p> <p>Authority to make submissions to Heritage Council regarding item of environmental heritage worthy of conservation</p> <p>Pursuant to Section 166</p>
Heritage Act 008	<p>Refer a submission:</p> <p>Authority to refer a submission objecting to identification of item as of heritage significance in local environmental plan to a panel</p> <p>Pursuant to Section 170B</p>
Heritage Act 000	<p>All functions:</p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Heritage Act 1977</p>
Heritage Regulation 2012	
Heritage Reg 001	<p>Request additional information:</p> <p>Authority to request the applicant of an application for approval in respect of an interim heritage order made by the Council to provide additional information necessary to properly consider the application.</p> <p>Pursuant to Clause 8B of the <i>Heritage Regulation 2012</i></p>
Holiday Parks (Long-term Casual Occupation) Act 2002	
HPLTCO Act 001	<p>All functions:</p> <p>Authority to exercise and/or perform all functions of the council as park owner</p> <p>Pursuant to <i>Holiday Parks (Long-term Casual Occupation) Act 2002</i> and the <i>Holiday Parks (Long-term Casual Occupation) Regulation 2017</i></p>
HPLTCO Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to <i>Holiday Parks (Long-term Casual Occupation) Act 2002</i> and the <i>Holiday Parks (Long-term Casual Occupation) Regulation 2017</i></p>
Housing Act 2001	
Housing Act 001	<p>Enter into arrangements etc:</p> <p>Authority to enter into arrangements or agreements with corporation</p> <p>Pursuant to Section 13</p>
Housing Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Housing Act 2001</p>
Impounding Act 1993 (Repealed)	
Imp Act 001	<p>Appointment of Impounding Officer:</p>

	<p>Authority to appoint a person as an impounding officer within the meaning of the Impounding Act 1993</p> <p>Pursuant to Section 4</p>
Imp Act 002	<p>Functions of an Impounding Authority:</p> <p>Authority to carry out the functions of the Council as an impounding authority in relation to how impounded items are to be dealt with</p> <p>Pursuant to Part 3 of the Impounding Act 1993</p>
Imp Act 003	<p>Court proceedings:</p> <p>Authority to represent the Council in relation to appeals against proceedings for offences, applications for review to the Administrative Decisions Tribunal.</p> <p>Pursuant to Sections 37 and 38</p>
Imp Act 004	<p>Authorisation of Authorised Person:</p> <p>Authority to authorise a person with special powers to destroy animals.</p> <p>Pursuant to Section 41</p>
Imp Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Impounding Act 1993</p>
Inclosed Lands Protection Act 1901	
ILP Act 001	<p>Request:</p> <p>Authority to request person to leave inclosed land owned or occupied by Council</p> <p>Pursuant to Sections 4 and 5</p>
ILP Act 002	<p>Destroy animal:</p> <p>Authority to destroy goat trespassing on inclosed land owned or occupied by Council</p> <p>Pursuant to Section 7</p>
ILP Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Inclosed Lands Protection Act 1901</p>

ILP Act 003	<p>Unlawful re-entry on inclosed lands:</p> <p>Authority to give a re-entry prohibition as the responsible authority for an organised event in accordance with section 4AA of the <i>Inclosed Lands Protection Act 1901</i>.</p> <p>Pursuant to Section 4AA</p>
Independent Pricing and Regulatory Tribunal Act 1992	
IPART Act 001	<p>Arrangements with other entities:</p> <p>Authority to enter into arrangement with Tribunal for provision of assistance to or by the Tribunal</p> <p>Pursuant to Section 9</p>
IPART Act 002	<p>Provide information:</p> <p>Authority to provide information or make submissions to the Tribunal in connection with an investigation or report, or in connection with monitoring by the Tribunal</p> <p>Pursuant to Independent Pricing and Regulatory Tribunal Act 1992</p>
IPART Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Independent Pricing and Regulatory Tribunal Act 1992</p>
Land Acquisition (Just Terms Compensation) Act 1991	
LAJTC Act 001	<p>Land Acquisition:</p> <p>Authority to carry out the functions of the council as an authority of the State under the Land Acquisition (Just Terms Compensation) Act 1991, subject to a council resolution to compulsorily acquire land including an interest in land.</p> <p>Pursuant to Land Acquisition (Just Terms Compensation) Act 1991</p>
LAJTC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Land Acquisition (Just Terms Compensation) Act 1991</p>
Land and Environment Court Act 1979	
LEC Act 001	<p>Conciliation Conferences:</p>

	<p>Authority to reach agreement on behalf of the Council in a conciliation conference in Class 1, 2 or 3 proceedings in the Land and Environment Court.</p> <p>Pursuant to Section 34(3)</p>
LEC Act 002	<p>Conciliation Conferences:</p> <p>Authority to give consent, on behalf of the Council, to a Commissioner disposing of Class 1, 2 or 3 proceedings in the Land & Environment Court after terminating a conciliation conference.</p> <p>Pursuant to Section 34(4)(b)</p>
LEC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Land and Environment Court Act 1979</p>
Library Act 1939	
Library Act 001	<p>Library Committee:</p> <p>Authority to provide, or arrange for the provision of services in relation to the provision, control and management of libraries, library services and information services</p> <p>Pursuant to Section 11</p>
Library Act 002	<p>Enter into agreements and arrangements:</p> <p>Authority to enter into agreements or arrangements with other local authorities</p> <p>Pursuant to Sections 12, 12A</p>
Library Act 003	<p>Subsidy:</p> <p>Authority to apply to the Library Council of NSW for a subsidy in accordance with section 13</p> <p>Pursuant to Section 13</p>
Library Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Library Act 1939</p>
Library Regulation 2018	

Library Reg 001	<p>Registration, Rules and determining value:</p> <p>Authority to:</p> <p>a) determine the procedure for registration of library borrowers in accordance with clause 5(2) of the Regulation;</p> <p>b) to refuse an application and cancel a person's registration as a borrower in accordance with clause 5(3) of the Regulation;</p> <p>c) to make rules to regulate the use of a council's local libraries in accordance with clause 6 of the Regulation;</p> <p>d) to determine the value of library material or series in accordance with clause 7 of the Regulation.</p> <p>Pursuant to Clauses 5, 6 and 7</p>
Library Reg 002	<p>Library users may be directed to leave:</p> <p>Authority to determine the maximum period for which a person may be excluded from the library in accordance with clause 17(3) of the Regulation</p> <p>Pursuant to Clause 17(3)</p>
Liquor Act 2007 and Liquor Regulation 2008	
Liq Act 001	<p>Authorise Complainant:</p> <p>Authority to authorise a person as a complainant in relation to a licensed premises for the purposes of section 79.</p> <p>Pursuant to Section 79(3)(c)</p>
Liq Act 002	<p>Submission re Late Hour Entry Declaration:</p> <p>Authority to make a submission to the Director-General in relation to a proposed late hour entry declaration or variation or revocation of a late hour entry declaration.</p> <p>Pursuant to Sections 89(2) and 90(3)</p>
Liq Act 003	<p>Making a complaint:</p> <p>Authority to make a complaint on behalf of the council as the local consent authority for a licenced premises in relation to a licensee, manager or close associate of a licensee to the Authority in accordance with section 139.</p> <p>Pursuant to Section 139 and clause 73 of the Liquor Regulation 2008</p>
Liq Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Liquor Act 2007
Liq Act 004	<p>Written notice to the Secretary re complaints:</p> <p>Authority to give written notice to the Secretary that Council, as the local consent authority for the licensed premises, will be dealing with complaints of a type prescribed by the regulations.</p> <p>Pursuant to Section 79(6)(b)(ii) of the <i>Liquor Act 2007</i></p>
Local Government (General) Regulation 2021	
LG Reg 001	<p>Act as appropriate person:</p> <p>Authority to act as an appropriate person, within the meaning of clause 164 of the Local Government (General) Regulation 2021, to receive or deal with tenders submitted to Council.</p> <p>Pursuant to Clause 164</p>
LG Reg 002	<p>Decide method of tendering:</p> <p>Authority to decide, pursuant to clause 166 of the Local Government (General) Regulation 2021, the method of tendering to be used where Council is required to invite tenders in accordance with section 55 of the Local Government Act 1993.</p> <p>Pursuant to Clause 166</p>
LG Reg 003	<p>Expressions of Interest and Selective tendering:</p> <p>Authority to carry out all of a council's functions under, and in accordance with, clauses 168 (expressions of interest) and 169 (selective tendering method by which recognised contractors listed by council are invited to tender for particular kinds of proposed contracts) of the <i>Local Government (General) Regulation 2021</i>.</p> <p>Pursuant to clauses 168 and 169 of the Local Government (General) Regulation 2021</p>
LG Reg 004	<p>Tenders:</p> <p>Authority to extend a deadline in a tender advertisement in accordance with cl.172 and to request or consent to a variation of a tender being made in accordance with cl.176(2).</p> <p>Pursuant to Pursuant to cl.172 and cl.176</p>
LG Reg 005	<p>Water supply may be restricted:</p> <p>Authority to form an opinion that the available stored water or capacity of a water supply system is insufficient and publish a notice in accordance with s.137</p> <p>Pursuant to Pursuant to cl. 137</p>
LG Reg 006	Erection of notices to indicate catchment districts:

	<p>Authority to erect notices for indicating the boundaries of districts and directing attention to any prohibitions or restrictions.</p> <p>Pursuant to Pursuant to cl. 139</p>
LG Reg 007	<p>Works constructed to serve 2 or more councils:</p> <p>Authority to agree the convenient point to supply water to another council.</p> <p>Pursuant to Pursuant to cl.141(1)</p>
LG Reg 008	<p>Fire hydrants:</p> <p>Authority to exercise and/or perform the Council's functions in relation to fire hydrants.</p> <p>Pursuant to clause 142</p>
LG Reg 009	<p>Inspection of pipes:</p> <p>Authority to inspect pipes and drains and measurement of water and sewage in accordance with cl. 143.</p> <p>Pursuant to Pursuant to cl. 143</p>
LG Reg 010	<p>Cutting off or restricting water supply:</p> <p>Authority to cut off or restrict the supply of water to premises and refuse to supply water to premises in accordance with cl.144(1) and (3)</p> <p>Pursuant to Pursuant to cl. 144.</p>
LG Reg 011	<p>New sewer or stormwater drain to be constructed if less costly:</p> <p>Authority to hold the belief in relation to the cost of existing sewers or stormwater drains and construct a new sewer or stormwater drain, and serve an order on the owners or occupiers of premises concerned, in accordance with cl.145.</p> <p>Pursuant to Pursuant to cl. 145.</p>
LG Reg 012	<p>Connections to council's sewerage system:</p> <p>Authority to carry out works and provide connections and impose a charge sufficient to meet the cost of the work or materials, in accordance with cl.146.</p> <p>Pursuant to Pursuant cl.146.</p>
LG Reg 013	<p>Premises to be connected to water supply:</p> <p>Authority to exercise and/or perform the Council's functions in relation to the connection of premises to water supply by an independent house service pipe.</p> <p>Pursuant to Pursuant to cl.152.</p>
LG Reg 014	<p>Laying of house service pipes:</p>

	<p>Authority to authorise the laying of a house service pipe at a depth less than that required by the Plumbing Code of Australia.</p> <p>Pursuant to Section 153(2).</p>
LG Reg 015	<p>Security of water meters:</p> <p>Authority to require the owner of premises to protect a water meter, approve a lock and key, and require the key to be deposited with the Council.</p> <p>Pursuant to section 155.</p>
LG Reg 016	<p>Water meter for one premises:</p> <p>Authority to permit a meter to measure water supplied to a premises and another premises.</p> <p>Pursuant to Pursuant to s 156(2)(b)</p>
LG Reg 017	<p>Hire of meters:</p> <p>Authority to enter into an agreement for the hire of a water meter from the Council.</p> <p>Pursuant to Pursuant to clause 157</p>
LG Reg 018	<p>Testing of meters:</p> <p>Authority to arrange for a water meter to be examined and tested, require an owner to rectify or replace a meter found to be defective and enter into a special contract to regulate the supply of water while a meter is being rectified or replaced.</p> <p>Pursuant to Pursuant to cl. 158</p>
LG Reg 019	<p>Unmetered premises:</p> <p>Authority enter into a special contract or give permission for an occupier of unmetered premises to use water other than for domestic purposes.</p> <p>Pursuant to Pursuant to cl. 161</p>
LG Reg 020	<p>Acceptance of Tenders:</p> <p>Authority to accept a tender in accordance with clause 178 of the <i>Local Government (General) Regulation 2021</i> but not in respect of tenders to provide services currently provided by members of staff of the Council (s.377(1)(i)) <i>Local Government Act 1993</i>.</p> <p>Pursuant to clause 178</p>
LG Reg 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Regulation in force and as amended from time to time.</p>

	Pursuant to Local Government (General) Regulation 2021
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	
LG (M) Reg 001	<p>Certificates of completion:</p> <p>Authority to issue a certificate of completion or a written notice that states why such a certificate is not being issued.</p> <p>Pursuant to section 69</p>
LG (M) Reg 002	<p>Approvals for manufactured home estates etc:</p> <p>Authority to grant an approval to operate a manufactured home estate, and to install a manufactured home and associated structures in a manufactured home estate in accordance with Part 2, Division 2 of the Regulation</p> <p>Pursuant to Part 2, Division 2</p>
LG (M) Reg 003	<p>Approvals for caravan parks etc:</p> <p>Authority to grant an approval to operate a caravan park or camping ground, and to install a moveable dwelling and associated structures in accordance with Part 3, Division 2 of the Regulation</p> <p>Pursuant to Part 3, Division 2</p>
Local Government Act 1993	
LG Act 001	<p>Certificate as to classification of land:</p> <p>Authority to issue a certificate stating the classification of public land</p> <p>Pursuant to section 54</p>
LG Act 002	<p>Leases etc in respect of community land:</p> <p>Authority to grant a lease, licence or other estate in respect of community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4, Division 3 of the Local Government (General) Regulation 2005</p> <p>Pursuant to Section 45 and Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 Division 3 of the Local Government (General) Regulation 2005</p>
LG Act 003	<p>Approvals:</p> <p>Authority to reject a unclear or illegible application for approval for an activity specified in the table to section 68, or to determine such an application, or an application to amend, extend, renew, revoke or modify such an approval and in determining such an application, to give directions in response to an objection.</p> <p>Pursuant to Section 68, 82, 85, 86, 94, 106, 107, 108 and Chapter 6, Part 1 of the Local Government Act 1993 generally</p>

LG Act 004	<p>Mayor Functions:</p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant to section 226</p>
LG Act 005	<p>Preparation of draft plans of management for community land:</p> <p>Authority to prepare a draft plan of management for community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 of the Local Government (General) Regulation 2005</p> <p>Pursuant to Section 36</p>
LG Act 006	<p>Environmental upgrade agreement:</p> <p>Authority to enter into, and amend, an environmental upgrade agreement on behalf of the council with a building owner and a finance provider in relation to a building in accordance with Part 2A of Chapter 6.</p> <p>Pursuant to Section 54D</p>
LG Act 007	<p>Power to levy environmental upgrade charge:</p> <p>Authority to levy an environmental upgrade charge in accordance with an environmental upgrade agreement .</p> <p>Pursuant to Section 54I</p>
LG Act 009	<p>Private works:</p> <p>Authority to enter into an agreement with the owner or occupier of private land for the council to carry out works.</p> <p>Pursuant to Section 67</p>
LG Act 010	<p>Fees:</p> <p>Authority to require payment of a further approved fee if an application is amended.</p> <p>Pursuant to Section 80</p>
LG Act 011	<p>Withdrawal of Applications:</p> <p>Authority to authorise a refund in respect of fees paid by an applicant in respect of an application for a Section 68 Activity approval which is withdrawn</p> <p>Pursuant to Section 88(3)</p>
LG Act 012	<p>Review of determination of approvals:</p> <p>Authority to review the determination of an application for an approval for an activity in accordance with section 100</p>

	Pursuant to Section 100
LG Act 013	<p>Approvals for Filming:</p> <p>Authority to exercise the functions of the council in relation to applications for filming proposals including to determine an application under section 115, determine any security deposit, bond, fee or charge in accordance with section 116 and the reject an application under section 117, in accordance with Chapter 7, Part 1, Division 4.</p> <p>Pursuant to Section 115 and Chapter 7, Part 1, Division 4 of the Local Government Act 1993</p>
LG Act 014	<p>Orders:</p> <p>Authority to exercise Council's functions under Chapter 7, Part 2 of the Local Government Act 1993 in relation to the making of orders including:</p> <ul style="list-style-type: none"> a) the giving of an Order under section 124; a) issue a notice of intention to give an order in accordance with section 132, b) hear and consider representations made in relation to a notice of intention to give an order, in accordance with section 133 c) determine to give, or not give, an order in accordance with section 135; d) accept or reject particulars of work in accordance with section 141; e) prepare or authorise the preparation of particulars of work and order the owner to carry out that work under section 141(3); f) recover from the owner expenses incurred in preparing particulars of work in accordance with section 141; g) modify an order in accordance with section 152; h) revoke an order in accordance with section 153 <p>Pursuant to Section 124, Chapter 7, Part 2 of the Local Government Act 1993 and Part 3 of the Local Government (General) Regulation 2005</p>
LG Act 015	<p>Abatement of Public Nuisances:</p> <p>Authority to take action to abate a public nuisance or order a person responsible for a public nuisance to abate it.</p> <p>Pursuant to Section 125</p>
LG Act 016	<p>Local Policies:</p> <p>Authority to prepare a draft local policy for approvals and orders under sections 158 and 159.</p> <p>Pursuant to Sections 158 and 159</p>
LG Act 017	<p>Authorisation of Power of entry:</p> <p>Authority to authorise a council employee or other person to enter land in accordance with section 191, 191A and generally Chapter 8, Part 2 of the Local Government Act 1993.</p>

	Pursuant to Sections 191 and 191A
LG Act 018	<p>Written Authority:</p> <p>Authority to issue a written authority to a person authorised, to enter premises</p> <p>Pursuant to Section 199</p>
LG Act 019	<p>Notice of entry:</p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be appropriate in the circumstances.</p> <p>Pursuant to Sections 193 and 195</p>
LG Act 020	<p>Recovery of costs of entry and inspection:</p> <p>Authority to recover the reasonable costs of the entry and inspection from the owner or occupier of the premises in accordance with section 197.</p> <p>Pursuant to Section 197</p>
LG Act 021	<p>Appointment of Authorised Person:</p> <p>Authority to authorise an employee of a council as an authorised person, generally or specifically</p> <p>Pursuant to Section 3, Definition of "authorised person"</p>
LG Act 022	<p>Temporary appointments:</p> <p>Authority to appoint a person to a position temporarily</p> <p>Pursuant to Section 351</p>
LG Act 023	<p>Insurance:</p> <p>Authority to make arrangements for the council's adequate insurance against public liability and professional liability in accordance with the regulations.</p> <p>Pursuant to Section 382</p>
LG Act 024	<p>Categorisation of land for purposes of ordinary rates:</p> <p>Authority to determine and declare the categorisation of rateable land within the Council's area and to review a declaration.</p> <p>Pursuant to Section 514 and 523</p>
LG Act 025	<p>Application for change of category:</p> <p>Authority to determine applications to change the category of rateable land</p>

	Pursuant to Section 525
LG Act 026	<p>Adjustment of rates following change in category:</p> <p>Authority to make an appropriate adjustment of rates paid or payable following a change in the category of rateable land</p> <p>Pursuant to Section 527</p>
LG Act 027	<p>Agreement as to periodical payment of rates and charges:</p> <p>Authority to write off or reduce interest accrued on rates or charges where a person complies with an agreement for the payment of rates or charges, pursuant to section 564 of the Local Government Act 1993 (NSW).</p> <p>Pursuant to Section 564</p>
LG Act 028	<p>Write off rates, charges and accrued interest:</p> <p>Authority to write off rates, charges and accrued interest on rates and charges in accordance with section 567 of the <i>Local Government Act 1993</i> and clause 130 of the <i>Local Government (General) Regulation 2021</i></p> <p>Pursuant to Section 567 and 607 of the <i>Local Government Act 1993</i> and clause 130 of the <i>Local Government (General) Regulation 2021</i></p>
LG Act 029	<p>Notice to occupier re unpaid rates:</p> <p>Authority to serve a notice on the occupier of land in relation to unpaid rates or charges in accordance with section 569 of the Local Government Act 1993</p> <p>Pursuant to Section 569</p>
LG Act 030	<p>Liability of eligible pensioners:</p> <p>Authority to reduce a rate or charge in respect of land on which a dwelling is situated for an eligible pensioner in accordance with section 575 of the Local Government Act 1993</p> <p>Pursuant to Section 575</p>
LG Act 031	<p>Extension of concession to avoid hardship:</p> <p>Authority to order that a person is taken to be an eligible pensioner in accordance with section 577(1) and to order that a person is taken to be solely liable in respect of the land on which the dwelling is situated in accordance with section 577(2)</p> <p>Pursuant to Section 577</p>
LG Act 032	<p>Abandonment of pensioner rates and charges:</p>

	<p>Authority to waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth</p> <p>Pursuant to Section 582</p>
LG Act 033	<p>Aggregation of parcels subject to a rate or charge:</p> <p>Authority to form the opinion to treat parcels as being a single parcel and levy a charge accordingly and to form the opinion to aggregate the land values of parcels and levy the rate on the aggregated land values.</p> <p>Pursuant to Sections 531B and 548A</p>
LG Act 034	<p>Redetermination on partial change of circumstances:</p> <p>Authority to make a due adjustment to the rates payable, or apply the provisions postponing rates, as the delegate considers equitable in the circumstances, in accordance with section 598</p> <p>Pursuant to Section 598</p>
LG Act 035	<p>Reduction of subsequent rate:</p> <p>Authority to verify the eligibility of the rateable person for a reduction in a subsequent rate as prescribed by the regulations and reduce the subsequent rate in accordance with section 599</p> <p>Pursuant to Section 599</p>
LG Act 036	<p>Objection in respect of certain land vested in public bodies:</p> <p>Authority to object to the inclusion of a parcel of land in the list in accordance with section 600(6) of the Local Government Act 1993</p> <p>Pursuant to Section 600(6)</p>
LG Act 037	<p>Discretion to waive, reduce or defer payment of a rate:</p> <p>Authority to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as the delegate thinks fit.</p> <p>Pursuant to Section 601(2)</p>
LG Act 038	<p>Certificate as to rates and charges:</p> <p>Authority to issue a certificate as to the amount (if any) due or payable to the council, by way of rates, charges or otherwise, in respect of a parcel of land in accordance with section 603.</p> <p>Pursuant to Section 603</p>
LG Act 39	<p>Estimates of coastal protection charges:</p>

	<p>Authority to provide, on request, a person who would be liable to pay an annual charge for coastal protection services in relation to proposed coastal protection works with an estimate of the person's liability for that annual charge (if the council were to make such a charge) for each of the following 5 years, in accordance with section 606A.</p> <p>Pursuant to Section 606A</p>
LG Act 040	<p>Operational Land:</p> <p>Authority to grant (and renew, vary, terminate and otherwise deal with) a lease or licence in relation to operational land.</p> <p>Pursuant to Pursuant to s22 <i>Local Government Act 1993</i></p>
LG Act 041	<p>Waive or reduce fees:</p> <p>Authority to waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.</p> <p>Pursuant to Section 610E</p>
LG Act 042	<p>Investment of money :</p> <p>Authority to invest money that is not, for the time being, required by the Council for another purpose in accordance with section 625 and the current Ministerial Investment Order published in the Government Gazette.</p> <p>Pursuant to Section 625</p>
LG Act 043	<p>Notices in Public Places:</p> <p>Authority to erect a notice in a public place in accordance with section 632 and in relation to bathing and other water-based recreational activities, in accordance with section 633.</p> <p>Pursuant to Sections 632 and 633</p>
LG Act 044	<p>Alcohol Prohibited Place:</p> <p>Authority to declare a public place as an alcohol prohibited place under section 632A(4).</p> <p>Pursuant to Section 632A(4)</p>
LG Act 045	<p>Alcohol Free Zone:</p> <p>Authority to prepare a proposal for the establishment of an alcohol-free zone under section 644</p> <p>Pursuant to Section 644</p>

LG Act 046	<p>Agreement re free parking area:</p> <p>Authority to execute an agreement on behalf of the Council with the owner of private land under which the land, or any part of the land, is set aside for use as a free parking area.</p> <p>Pursuant to Section 650(6)</p>
LG Act 047	<p>Request for name and address:</p> <p>Authority to request an occupier or manager of any premises or an agent of the owner of the premises to disclose the name and address of the owner of the premises or of the person receiving or authorised to receive the rents of the premises and of the manager or occupier of the premises.</p> <p>Pursuant to Sections 662 and 663</p>
LG Act 048	<p>Remedy or restraint of breaches of LG Act:</p> <p>Authority to bring and conduct proceedings for the purpose of an order to remedy or restrain a breach of the Local Government Act 1993 in accordance with section 673.</p> <p>Pursuant to Section 673</p>
LG Act 049	<p>Failure to comply with order?carrying out of work by the council:</p> <p>Authority to do or arrange to be done through the Council's employees, contractors or agents, all such things as are necessary or convenient to give effect to the terms of an order issued by the Council including the carrying out of any work required by the order and recover expenses incurred in accordance with section 678 of the LG Act and otherwise give effect to the functions provided for in section 678</p> <p>Pursuant to Section 678</p>
LG Act 050	<p>Laying of informations:</p> <p>Authority to lay information in respect of any proceedings for an offence</p> <p>Pursuant to Section 684</p>
LG Act 051	<p>Appearance in local court:</p> <p>Authority for an employee of the council appointed in writing by the general manager to represent the council in all respects in proceedings in the local court and to institute and carry on any proceedings in the local court which the council is authorised to institute and carry on under the Local Government Act 1993.</p> <p>Pursuant to Section 687</p>
LG Act 052	<p>Bankruptcy:</p> <p>Authority to represent Council and act on its behalf in any bankruptcy or winding up proceedings</p>

	Pursuant to Section 688
LG Act 053	<p>Other remedies:</p> <p>Authority to recover from the person: (a) any sum for damage sustained by it through the person’s act or default, and (b) the costs and expenses incurred by it in remedying that damage, and (c) the value of anything wasted, misused or unlawfully consumed, diverted or taken by the person.</p> <p>Pursuant to Section 690</p>
LG Act 054	<p>Suing for debts:</p> <p>Authority to recover a rate, charge, fee or other money due to the council under this Act or the regulations as a debt.</p> <p>Pursuant to Section 695</p>
LG Act 055	<p>Agreement as to compensation:</p> <p>Authority to agree with a claim for compensation under section 12(5) of the Graffiti Control Act 2008 or section 128 or 198 of this Act, in case of dispute, may by agreement between the council and the person claiming the compensation be referred to arbitration under the Commercial Arbitration Act 2010.</p> <p>Pursuant to Section 730(1)</p>
LG Act 056	<p>Certificate as to notices:</p> <p>Authority to issue a certificate to an applicant as to whether there are any outstanding notices issued by the council under this Act in respect of any land within the council’s area.</p> <p>Pursuant to Section 735A</p>
LG Act 057	<p>Protection of privacy :</p> <p>Authority to determine a request made by a person that any material that is available (or is to be made available) for public inspection by or under that Act be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or the person's family at risk.</p> <p>Pursuant to Section 739</p>
LG Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Local Government Act 1993</p>

LG Act 059	<p>General Manager's functions:</p> <p>Authority to perform the functions of the General Manager, other than the power of delegation.</p> <p>Pursuant to Sections 335 and 378(1) of the Local Government Act 1993.</p>
LG Act 060	<p>Water Supply etc Construction of works:</p> <p>Authority to apply to the Minister of Primary Industries for the Minister to construct works of water supply, sewerage or stormwater drainage under the Public Works Act 1912</p> <p>Pursuant to Pursuant to: s57(1) LG Act</p>
LG Act 061	<p>Ownership of water supply, sewerage and stormwater drainage works:</p> <p>Authority to operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the person delegated this authority, the works are used in an efficient manner for the purposes for which the works were installed.</p> <p>Pursuant to Pursuant to: s59A(2) LG Act</p>
LG Act 062	<p>Council works approval from Minister:</p> <p>Authority to apply to the Minister for Primary Industries to do works specified in s.60 of the Local Government Act 1993 and cl.138 of the Local Government (General) Regulation.</p> <p>Pursuant to Pursuant to s.60 LG Act and cl.138 LG (Gen) Regulation</p>
LG Act 063	<p>Developer contributions for water management works:</p> <p>Authority to serve a notice on an applicant requiring the applicant to pay a contribution towards the cost of water management works and/or construct water management works in accordance with s306 <i>Water Management Act 2000</i>.</p> <p>Authority to be satisfied that a requirement has been complied with and to grant or refuse a certificate of compliance for development in accordance with 307 <i>Water Management Act 2000</i>.</p> <p>Pursuant to s64 LG Act and s306 <i>Water Management Act 2000</i></p>
LG Act 065	<p>Parking Area Agreement:</p> <p>Authority to enter into an agreement with the owners corporation of a strata scheme or the association of a community, precinct or neighbourhood scheme in relation to a strata parking area or community scheme parking area.</p> <p>Pursuant to s.650A</p>
LG Act 020A	<p>Compensation for inspection damage:</p>

	<p>Authority to pay compensation for any damage caused by a person authorised to enter premises.</p> <p>Pursuant to section 198</p>
LG Act 066	<p>Special entertainment precincts:</p> <p>If Council establishes a special entertainment precinct by amending its local environmental plan, authority to prepare a plan for regulating noise from amplified music from premises in the special entertainment precinct, publish it on Council's website, and notify the required persons.</p> <p>Pursuant to Section 202 of the <i>Local Government Act 1993</i></p>
LG Act 067	<p>Exempt land or bodies from water supply and sewerage special rates:</p> <p>Authority to exempt land or bodies from water supply special rates and sewerage special rates.</p> <p>Pursuant to Section 558</p>
LG Act 068	<p>Concessions:</p> <p>Authority to carry out the council's functions in relation to concessions for pensions and other concessions from rates and charges.</p> <p>Pursuant to Part 8 of Chapter 15</p>
LG Act 069	<p>Expenses of tracing persons:</p> <p>Authority to add to the amount of a rate or charge, any reasonable out-of-pocket expenses incurred in tracing the person liable to pay the rate or charge.</p> <p>Pursuant to Section 605</p>
Local Government and Other Authorities (Superannuation) Act 1927	
LG (Super) Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Local Government and Other Authorities (Superannuation) Act 1927</p>
Local Land Services Act 2013	
LLS Act 001	<p>Concurrence for a stock permit:</p> <p>Authority to provide the concurrence regarding the issuing of a stock permit in the case of a public road that is not a Crown road vested in the council.</p> <p>Pursuant to section 78(3)</p>

LLS 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Local Land Services Act 2013</p>
Major Events Act 2009	
ME Act 001	<p>Functions:</p> <p>Authority to exercise and/or perform Council's functions as a government agency</p> <p>Pursuant to Part 4 Division 2</p>
ME Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Major Events Act 2009</p>
Marine Estate Management Act 2014	
MEM Act 001	<p>Consent to declaration of aquatic reserve:</p> <p>Authority to consent to declaration of aquatic reserve in the case of public water land vested in council</p> <p>Pursuant to Section 35</p>
Minister for Crown Lands	
tp	<p>Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.</p> <p>:</p> <p>sub-delegate Willyama Common matters</p>
tp	<p>Authority to deal with the day to day management and operational matters relating to the Willyama Common; such matters to be dealt with in accordance with the requirements of the Willyama Common Management Plan.</p> <p>:</p> <p>GM to deal with Willyama Common matters</p>
tp	<p>Authority to Council's General Manager to sub-delegate to the relevant Council Officers to deal with the day to day management and operational matters relating</p>

	<p>to the Council managed Crown Reserves within the Broken Hill Local Government Area; such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.:</p> <p>management of Crown Reserves</p>
tp	<p>Authority to deal with the day to day management and operational matters relating to the Council managed Crown Reserves within the Broken Hill Local Government Area; such matters to be dealt with in accordance with the requirements of the relevant Crown Reserve Management Plan.:</p> <p>management of Crown Reserves sub-delegation</p>
Minister for Planning and Infrastructure	
tp	<p>Delegated authority from the Minister for Planning and Infrastructure to carry out functions under Section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans (LEP's).</p> <p>:</p> <p>Making of Local Environmental Plans (LEP's)</p>
Notification	
NSW Food Authority	
tp	<p>Broken Hill City Council is appointed in writing as an enforcement agency by the NSW Food Authority in respect of Broken Hill City Council Local Government Area ("the Area") under Section 111(4) of the Food Act 2003. Commencement: The instrument of appointment commences on 1 July 2024 in accordance with Section 111, 111B and 111D of the Food Act 2023. Revocation: The instrument dated 22 December 2017 is revoked pursuant to Section 111A of the Food Act 2003. Content Manager Reference: D24/31063 :</p> <p>NSW Food Authority - Instrument of Appointment as an Enforcement Agency (NSW Food Act 2023 Sections 111, 111B and 111D)</p>
Ombudsman Act 1974	
Ombudsmans Act 001	<p>Complaints:</p> <p>Authority to complain to the Ombudsman about the conduct of a public authority in accordance with section 12</p> <p>Pursuant to Section 12</p>
Ombudsmans Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Ombudsman Act 1974</p>

Passenger Transport (General) Regulation 2017	
PT Reg 001	<p>Appointment of bus stops:</p> <p>Authority to approve, on behalf of the Council as a roads authority for the road concerned, the appointment of bus stops in accordance with clause 104 of the <i>Passenger Transport (General) Regulation 2017</i>.</p> <p>Pursuant to clause 104</p>
Pesticides Act 1999	
Pesticides Act 001	<p>Clean up action:</p> <p>Authority, where the council is advised by the EPA, or where the delegate reasonably suspects that any pesticide pollution is occurring or has occurred, to take or authorise such clean-up action as the delegate considers necessary in accordance with section 20, issue a compliance cost notice in relation to such action in accordance with section 28, recover any unpaid amounts specified in a compliance costs notice as a debt in accordance with section 29 and apply for a compliance cost notice to be registered as a charge on the land to which it relates in accordance with section 30.</p> <p>Pursuant to Sections 20, 28, 29 and 30</p>
Pesticides Act 002	<p>Power of Entry:</p> <p>Authority to authorise a person to enter premises for the purpose of exercising the council's functions under Part 3 of the <i>Pesticides Act 1999</i> in accordance with section 35 of the <i>Pesticides Act 1999</i> and Chapter 7 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>Pursuant to Section 35 of the Pesticides Act 1999</p>
Pesticides Act 003	<p>Recovery of costs etc:</p> <p>Authority to seek an order for costs, expenses and compensation in accordance with section 95 and to recover from the offender the costs and expenses incurred or the amount of the loss or damage incurred by the council in the Land and Environment Court in accordance with section 96.</p> <p>Pursuant to Sections 95, 96</p>
Pesticides Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Pesticides Act 1999</p>
Pesticides Act 004	<p>Pesticide use notification plans:</p>

	<p>Authority to carry out all the functions associated with the requirement to prepare, finalise, notify the EPA and give public notice of, a pesticide use notification plan in accordance with Part 5 Division 2 of the <i>Pesticides Regulation 2017</i>.</p> <p>Pursuant to Part 5, Division 2 of the Pesticides Regulation 2017.</p>
Pipelines Act 1967	
Pipelines Act 001	<p>Object to compulsory acquisition of land or easement:</p> <p>Authority to make a written objection to the Minister in respect of a proposed compulsory acquisition</p> <p>Pursuant to Section 21</p>
Pipelines Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Pipelines Act 1967</p>
Privacy and Personal Information Protection Act 1998	
PPIP Act 001	<p>The powers to comply with Act:</p> <p>Authority to exercise and/or perform all powers and functions necessary or desirable to enable the Council to comply with its obligations under the Privacy and Personal Information Protection Act 1998.</p> <p>Pursuant to Privacy and Personal Information Protection Act 1998</p>
PPIP Act 002	<p>Conduct internal review:</p> <p>Authority to conduct internal review requested by an aggrieved person</p> <p>Pursuant to Sections 53 and 54</p>
PPIP Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Privacy and Personal Information Protection Act 1998</p>
PPIP Act 003	<p>Mandatory notification of data breaches:</p> <p>Authority to exercise a function of the head of the agency in accordance with Part 6A of the Act.</p> <p>Pursuant to Part 6A</p>

Protection of the Environment Operations (Clean Air) Regulation 2022	
PoEO (Clean Air) Reg 001	<p>Approval for burning matter:</p> <p>Authority to grant an approval in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew, in accordance with Part 3 (section 18) of the <i>Protection of the Environment Operations (Clean Air) Regulation 2022</i>.</p> <p>Pursuant to section 18</p>
Protection of the Environment Operations (Waste) Regulation 2014	
PoEO (Waste) Reg 001	<p>Occupier of scheduled waste facility:</p> <p>Authority to carry out all of Council's functions as the occupier of a scheduled waste facility.</p> <p>Pursuant to Protection of the Environment Operations (Waste) Regulation 2014</p>
PoEO (Waste) Reg 002	<p>Application for exemption:</p> <p>Authority on behalf of Council to apply to the EPA for an exemption.</p> <p>Pursuant to clause 91</p>
PoEO (Waste) Reg 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Protection of the Environment Operations (Waste) Regulation 2014</p>
Protection of the Environment Operations Act 1997	
PoEO Act 001	<p>Clean-up notices:</p> <p>Authority to issue, vary or revoke a clean-up notice. A notice can be issued in writing, or orally in accordance with section 93.</p> <p>Pursuant to Sections 91, 93 and 144AG</p>
PoEO Act 002	<p>Fees:</p> <p>Authority to waive payment of the whole or any part of the fee, or extend the time for payment of a fee, in respect of a clean-up notice or prevention notice.</p> <p>Pursuant to Sections 94, 100</p>
PoEO Act 003	<p>Prevention notices:</p> <p>Authority to issue, vary or revoke a prevention notice.</p>

	Pursuant to Sections 96 and 110
PoEO Act 004	<p>Action in event of failure to comply:</p> <p>Authority to take action to cause a prevention notice to be complied with if a person does not comply with a prevention notice given to the person.</p> <p>Pursuant to Section 98</p>
PoEO Act 005	<p>Voluntary clean-up action:</p> <p>Authority to take such clean-up action as the delegate considers necessary if the delegate reasonably suspects that a pollution incident has occurred or is occurring.</p> <p>Pursuant to Section 92(2)</p>
PoEO Act 006	<p>Compliance cost notices:</p> <p>Authority to:</p> <ul style="list-style-type: none"> a) issue a compliance cost notice; b) recover any unpaid amounts as a debt; c) apply to register a compliance cost notice in relation to land; and d) where a compliance cost notice has been lodged or registered, issue a notice requiring the person to pay the reasonable costs and expenses incurred by the authority in respect of the lodgement or registration and recover any unpaid amounts as a debt. e) revoke or vary a notice. <p>Pursuant to Sections 104, 105, 106, 107(8), 110</p>
PoEO Act 007	<p>Appointment of Authorised Officers and authorisation of Enforcement Officers:</p> <p>Authority to appoint an officer or employee of the Council as an Authorised Officer and to authorise a member of staff of the Council to exercise the functions of an Enforcement Officer under Division 3 of Part 8.2 of the Act (in respect of penalty notice offences).</p> <p>Pursuant to Sections 187 and 226 of the <i>Protection of the Environment Operations Act</i> and clause 127 of the <i>Protection of the Environment Operations (General) Regulation 2022</i></p>
PoEO Act 008	<p>Requirement to provide information and records:</p> <p>Authority to give, revoke or vary a notice to a person to require the person to furnish information or records (or both).</p> <p>Pursuant to Section 192</p>
PoEO Act 009	<p>Court proceeding (agent or appointee):</p> <p>Authority to act as an agent or appointee of the Council to commence proceedings for an offence against the Act or Regulations.</p> <p>Pursuant to Section 218A</p>

PoEO Act 010	<p>Assistance to be given to authorised officers:</p> <p>Authority to issue a notice requiring the owner or occupier of a premises to provide such reasonable assistance and facilities to an authorised officer</p> <p>Pursuant to Section 200</p>
PoEO Act 011	<p>Court proceedings (officers and employees):</p> <p>Authority to institute proceedings for an offence against the Act or the Regulations (other than excluded offences) with the written consent of the council or a person authorised by the council, in accordance with sections 218 and 220. If a court convicts a corporation of an offence in such proceedings, authority to apply to the Court for a monetary benefits order.</p> <p>Pursuant to Sections 218, 220, 251A(2) and 249(2A).</p>
PoEO Act 012	<p>Court proceedings (authority to provide consent):</p> <p>Authority to provide consent for an officer or employee to institute proceedings under section 220.</p> <p>Pursuant to Section 220</p>
PoEO Act 013	<p>Noise control notices:</p> <p>Authority to give or issue, revoke or vary a noise control notice.</p> <p>Pursuant to Sections 264 and 266</p>
PoEO Act 015	<p>Extend time:</p> <p>Authority to extend time for payment of, or waive, a fee</p> <p>Pursuant to section 267A(3)</p>
PoEO Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Protection of the Environment Operations Act 1997</p>
PoEO Act 016	<p>Supplementary clean-up notices:</p> <p>Authority to provide a supplementary clean-up notice to a current director of the corporation, former director and/or a related body corporate in accordance with section 91A, where the previous clean-up notice has not been complied with.</p> <p>Pursuant to Section 91A</p>
PoEO Act 017	<p>Supplementary prevention notices:</p>

	<p>Authority to provide a supplementary prevention notice to a current director of the corporation, former director and/or a related body corporate in accordance with section 96A, where the previous prevention notice has not been complied with.</p> <p>Pursuant to Section 96A</p>
PoEO Act 018	<p>Take action in relation to recall notice:</p> <p>Authority to take action required under a recall notice issued under Part 4.2A of the Act and to recover the relevant costs of taking action to comply.</p> <p>Pursuant to Sections 94I, 94J, 94M and 94N</p>
Public Health Act 2010	
PH Act 001	<p>Failure to comply with notice relating to regulated system:</p> <p>Authority to take action if the occupier of premises at which there is a regulated system fails to comply with an improvement notice.</p> <p>Pursuant to Section 44</p>
PH Act 002	<p>Prohibition Order:</p> <p>Authority to serve a prohibition order, and give a certificate of clearance, in accordance with section 45, and to determine a claim for compensation in accordance with section 49.</p> <p>Pursuant to Sections 45 and 49</p>
PH Act 003	<p>Agreement with Director General:</p> <p>Authority to enter into an agreement or arrangement with Director General</p> <p>Pursuant to Section 98</p>
PH Act 004	<p>Commence proceedings:</p> <p>Authority to commence proceedings against a breach of the Act or Regulations.</p> <p>Pursuant to Section 117</p>
PH Act 005	<p>Authority to appoint authorised officer:</p> <p>Power to appoint a member of the staff of the Council or a member of the staff of another government authority to be an authorised officer, where in the opinion of the Council, the person has appropriate qualifications or experience for such an appointment.</p> <p>Pursuant to Section 126</p>
PH Act 000	All functions:

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Public Health Act 2010</p>
Public Health Regulation 2022	
PH Reg 001	<p>Fees:</p> <p>Authority to extend the time for payment of a fee or waive a fee in full or part in respect of an improvement notice or prohibition order.</p> <p>Pursuant to section 124</p>
Public Interest Disclosures Act 1994	
PID Act 002	<p>Provide report:</p> <p>Authority to provide report to Ombudsman and to Minister</p> <p>Pursuant to Section 6CA, section 31</p>
PID Act 003	<p>Refer evidence of an offence:</p> <p>Authority to refer evidence of an offence to Commissioner of Police or Commissioner</p> <p>Pursuant to Section 20</p>
PID Act 004	<p>Determine to disclose:</p> <p>Authority to determine to disclose and disclose identifying information</p> <p>Pursuant to section 22(1)(c)</p>
PID Act 005	<p>Provide investigating authority:</p> <p>Authority to provide investigating authority with view of Council as to proposed transfer of investigation, enter arrangements with investigating authority</p> <p>Pursuant to Section 25</p>
PID Act 006	<p>Notify person:</p> <p>Authority to notify person of action or proposed action in respect of a disclosure</p> <p>Pursuant to Section 27</p>
PID Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Public Interest Disclosures Act 1994
Public Interest Disclosures Act 2022	
PID (2022) Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the General Manager's delegable functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to section 80</p>
PID (2022) Act 001	<p>Determine a voluntary public interest disclosure:</p> <p>Authority to determine, or refuse to determine, a disclosure is a voluntary public interest disclosure, including the authority to revoke any such determination.</p> <p>Pursuant to section 29</p>
PID (2022) Act 002	<p>Give a determination:</p> <p>Authority to give a written determination to the maker of a voluntary public interest disclosure.</p> <p>Pursuant to section 29(2)</p>
PID (2022) Act 003	<p>Referral of detrimental action offence:</p> <p>Authority to refer evidence of a detrimental action offence to the Commissioner of Police, and the Independent Commission Against Corruption or the Law Enforcement Conduct Commission, and to notify the Ombudsman of the referral.</p> <p>Pursuant to section 34</p>
PID (2022) Act 004	<p>Public interest disclosure policy:</p> <p>Authority to approve a public interest disclosure policy.</p> <p>Pursuant to section 43</p>
PID (2022) Act 005	<p>Consult with Ombudsman:</p> <p>Authority to consult with the Ombudsman in relation to action to deal with a voluntary public interest disclosure.</p> <p>Pursuant to section 54</p>
PID (2022) Act 006	<p>Deal with a voluntary public interest disclosure:</p> <p>Authority to deal with a voluntary public interest disclosure by investigating or referring, in accordance with Division 2 of Part 5.</p> <p>Pursuant to sections 55, 56, 57 and 59.</p>
PID (2022) Act 007	<p>Internal review:</p>

	<p>Authority to undertake internal review of a decision to deal with a disclosure.</p> <p>Pursuant to sections 49(1), 49(2) and 55(3).</p>
PID (2022) Act 008	<p>Disclosing identifying information:</p> <p>Authority to disclose identifying information of a person making a disclosure.</p> <p>Pursuant to section 64.</p>
PID (2022) Act 009	<p>Taking corrective action:</p> <p>Authority to take corrective action after finding serious wrongdoing or misconduct has occurred.</p> <p>Pursuant to section 66.</p>
PID (2022) Act 010	<p>Reporting to the Ombudsman:</p> <p>Authority to provide an annual report to the Ombudsman.</p> <p>Pursuant to section 78 of the Act and section 5 of the Regulation.</p>
PID (2022) Act 011	<p>Delegation of functions to another agency:</p> <p>Authority to delegate Council's functions under the Act to another agency and to enter into an agency service contract.</p> <p>Pursuant to sections 81 and 82.</p>
PID (2022) Act 012	<p>Provide information to another agency:</p> <p>Authority to provide information relating to a public interest disclosure to another agency.</p> <p>Pursuant to section 83.</p>
PID (2022) Act 013	<p>Information for employees and public officials:</p> <p>Authority to ensure information is provided to all public officials associated with Council and training provided.</p> <p>Pursuant to section 48 of the Act and section 4 of the Regulation.</p>
Public Spaces (Unattended Property) Act 2021	
PSUP Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>
PSUP 001	<p>Appointment of Authorised Officer:</p>

	<p>Authority to appoint a person as an authorised officer within the meaning of the Public Spaces (Unattended Property) Act 2021</p> <p>Pursuant to Section 44</p>
PSUP 002	<p>Functions of an Impounding Authority:</p> <p>Authority to carry out the functions of the Council to deal with property after taking possession of it.</p> <p>Pursuant to Part 4</p>
PSUP Act 003	<p>Court proceedings :</p> <p>Authority to represent the Council in relation to appeals against proceedings for offences, debt recovery and applications for review to the Administrative Decisions Tribunal.</p> <p>Pursuant to Part 7 of the Act</p>
PSUP Act 004	<p>Authority to direct an authorised officer to destroy property:</p> <p>Destroying items that are in possession of Council</p> <p>Pursuant to Section 31</p>
PSUP Act 005	<p>Authority to direct an authorised officer to sell or dispose of property:</p> <p>Authority to sell or dispose of items that were taken into possession by an authorised officer</p> <p>Pursuant to Section 32</p>
PSUP Act 006	<p>Arrangements to exercise functions outside the area of operations:</p> <p>Authority to arrange with other Councils or other Authorities under the Act to permit Authorised Officers to exercise functions outside of their Council area of operations.</p> <p>Pursuant to Section 47(2)</p>
PSUP Act 007	<p>Pay or waive a fee charged :</p> <p>Auhority to pay an amount or waive and amount in relation to a property or animal taken into possession.</p> <p>Pursuant to Section 55</p>
PSUP Act 008	<p>Issuing notices to owners or or persons responsible for unattended items?:</p> <p>Authority to give notices after taking possession of property</p> <p>Pursuant to Section 29 - Authority to take reasonable steps to identify and notify owners of property and Part 3 of the Regulations</p>

PSUP Act 009	<p>Keeping records?:</p> <p>Authority to keep records of property taken into possession.</p> <p>Pursuant to Section 33 - Records</p>
Public Works and Procurement Act 1912	
PW Act 001	<p>Appointment of Council as Agent:</p> <p>Authority to exercise the Council's functions as an agent of the Minister for Finance and Services if the Council has been so appointed.</p> <p>Pursuant to Section 157</p>
PW Act 002	<p>Handing over of work:</p> <p>Authority to agree to handing over of work to Council by Minister</p> <p>Pursuant to Section 153</p>
PW Act 003	<p>Handing over of work:</p> <p>Authority to agree to handing over of work to Council by RMS</p> <p>Pursuant to Section 154</p>
PW Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Public Works Act 1912</p>
Real Property Act 1900	
RP Act 001	<p>Position of boundary under Real Property Act 1900:</p> <p>Authority to apply for a determination as to the position of a common boundary of adjoining lands and, if dissatisfied, appeal to the Land and Environment Court for a such a determination by the Court in accordance with sections 135B and 135J.</p> <p>Pursuant to Sections 135B and 135J</p>
RP Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Real Property Act 1900</p>
Residential (Land Lease) Communities Act 2013	

RLLC Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform all functions of the council as park owner.</p> <p>Pursuant to The <i>Residential (Land Lease) Communities Act 2013</i> and <i>Residential (Land Lease) Communities Regulation 2015</i>.</p>
Restricted Premises Act 1943	
Restricted Premises Act 001	<p>Make application:</p> <p>Authority to make application or instruct Council's lawyers to make application to the Land & Environment Court for a brothel closure order</p> <p>Pursuant to Section 17</p>
Restricted Premises Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Restricted Premises Act 1943</p>
Road Transport (General) Regulation 2021	
RT General Reg 001	<p>Pay parking schemes:</p> <p>Authority to establish and operate a pay parking scheme for a road within a council's area of operations, not including the fixing of fees for a pay parking space and pay parking area.</p> <p>Pursuant to section 84 - establishment of pay parking schemes</p>
RT General Reg 002	<p>Pay parking areas:</p> <p>Authority to set aside setting aside pay parking spaces or pay parking areas in a road within its area of operations in accordance with TfNSW guidelines.</p> <p>Pursuant to subsections 84(a) and 84(b)</p>
RT General Reg 003	<p>Close a pay parking space:</p> <p>Authority to close a pay parking space or area after deciding that a pay parking space or pay parking area should be temporarily closed.</p> <p>Pursuant to subsection 90(2)</p>
RT General Reg 004	<p>Pay parking devices:</p> <p>Authority to install pay parking devices for use in connection with payment of fees for parking in a pay parking space or pay parking area.</p> <p>Pursuant to subsection 84(2)</p>

RT General Reg 005	<p>Displaying information in a pay parking area or space:</p> <p>Authority to display required information in a pay parking area or pay parking space.</p> <p>Pursuant to section 86</p>
RT General Reg 006	<p>Agree on common payment parking schemes:</p> <p>Authority to agree with other councils on the operation of pay parking schemes on a common payment basis, not including setting of fees.</p> <p>Pursuant to section 92</p>
RT General Reg 007	<p>Agree with owners of land not owned by Council:</p> <p>Authority to agree with owners of land not owned by Council as to the exercise by Council of powers under Part 6 Division 1 in respect of that land.</p> <p>Pursuant to section 94</p>
RT General Reg 008	<p>Agree on costs of maintaining signs and other devices:</p> <p>Authority to agree to an amount of, and pay, costs of providing and maintaining signs and devices installed and marking lines in relation to spaces to park in a road, pay parking spaces and areas.</p> <p>Pursuant to section 96 (2)(c)</p>
RT General Reg 009	<p>Issue a permit:</p> <p>Authority to issue a permit for the parking of a vehicle without charge or time restrictions, being a business parking permit, a commuter parking permit, a resident parking permit, a resident's visitor permit, a special event parking permit and a declared organisation parking permit.</p> <p>Pursuant to section 120</p>
Road Transport Act 2013	
RT Act 001	<p>Removal of dangers and obstructions to traffic:</p> <p>Authority to authorise an employee of the council as the appropriate roads authority as an appropriate officer for the purposes of section 142 of the Road Transport Act 2013. Section 142 provides that an appropriate officer may remove the vehicle, thing or container and take such other steps as may be necessary to protect the public and facilitate the free flow of traffic</p> <p>Pursuant to Section 142</p>
RT Act 002	<p>Commence proceedings:</p> <p>Authority to recover as a debt expenses incurred under s.142</p> <p>Pursuant to Section 142(2)</p>

RT Act 003	<p>Certificates:</p> <p>Authority to provide certificates specifying an amount of costs incurred</p> <p>Pursuant to Section 142(3)</p>
RT Act 005	<p>Certificates:</p> <p>Authority to provide certificates as to maintenance of road, estimating monetary value of road infrastructure or of damage to it, estimating cost of remedying damage, estimating extent of offender's contribution to damage</p> <p>Pursuant to Section 230</p>
RT Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Road Transport Act 2013</p>
Roads Act 1993	
Roads Act 001	<p>Appointment of authorised officers:</p> <p>Authority to authorise an employee of Council to exercise functions of an authorised officer</p> <p>Pursuant to Section 4 definition of "authorised officer", section 251</p>
Roads Act 002	<p>Dedicate land:</p> <p>Authority to dedicate land left in subdivision effected prior to 1907 as public road by publishing notice in gazette</p> <p>Pursuant to Section 16</p>
Roads Act 003	<p>Serve notice:</p> <p>Authority to serve notice of intention to dedicate land as public road on owner</p> <p>Pursuant to Section 17</p>
Roads Act 004	<p>Identification of road boundaries:</p> <p>Authority to:</p> <p>a) cause surveys to be carried out to identify the boundaries of a public road in accordance with section 18;</p> <p>b) consider any submissions that have been duly made with respect to the proposed</p>

	<p>boundaries and approve the survey plan, either with or without alteration in accordance with section 21</p> <p>Pursuant to Sections 18 and 21</p>
Roads Act 005	<p>Publish notice:</p> <p>Authority to publish notice of proposed boundaries in newspaper and serve notice on owner of affected land</p> <p>Pursuant to Section 19</p>
Roads Act 006	<p>Road widening:</p> <p>Authority to:</p> <p>a) submit to the Minister for Roads and Ports a proposed plan for the widening of a public road in accordance with section 22</p> <p>b) make a road widening order in accordance with section 25</p> <p>c) revoke or vary a road widening order in accordance with section 27</p> <p>d) grant consent for the carrying out minor repairs or improvements to a building in accordance with section 26</p> <p>e) direct an owner of land (where a person constructs, replaces or repairs a building or work on land affected by a road widening order in contravention of section 26) to carry out such work as is necessary to restore the land to the state it was in before the contravention occurred in accordance with section 26(4).</p> <p>Pursuant to Sections 22, 25, 26, 26(4) and 27</p>
Roads Act 007	<p>Road Levels:</p> <p>Authority to:</p> <p>a) Prepare a prepare a proposal to fix the levels of a public road, or to vary the existing levels of a public road in accordance with section 29</p> <p>b) consider any submissions that have been duly made concerning the proposal and decide to proceed with the proposal, either with or without alteration (by making an order), or to abandon the proposal in accordance with section 31.</p> <p>Pursuant to Sections 29 and 31</p>
Roads Act 008	<p>Closing of public roads:</p> <p>Authority to carry out the functions of the Council as the roads authority to close a council public road, including to cause notice of a proposed closure of a public road to be notified in accordance with s38B, appeal against a formal objection made by a notifiable authority under s38C(3), consider any submission made and publish a notice in the Gazette to close the public road (s38D) and to close a temporary public road under s39 if the road does not give access to an isolated road.</p> <p>Pursuant to Part 4, Divisions 3 and 4 of the Roads Act 1993</p>
Roads Act 009	<p>Cause a temporary public road to be closed :</p>

	<p>Authority to cause a temporary public road to be closed by publishing a notice in the Gazette</p> <p>Pursuant to Section 39</p>
Roads Act 010	<p>Consultation with roads authorities :</p> <p>Authority to make submissions to TfNSW regarding proposed action</p> <p>Pursuant to Section 58</p>
Roads Act 011	<p>Roads Authorities may appeal to Minister:</p> <p>Authority to determine whether aggrieved by TfNSW action and if so appeal to Minister</p> <p>Pursuant to Section 60</p>
Roads Act 012	<p>Roads agreements between TfNSW and roads authorities:</p> <p>Authority to enter agreement with TfNSW transferring council's responsibilities for classified road</p> <p>Pursuant to Section 62</p>
Roads Act 013	<p>Power of roads authorities in respect to roadwork:</p> <p>Authority to carry out road work on public road or other land controlled by council</p> <p>Pursuant to Section 71</p>
Roads Act 014	<p>Notify TfNSW :</p> <p>Authority to notify TfNSW of work on classified road involving deviation or alteration of road or construction of bridge, tunnel or level crossing</p> <p>Pursuant to Section 75</p>
Roads Act 015	<p>Notify TfNSW :</p> <p>Authority to notify TfNSW of major road work</p> <p>Pursuant to Section 76</p>
Roads Act 016	<p>Construct bridges and tunnels across navigable waters:</p> <p>Authority to construct bridges and tunnels across navigable waters, give public notice of proposal, consider submissions, make decision, and give notice of decision</p> <p>Pursuant to Sections 78, 79, 80 and 81</p>
Roads Act 017	<p>Location of conduits:</p>

	<p>Authority to consult with persons as to location of conduits for utilities across public roads</p> <p>Pursuant to Section 85</p>
Roads Act 018	<p>Functions of Council in respect of private roads:</p> <p>Authority to direct the owner of a private road (other than a classified road) to carry out such work as is necessary to prevent the road from becoming unsafe or unsightly</p> <p>Pursuant to Section 86(1)</p>
Roads Act 019	<p>Traffic Control Facilities:</p> <p>Authority to seek consent of TfNSW, and with such consent, carry out traffic control work on classified road</p> <p>Pursuant to Section 87(2)</p>
Roads Act 020	<p>Traffic Control Facilities:</p> <p>Authority to carry out traffic control work on unclassified road or transitway or road or road related area</p> <p>Pursuant to Section 87(3)</p>
Roads Act 021	<p>Tree felling:</p> <p>Authority to form the opinion that it is necessary to remove or lop a tree or other vegetation on or overhanging a public road for the purpose of a road work or to remove a traffic hazard, and to effect such removal or lopping</p> <p>Pursuant to Section 88</p>
Roads Act 022	<p>Alter landform:</p> <p>Authority to alter landform of land adjoining public road to ensure stability of road</p> <p>Pursuant to Section 92</p>
Roads Act 023	<p>Carry out drainage work :</p> <p>Authority to carry out drainage work on land in vicinity of public road for purpose of draining or protecting public road</p> <p>Pursuant to Section 94</p>
Roads Act 024	<p>Give a direction:</p> <p>Authority to give a direction under Part 7</p> <p>Pursuant to Sections 91 to 107 inclusive</p>

Roads Act 025	<p>Regulate traffic:</p> <p>Authority to regulate traffic on a public road by means of barriers or notices for any of the purposes set out in section 115(2) of the Roads Act 1993 (NSW) in so far as they apply to the Council as a roads authority.</p> <p>Pursuant to Section 115(2)</p>
Roads Act 026A	<p>Applications for consent:</p> <p>Authority to apply to TfNSW for consent to erect a barrier or notice or carry out work or take any action to regulate traffic on a public road for other purposes; to remove any notice or barrier, to demolish any work or cease any action for which the TfNSW has given consent, and give public notice of such application</p> <p>Pursuant to Section 116</p>
Roads Act 026	<p>Request review:</p> <p>Authority to request Minister to review decision of TfNSW</p> <p>Pursuant to Section 119</p>
Roads Act 027	<p>Temporary regulation of traffic:</p> <p>Authority to serve (and revoke) an Order prohibiting a person from causing any vehicle under the person's control to pass along a specified local road</p> <p>Pursuant to Section 122</p>
Roads Act 028	<p>Authority to erect structures:</p> <p>Authority to authorise the holder of a footway dining approval to erect and maintain structures in, or over any part, of the footway</p> <p>Pursuant to Section 126</p>
Roads Act 029	<p>Public Gates:</p> <p>Authority to grant and/or revoke a permit for the erection of a public gate or the construction of a by-pass around a public gate.</p> <p>Pursuant to Sections 128, 130, 133 and 136</p>
Roads Act 030	<p>Approval to use footway for restaurant :</p> <p>Authority to determine an application for a footway dining approval</p> <p>Pursuant to Section 125</p>
Roads Act 031	<p>Determine an application for consent:</p> <p>Authority to determine an application for consent to: (a) erect a structure, or carry out work in, on or over a public road; (b) dig up or disturb the surface of a public road; (c) remove or interfere with a structure, work or tree on a public road; (d)</p>

	<p>pump water into a public road from any land adjoining a public road; (e) connect a road (whether public or private) to a classified road, and impose conditions on a consent.</p> <p>Pursuant to Sections 138, 139 & 139A</p>
Roads Act 032	<p>Revocation of street vending consent:</p> <p>Authority to revoke a street vending consent and give notice of revocation</p> <p>Pursuant to Section 139C</p>
Roads Act 033	<p>Extend term:</p> <p>Authority to extend term of a street vending consent and impose conditions</p> <p>Pursuant to Sections 139D(1) and (5)</p>
Roads Act 034	<p>Transfer of street vending or other consent:</p> <p>Authority to transfer a street vending or other consent and impose conditions</p> <p>Pursuant to Sections 139D(3)(5) and (6)</p>
Roads Act 035	<p>Fresh consents:</p> <p>Authority to grant a fresh consent where previous consent revoked, expired or lapsed</p> <p>Pursuant to Section 139E</p>
Roads Act 036	<p>Revocation of Consent:</p> <p>Authority to revoke a consent by notice of revocation served on holder</p> <p>Pursuant to Section 140</p>
Roads Act 037	<p>Permits for road events:</p> <p>Authority to grant a permit to any person to conduct a road event (as defined) on a public road</p> <p>Pursuant to Section 144</p>
Roads Act 038	<p>Leasing of land above or below public road:</p> <p>Authority to grant a lease of air space above or land below public road with approval of Director of Planning</p> <p>Pursuant to Section 149</p>
Roads Act 039	<p>Transfer of public road to other roads authority:</p> <p>Authority to consent to the transfer of a public road by the Minister for Roads and Ports from or to the Council</p>

	Pursuant to Section 150
Roads Act 040	<p>Short-term leases of unused public roads:</p> <p>Authority to grant short term lease of unused public road to adjoining owner or lessee, give public notice of proposed lease, consider submissions, make decision</p> <p>Pursuant to Sections 153, 154, 155 & 156</p>
Roads Act 041	<p>Naming of public roads:</p> <p>Authority to approve names and numbering for all roads for which the Council is the roads authority</p> <p>Pursuant to Section 162</p>
Roads Act 042	<p>Inspections and Investigations:</p> <p>Authority to inspect the land, for the purposes of an inspection, dig up any ground and take such measures as are necessary to ascertain the character and condition of the land and of any building, structure or work that is situated in, on or over the land, make surveys and take levels and, for those purposes, may dig trenches, break up the soil and set up any posts, stakes or marks, and may take samples or photographs in connection with any inspection.</p> <p>Pursuant to Section 165</p>
Roads Act 043	<p>Warrants of entry:</p> <p>Authority to form the opinion that it is necessary and apply on behalf of the council as a roads authority for a warrant of entry authorising an authorised officer under the Roads Act 1993 to enter and inspect the land for the purposes of this Act.</p> <p>Pursuant to s.174 of the Roads Act 1993</p>
Roads Act 044	<p>Roads authority may take possession of land when constructing etc public road:</p> <p>Authority to use and occupy land along or near a road for the purpose of carrying out road work or providing a temporary road, and give notice of intention to do so</p> <p>Pursuant to Section 175</p>
Roads Act 045	<p>Access roads across land owned by public authority:</p> <p>Authority to enter into agreement with public authority regarding construction and maintenance of road</p> <p>Pursuant to Section 176</p>
Roads Act 046	<p>Financial or other assistance:</p> <p>Authority to enter into agreement with TfNSW for financial or other assistance</p>

	Pursuant to Section 207
Roads Act 047	<p>Apportionment of cost:</p> <p>Authority to agree to apportionment of cost of road work on a classified road forming boundary, make submissions to TfNSW regarding apportionment</p> <p>Pursuant to Section 209</p>
Roads Act 048	<p>Financial or other assistance:</p> <p>Authority to agree with another Council financial assistance from TfNSW for a classified road forming boundary</p> <p>Pursuant to Section 210</p>
Roads Act 049	<p>Roads authorities may levy tolls on road-ferries:</p> <p>Authority to lease the running of a road ferry, lease the collection of tolls and charges on a road ferry</p> <p>Pursuant to Section 216</p>
Roads Act 050	<p>Recovery of:</p> <p>Authority to determine the amount of contribution to which an owner of land adjoining a public road is required to contribute to the cost incurred by the Council in constructing or paving any adjacent kerb, gutter or footway</p> <p>Pursuant to Section 217</p>
Roads Act 051	<p>Roads authority to supply TfNSW with plans and specifications :</p> <p>Authority to make submissions to TfNSW regarding proposed works</p> <p>Pursuant to Section 221</p>
Roads Act 052	<p>Roads authority may carry out work instead of paying compensation:</p> <p>Authority to enter an agreement to do work instead of pay compensation</p> <p>Pursuant to Section 227</p>
Roads Act 053	<p>Authorised officer may require production of information:</p> <p>Authority to require the owner of the vehicle or the person in charge of the vehicle to produce certain information immediately.</p> <p>Pursuant to Section 229</p>
Roads Act 054	<p>Roads authority may give effect to direction and recover costs:</p>

	<p>Authority to take action necessary to give effect to a direction and recover costs from person to whom direction given</p> <p>Pursuant to Section 238</p>
Roads Act 055	<p>Refer matters:</p> <p>Authority to refer matters to local land board</p> <p>Pursuant to Section 260</p>
Roads Act 056	<p>Footway restaurants:</p> <p>Authority to grant an approval pursuant to Part 9 Division 1 of the Roads Act 1993 (NSW) to use part of a footway for the purposes of a restaurant and to authorise a holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval.</p> <p>Pursuant to Part 9 Division 1</p>
Roads Act 057	<p>Street vending consent :</p> <p>Authority to grant, revoke, transfer or extend the term of a street vending consent</p> <p>Pursuant to Part 9 Division 3</p>
Roads Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Roads Act 1993</p>
Roads Act 058	<p>Notice of Entry:</p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be appropriate in the circumstances.</p> <p>Pursuant to section 166 and 168</p>
Rural Fires Act 1997	
RF Act 001	<p>Formation of Rural Fire Brigades:</p> <p>Authority to form (or form jointly with another council) one or more rural fire brigades for any rural fire district constituted for a council's area or part of its area in accordance with section 15</p> <p>Pursuant to Section 15</p>
RF Act 002	<p>Responsible local authorities:</p>

	<p>Authority to enter into agreement with another local authority to combine responsibility for fire districts</p> <p>Pursuant to Section 7(2)</p>
RF Act 003	<p>Responsible local authorities:</p> <p>Authority to enter into agreement with another local authority to nominate the authority as having responsibility for some or all of fire district</p> <p>Pursuant to Section 7(3)</p>
RF Act 004	<p>Disbandment :</p> <p>Authority to disband a rural fire brigade</p> <p>Pursuant to section 17(1)</p>
RF Act 005	<p>Area of operations:</p> <p>Authority to determine the territory of a rural fire brigade and appoint officers for the brigade</p> <p>Pursuant to Section 18</p>
RF Act 006	<p>Responsibilities and functions:</p> <p>Authority to provide facilities and accommodation for fire control officer and consult with Commissioner</p> <p>Pursuant to Sections 37 and 38</p>
RF Act 008	<p>Local bush fire danger period declaration:</p> <p>Authority to consult with and make recommendations in relation to the making of a local bush fire danger period declaration in accordance with section 83.</p> <p>Pursuant to Section 83</p>
RF Act 009	<p>Bush Fire Hazard Reduction Certificates:</p> <p>Authority to:</p> <p>a) determine an application for a bush fire hazard reduction certificate that authorises the carrying out of bush fire hazard reduction work on private land within the council's area by a person other than the Commissioner or a local authority in accordance with Part 4, Division 8</p> <p>b) Authority to certify a bush fire hazard reduction certificate in relation to bush fire hazard reduction work on land by the council in accordance with Part 4, Division 8</p> <p>Pursuant to Sections 100F(5) & 100G</p>
RF Act 010	<p>Proceedings for breach:</p>

	<p>Authority to bring proceedings on behalf of the Council in the Land and Environment Court for an order to remedy or restrain a breach of section 100F or 100G of the Act (in relation to bush fire hazard reduction certificates) in accordance with section 100H.</p> <p>Pursuant to Section 100H</p>
RF Act 011	<p>Rural Fire Brigade Contributions:</p> <p>Authority to arrange for the payment of rural fire brigade contributions in accordance with Part 5, Division 4</p> <p>Pursuant to Section 107</p>
RF Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Rural Fires Act 1997</p>
RF Act 012	<p>Fire Trails:</p> <p>Authority to exercise and/or perform the Council's functions under Part 3B as the owner or occupier of land, including to make a fire trail complaint, object to, or appeal against, a fire trail rectification notice, apply for the termination of the registration of a fire trail and to object to, or appeal against, a refusal to terminate registration of a fire trail.</p> <p>Pursuant to sections 62Q, 62Z(1), 62ZA(1), 62ZK(1), 62ZL(1), 62ZM(1) and Part 3B generally.</p>
Rural Fires Regulation 2013	
RF Reg 001	<p>Rural Fire Brigades:</p> <p>Authority to register or refuse to register a person as a member of a rural fire brigade and remove a person's name from the register of members.</p> <p>Pursuant to clauses 5, 6 and 7</p>
Service NSW (One-stop Access to Government Services) Act 2013	
S NSW Act 001	<p>Delegation of:</p> <p>Authority to delegate customer service functions of council to CEO with the approval of a resolution of council</p> <p>Pursuant to Section 7</p>
S NSW Act 002	<p>Enter into:</p>

	<p>Authority to enter into agreement with CEO with the approval of a resolution of council</p> <p>Pursuant to Sections 8 and 16</p>
S NSW Act 003	<p>Agreements authorising:</p> <p>Authority to enter into agreement with CEO to act as agent of CEO</p> <p>Pursuant to Section 12</p>
S NSW Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Service NSW (One-stop Access to Government Services) Act 2013</p>
State Emergency and Rescue Management Act 1989	
SERM Act 001	<p>Combination of local government areas:</p> <p>Authority to agree to combine emergency management arrangements with other councils</p> <p>Pursuant to Section 27</p>
SERM Act 003	<p>Representative on Local Emergency Management Committee:</p> <p>Authority to determine the representative of an organisation on the Local Emergency Management Committee in accordance with section 28(2)(c).</p> <p>Pursuant to Section 28(2)(c)</p>
SERM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to State Emergency and Rescue Management Act 1989</p>
State Emergency Service Act 1989	
SES Act 001	<p>Recommending appointment of local controller:</p> <p>Authority to recommend to the Commissioner a person to be appointed as the local controller of SES units in the Council's area.</p> <p>Pursuant to Section 17</p>

SES Act 002	<p>Local controllers:</p> <p>Authority to provide facilities and accommodation for local controller</p> <p>Pursuant to Section 17(5)</p>
SES Act 003	<p>Disposal by local councils of equipment purchased from Fund:</p> <p>Authority to sell or dispose, with the consent of the commissioner, of equipment</p> <p>Pursuant to Section 24X</p>
SES Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to State Emergency Service Act 1989</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	
SEPP (Veg) 001	<p>Permit for clearing of vegetation:</p> <p>Authority to issue a permit on behalf of the Council to clear vegetation in a non-rural area which is declared by a development control plan made by the Council.</p> <p>Pursuant to clause 10</p>
SEPP (B and C) 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this State Environmental Planning Policy in force and as amended from time to time.</p> <p>Pursuant to This State Environmental Planning Policy.</p>
SEPP (B and C) 001	<p>Authority to issue a permit:</p> <p>Authority to issue a permit under Part 2.3 for clearing of vegetation in non-rural areas (as declared by a council development control plan), including the authority to decide that a permit is not required as the vegetation poses a risk to human life or property, or is dead or dying and not required for the habitat of native animals.</p> <p>Pursuant to section 2.10</p>
SEPP (B and C) 002	<p>Authority to request further information :</p> <p>Authority to request more information from an applicant for a permit to clear vegetation.</p> <p>Pursuant to section 2.11</p>

State Records Act 1998	
SR Act 001	<p>Exercise functions:</p> <p>Authority to exercise the Council's functions, including the disposal of Council records and making of open and closed access directions in accordance with that Act and the State Records Regulation 2005</p> <p>Pursuant to State Records Act 1998</p>
SR Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to State Records Act 1998</p>
Strata Schemes Development Act 2015	
SSD Act 001	<p>Strata Certificates:</p> <p>Authority to issue a strata certificate in accordance with section 54 (strata plans and subdivision of development lots), s55(subdivision not involving development lot) and s56 (notices of conversion) in accordance with Part 4 Division 2 of the <i>Strata Schemes Development Act 2015</i> and Part 4 of the <i>Strata Schemes Development Regulation 2016</i>.</p> <p>Pursuant to sections 54, 55 and 56 <i>Strata Schemes Development Act 2015</i> and clause 17 <i>Strata Schemes Development Regulation 2016</i></p>
SSD Act 002	<p>Obligations of planning authority:</p> <p>Authority on behalf of the council as a planning authority when granting a planning approval, to certify in accordance with s75(2).</p> <p>Pursuant to Pursuant to: s.75(2)</p>
SSD Act 003	<p>Strata development contract amendment:</p> <p>Authority to approve the amendment of a strata development contract for a strata scheme in accordance with s84.</p> <p>Pursuant to s.84</p>
SSD Act 004	<p>Termination of a strata scheme:</p> <p>Authority to sign an application for termination of a strata scheme in accordance with s142.</p> <p>Pursuant to s.143</p>
SSD Act 000	<p>All Functions:</p>

	<p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to the Strata Schemes Development Act 2015</p>
Strata Schemes Management Act 2015	
SSM Act 001	<p>(Orders) Enforcing restrictions on uses of utility lots:</p> <p>Authority to apply to the Tribunal for an order enforcing restrictions on uses of utility lots and for reallocation of unit entitlements.</p> <p>Pursuant to s.235(2) and s.136</p>
SSM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to the Strata Schemes Management Act 2015</p>
Surveillance Devices Act 2007	
SD Act 001	<p>Optical surveillance devices:</p> <p>Authority on behalf of Council as the owner or occupier of premises or vehicles or any other object to consent to the installation, use and maintenance of an optical surveillance device on the premises or vehicle or object.</p> <p>Pursuant to section 8 of the <i>Surveillance Devices Act 2007</i></p>
Surveying and Spatial Information Act 2002	
SSI Act 001	<p>Maintenance and repair of permanent survey marks :</p> <p>Authority to apply to the Minister for a direction that it is the duty of the Surveyor-General may keep any or all of the permanent survey marks the subject of a notice to the council, in good condition and repair, in accordance with section 9.</p> <p>Pursuant to Section 9</p>
SSI Act 002	<p>Authority to:</p> <p>Authority to carry out surveys</p> <p>Pursuant to Section 5</p>
SSI Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Surveying and Spatial Information Act 2002
Swimming Pools Act 1992	
SP Act 001	<p>Exemption from compliance:</p> <p>Authority to grant an exemption from all or any of the requirements of the access to swimming pools provisions, unconditionally or subject to conditions.</p> <p>Pursuant to Section 22</p>
SP Act 002	<p>Direction to comply:</p> <p>Authority to serve a direction requiring compliance with the access to swimming pools provisions.</p> <p>Pursuant to Section 23</p>
SP Act 003	<p>Authority to carry out inspection:</p> <p>Authority to carry out inspection of swimming pool, including on request of owner and charge a fee</p> <p>Pursuant to Sections 22B, 22C, 22F</p>
SP Act 004	<p>Authority to issue a certificate of compliance:</p> <p>Authority to issue a certificate of compliance and charge a fee</p> <p>Pursuant to Sections 22D, 22F</p>
SP Act 005	<p>Notice of intention:</p> <p>Authority to serve on the occupier of the premises a notice of intention to carry out the requirements of a direction given under section 23 (requiring compliance with the access to swimming pools provisions).</p> <p>Pursuant to Section 23A</p>
SP Act 006	<p>Directing a person to act:</p> <p>Authority to direct a person to act as "a person acting under the direction of a local authority" for the purposes of section 23A.</p> <p>Pursuant to Section 23A</p>
SP Act 007	<p>Appeals:</p> <p>Authority to represent the Council in relation to an appeal against a decision of the Council.</p> <p>Pursuant to Section 26</p>
SP Act 008	Appointment of Authorised officer:

	<p>Authority to appoint an employee of the Council or other person as an authorized officer for the purposes of the Act and Regulations.</p> <p>Pursuant to Section 27</p>
SP Act 010	<p>Investigation of complaint:</p> <p>Authority to investigate a complaint of non-compliance with the Act or Regulations.</p> <p>Pursuant to Section 29A</p>
SP Act 011	<p>Proceedings to remedy or restrain a breach:</p> <p>Authority to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the Act or Regulations.</p> <p>Pursuant to Section 30</p>
SP Act 012	<p>Proceedings to breach:</p> <p>Authority to bring proceedings in the Local Court for an offence against the Act or Regulations.</p> <p>Pursuant to Section 36</p>
SP Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Swimming Pools Act 1992</p>
Swimming Pools Regulation 2018	
SP Reg 001	<p>Application for exemption :</p> <p>Authority to determine the form of an application for exemption</p> <p>Pursuant to Clause 12</p>
SP Reg 002	<p>Give notice:</p> <p>Authority to give notice of decisions</p> <p>Pursuant to Clauses 15, 20.</p>
SP Reg 003	<p>Issue a certificate of Non-Compliance:</p> <p>Authority to be satisfied/ not satisfied on behalf of the local authority that the requirements for the issue of a certificate of compliance have been met, and issue a notice and/or certificate of non-compliance under clauses 20 and 21 respectively.</p> <p>Pursuant to Pursuant to clauses 20 and 21.</p>

Tattoo Industry Act 2012	
TI Act 001	<p>Exchange of information:</p> <p>Authority to enter into an information sharing arrangement with the Commissioner</p> <p>Pursuant to Section 36</p>
TI Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Tattoo Industry Act 2012</p>
Transport Administration Act 1988	
TA Act 001	<p>Referral of disputes:</p> <p>Authority to refer a dispute between the council and a transport authority to the Minister in accordance with section 111.</p> <p>Pursuant to Section 111</p>
TA Act 002	<p>Grants to Council:</p> <p>Authority to apply for grants in connection with use of roads by buses</p> <p>Pursuant to Section 106</p>
TA Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Transport Administration Act 1988</p>
Transport for NSW	
tp	<p>TRANSPORT FOR NSW TEMPORARY DELEGATION TO NSW COUNCILS TRAFFIC MANAGEMENT AND PEDESTRIAN WORKS ROADS ACT 1993</p> <p>The functions and powers of Transport for NSW under section 115(2) of the Roads Act 1993 to regulate traffic on a public road for purposes other than those set out in section 115(3), being the following types of pedestrian works: - Works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes) - Continuous footpaths; - Converting existing pedestrian (zebra) crossings to raised pedestrian ('wombat') crossings; - Mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points; - Pedestrian crossings; - Pedestrian refuges; - No Stopping controls at intersections; - Kerb buildouts to reduce intersection crossing distance or manage</p>

	<p>vehicle speed (where there is no change to the number of continuous travel lanes); - Kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); - Associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts. CONDITIONS The General Manager or Council employee issued this delegation/sub-delegation may only exercise the functions listed above: (a) On public roads within the local government area under the Local Government Act 1993 for which the delegate is the roads authority; (b) On unclassified roads with a speed limit of 50km/hr or less; (c) Not on or within 50 metres of a directly adjacent road on which a regular light rail service operates; (d) Not on a road or intersection, or within 10 metres of a road or intersection, on or through which a regular bus service operates; (e) Not within 100 metres of traffic lights; and (f) Not on a road to which a clearway applies. The General Manager or Council employee issued this delegation/sub-delegation must use any relevant Transport for NSW established standards, specifications and Technical Directions, and the relevant Austroads guidelines and Australian Standards when designing and implementing the selected pedestrian works. Any novel designs or works where there are no established standards, technical directions or guidelines are to be dealt with under existing processes and are not subject to this delegation.</p> <p>This Transport for NSW temporary delegation commences on the date it is made and will continue in force 30 June 2026 unless revoked earlier by Transport for NSW.</p> <p>Council Minute No. 47151, Council Meeting held 29 March 2023.</p> <p>:</p> <p>Transport for NSW Temporary Traffic Management and Pedestrian Works Delegation to Councils</p>
tp	<p>TRANSPORT FOR NSW TEMPORARY DELEGATION TO NSW COUNCILS INSTALLATION OR DISPLAY OF PRESCRIBED TRAFFIC CONTROL DEVICE ROADS TRANSPORT ACT 2013</p> <p>To install or display (or interfere with, alter or remove) any prescribed traffic control device as set out in the Transport for NSW "Traffic Signs Database" and indicated as "Delegated to Council for Authorisation - Yes", required to give effect to this delegation, including any portable traffic control lights, but NOT any internally illuminated traffic control device.</p> <p>This Transport for NSW delegation commences on the date it is made and will continue in force until 30 June 2026 unless revoked earlier by Transport for NSW.</p> <p>Pursuant to section 122(b) of the Roads Transport Act 2013.</p> <p>Council Minute No. 47151 - 29 March 2023 Council Meeting.</p> <p>:</p> <p>Transport for NSW Temporary Traffic Control Device Delegation to Councils</p>

tp	<p>Authority for Council's General Manager to sub-delegate to staff, the Transport for NSW temporary delegation to Councils to install or display (or interfere with, alter or remove) any prescribed traffic control devices as set out in the Transport for NSW "Traffic Signs Database".</p> <p>:</p> <p>Sub-delegation of Transport for NSW delegation regarding traffic control devices</p>
tp	<p>Authority to Council's General Manager to sub-delegate to staff the Transport for NSW temporary delegation to Council regarding pedestrian works for alfresco dining; continuous footpaths; converting pedestrian crossings to raised pedestrian crossings; mid-block treatments to manage speed; pedestrian crossings; pedestrian refuges; no stopping controls at intersections; kerb buildouts; kerb modifications for footpath improvements or tree plantings; changes to kerbside parking.:</p> <p>Sub-delegation of Transport for NSW delegation regarding pedestrian works</p>
Trees (Disputes Between Neighbours) Act 2006	
T(DBN) Act 001	<p>Appearance before Court:</p> <p>Authority to appear before the Court in any proceedings under this Part in relation to a tree in accordance with section 13 or 14G.</p> <p>Pursuant to Sections 13 and 14G</p>
T(DBN) Act 002	<p>Authorised person :</p> <p>Authority to authorise a person as an authorised person for the purposes of section 17 of the Act.</p> <p>Pursuant to Section 17</p>
T(DBN) Act 003	<p>Act as an authorised person :</p> <p>Authority to act as an authorised person for the purposes of section 17 of the Act</p> <p>Pursuant to Section 17</p>
T(DBN) Act 004	<p>Notice of intention:</p> <p>Authority to serve on the owner of land a notice of intention to enter land under section 17.</p> <p>Pursuant to Section 17</p>
T(DBN) Act 005	<p>Charge on Land:</p> <p>Authority (after obtaining an order of a court in proceedings against an owner of land for the recovery of costs in accordance with section 17 (8)) to apply to the Registrar-General for registration of the order in relation to that land, and certify</p>

	<p>that the amount has been paid or otherwise agree to a cancellation of the charge in accordance with section 17A.</p> <p>Pursuant to Section 17A</p>
T(DBN) Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Trees (Disputes Between Neighbours) Act 2006</p>
Valuation of Land Act 1916	
VL Act 001	<p>Application for Valuation:</p> <p>Authority to apply to the Valuer-General for a valuation of land held by or on behalf of the Council in accordance with section 14A(2)(a) or within the council (as the rating or taxing authority)'s local government area in accordance with section 14A(2)(c). Authority to apply for an apportionment factor in accordance with section 14X or 14BBA and for an assessed annual value of land which became rateable on or after 1 July 1977 in accordance with section 19B.</p> <p>Pursuant to Sections 14A(2)(a), 14A(2)(c), 14X, 14BBA, 19B.</p>
VL Act 002	<p>Objection to Valuation and Appeal:</p> <p>Authority to make an objection to a valuation of the Valuer General in accordance with section 31 and if dissatisfied with the determination of the objection, to appeal in accordance with section 37.</p> <p>Pursuant to Sections 31 and 37</p>
VL Act 003	<p>Valuation Lists:</p> <p>Authority to forward to the Valuer-General particulars of any desired alterations to any valuation list under section 50(1), to request a new valuation list under section 51 and request that the Valuer-General make a new valuation of any land in accordance with section 60A.</p> <p>Pursuant to Sections 50(1) and 51 and 60A.</p>
VL Act 004	<p>Copies of entries to be supplied:</p> <p>Authority to agree with Valuer General regarding supply of information as to valuations</p> <p>Pursuant to Section 76</p>
VL Act 005	<p>Valuer-General not required to determine certain valuations:</p> <p>Authority to request Valuer General to determine assessed annual value of land</p>

	Pursuant to Section 7D
VL Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Valuation of Land Act 1916</p>
Waste Avoidance and Resource Recovery Act 2001 and Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017	
WARR 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Waste Avoidance and Resource Recovery Act 2001 and Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</p>
WARR 001	<p>Agreements with material recovery facility operators:</p> <p>Authority to enter into processing agreements and refund sharing agreements with a material recovery facility operator on behalf of council.</p> <p>Pursuant to Clause 18 of the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</p>
Water Management (General) Regulation 2018	
WM Reg 000	<p>All Functions:</p> <p>Authority to exercise and/or perform on behalf of Council as a water supply authority the Council's delegable Functions under this Regulation in force and as amended from time to time.</p> <p>Pursuant to Water Management (General) Regulation 2018</p>
Water Management Act 2000	
WM Act 001	<p>Authority to seek Minister's approval:</p> <p>Authority to seek Minister's approval for construction of public protective works</p> <p>Pursuant to Section 269</p>
WM Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p>

	Pursuant to Water Management Act 2000
WM Act 002	<p>Water Supply Authority:</p> <p>Authority to exercise and/or perform on behalf of the Council as a water supply authority the Council's delegable functions under this Act and any Regulation made under the Act in force from time to time.</p> <p>Pursuant to Sections 291 - 293 generally, Part 2, Division 3</p>
WM Act 003	<p>Commercial Operations:</p> <p>Authority to seek the approval of the Governor and enter into commercial arrangements on behalf of the Council as a water supply authority.</p> <p>Pursuant to Section 294</p>
WM Act 004	<p>Entry on land:</p> <p>Authority to authorise a person to enter land and do the things referred to in sections 296 and 297 in accordance with those sections.</p> <p>Pursuant to Sections 296 and 297 of the Water Management Act 2000</p>
WM Act 005	<p>Break up roads:</p> <p>Authority to give notice to persons and open and break a public road etc in accordance with section 298.</p> <p>Pursuant to Section 298</p>
WM Act 006	<p>Altering position of conduits:</p> <p>Authority to serve a notice requiring the alteration of a conduit in accordance with section 299, and make the alteration in accordance with section 299(3).</p> <p>Pursuant to Section 299</p>
WM Act 007	<p>Obstruction of works:</p> <p>Authority to apply for and obtain an injunction in accordance with section 300.</p> <p>Pursuant to Section 300</p>
WM Act 008	<p>Finding source of pollution of water supply:</p> <p>Authority to give notice to a person, and try to find the source of pollution, and recover expenses, in accordance with section 301.</p> <p>Pursuant to Section 301</p>
WM Act 009	<p>Crown land in special areas:</p> <p>Authority to give approval in writing for the purposes of section 303 of the WM Act.</p>

	Pursuant to Section 303
WM Act 010	<p>Exercise of certain function in special areas:</p> <p>Authority to make representations for the purposes of section 304 of the WM Act.</p> <p>Pursuant to Section 304</p>
WM Act 011	<p>Certificates of compliance:</p> <p>Authority to impose certain requirements before granting a certificate of compliance in accordance with section 306 and grant, or refuse to grant, a certificate of compliance under section 307.</p> <p>Pursuant to Sections 306 and 307</p>
WM Act 012	<p>Connections:</p> <p>Authority to publish a notice of the availability of a water main or sewer main, make a connection at the expense of a landowner and recover any amount due for the connection in accordance with section 309 of the WM Act.</p> <p>Pursuant to Section 309</p>
WM Act 013	<p>Service charges, fees and other charges:</p> <p>Authority to exercise any function under Chapter 6, Part 2, Division 6, except for imposing fees under s310(2).</p> <p>Pursuant to Section 310(1)</p>
WM Act 014	<p>Recovery of rates, charges etc by charging authority:</p> <p>Authority to exercise and/or perform all of the council's delegable functions as a charging authority under the <i>Water Management Act 2000</i> and the <i>Water Management (General) Regulation 2011</i>.</p> <p>Pursuant to Chapter 7, Part 4, Division 1</p>
WM Act 015	<p>Compensation for interference:</p> <p>Authority to seek compensation for interference or damage to property in accordance with section 319.</p> <p>Pursuant to Section 319</p>
WM Act 016	<p>Access licence:</p> <p>Authority to apply to the Minister to increase the entitlement in accordance with section 66.</p> <p>Pursuant to Sections 61 and 66(4)</p>
Wilderness Act 1987	

Wilderness Act 001	<p>Wilderness Protection Agreement:</p> <p>Authority to enter into a wilderness protection agreement with Minister</p> <p>Pursuant to Section 10</p>
Wilderness Act 002	<p>Proposals by statutory authorities affecting certain wilderness areas:</p> <p>Authority to give notice of proposed development in wilderness area</p> <p>Pursuant to Section 15</p>
Wilderness Act 003	<p>Resolution of certain disputes:</p> <p>Authority to refer a dispute to the Premier</p> <p>Pursuant to Section 21</p>
Wilderness Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Wilderness Act 1987</p>
Work Health and Safety Act 2011	
WHS Act 001	<p>Authority to apply to the regulator :</p> <p>Authority to apply to the regulator for internal review of a reviewable decision and to the IRC for external review</p> <p>Pursuant to Part 12</p>
WHS Act 000	<p>All functions:</p> <p>Authority to exercise and/or perform on behalf of Council the Council's delegable Functions under this Act and the Regulations in force and as amended from time to time.</p> <p>Pursuant to Work Health and Safety Act 2011</p>

Executive Summary:

Council needs to determine its representation on the Section 355 Committees of Council and also its delegates to various other organisations, committees and working groups. These machinery matters are usually considered by Council annually at the September Council Meeting and are also considered at the Ordinary Meeting following each Local Government Election.

Due to the Local Government Election held on 14 September 2024, it is a fairer and more transparent process to go through the list one by one at the first Council Meeting following the election, to ensure that full membership is achieved for the effective operation of each Committee and Working Group. The first period of membership will be for the ensuing eleven months until the Ordinary Council Meeting in September 2025.

Report:

The *Local Government Act 1993, Section 355* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

In the previous Term of Council, Council had 10 Section 355 Asset Committees and four (4) Section 355 Advisory Committees, as follows:

- Alma Oval Community Committee
- Broken Hill Community Strategic Plan Round Table Committee
- Broken Hill Regional Art Gallery Advisory Committee
- BIU Band Hall Community Committee
- ET Lamb Memorial Oval Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sportsground Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee
- Ageing Well Advisory Committee
- Broken Hill Art Gallery Advisory Committee
- Broken Hill Heritage Advisory Committee
- Youth Advisory Committee

As per the Integrated Planning and Reporting Framework (IP&R) requirements for Council's to undertake reviews of identified service areas during the term of Council, Local Government specialists Morrison Low were engaged to undertake the reviews. In August 2023, Morrison Low conducted a Service Review of Council's S355 Asset Committees and provided their findings report which was endorsed at the November 2023 Audit, Risk Improvement Committee meeting. The report was also the subject of a Councillor Briefing which was held in early 2024. As per the recommendations of the findings report it is recommended that the following arrangements be made:

Friends of the Flora and Fauna of the Barrier Ranges Community Committee

Due to the nature of the work of this Committee being predominantly working-bees at the Living Desert State Park and that the Committee is essentially a volunteer network rather than a management committee, the Service Review report recommended that the Friends of the Flora and Fauna of the Barrier Ranges Community Committee be disbanded and a Volunteer Group be formed.

The Living Desert State Park Volunteer Group will essentially carry out working-bee type activities and will not be required to hold meetings and thus there will be no requirement for Councillor delegates on the Volunteer Group. A draft Terms of Reference for the formation of a Volunteer Group is attached to this report for consideration by Council (see Attachment 1 to this report).

Riddiford Arboretum Community Committee

Due to the nature of the work of this Committee being predominantly working-bees at the Riddiford Arboretum and that the Committee is essentially a volunteer network rather than a management committee, the Service Review report recommended that the Riddiford Arboretum Community Committee be disbanded and a Volunteer Group be formed.

The Riddiford Arboretum Volunteer Group will essentially carry out working-bee type activities and will not be required to hold meetings, and thus there will be no requirement for Councillor delegates on the Volunteer Group. A draft Terms of Reference for the formation of a Volunteer Group is attached to this report for consideration by Council (see Attachment 2 to this report).

BIU Band Hall Community Committee

As the BIU Band Hall is predominantly utilised by the BIU Band and the Broken Hill Soccer Association and is no longer hired for functions/events, the Service Review report recommended that Council disbands the BIU Band Hall Community Committee and enters into a licence arrangement with the two main users of the BIU Band Hall (and therefore Councillors will not be reappointed to this Committee).

Revision of the Broken Hill Heritage Advisory Committee Constitution

As the original intent of the Broken Hill Heritage Advisory Committee was due to the conduct of the annual Broken Hill Heritage Festival event, and given that Council is no longer conducting this event, it is recommended that staff provide a revised Terms of Reference for the Broken Hill Heritage Advisory Committee to a future Council Meeting for consideration; and due to this, Councillors will not be appointed to the Committee at this stage.

Murray Darling Association – Region 4

Council has previously appointed Councillor Delegates to the Murray Darling Association – Region 4 and just prior to the 2024 Local Government Elections, former Councillor Marion Browne was appointed as Chairperson of the Murray Darling Association – Region 4 with Council taking over the secretariat duties (which is shared between the member Councils of Mildura Rural City Council, Wentworth Shire Council, Broken Hill City Council, Central Darling Shire Council and Balranald Shire Council). As it appears to be Council's "turn" to undertake the secretariat duties, it is recommended that one of Council's Delegates appointed to Region 4 also be endorsed by Council to nominate as Chairperson.

NSW Public Libraries Association

Council has received an email from the Executive Officer of NSW Public Libraries Association (NSWPLA) dated 26 September 2024, inviting Council to nominate a Councillor representative on the Association. The Association was formed in 2014 and has a

membership exclusively of NSW Councils with Councillors in its executive committee. NSWPLA is the peak body for public libraries across NSW providing advocacy, networking opportunities, professional development and collaboration for the prosperity of public libraries across NSW. The NSW Public Libraries Association has been included in the Schedule for Council to determine whether a Councillor representative be appointed to the Association (see Attachment 3 to this report).

Attachment 4 to this report shows the list of S355 Committees and other Committees and internal/external Working Groups of which have Councillor Delegate representation, including the number of Councillor delegates required for each Committee and Working Group.

Time will be taken at the Council Meeting to go through the list one-by-one to appoint Councillor delegates, in order to obtain full representation on all Committees and Working Groups to ensure they can operate effectively and efficiently.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993 (Section 355)

Financial Implications:

Council's current Operational Plan includes provision for travel and related expenses for Council delegates to represent Council outside of Broken Hill.

Attachments

1. Draft Terms of Reference - Living Desert State Park Volunteer Group
[↓](#)
2. Draft Terms of Reference - Riddiford Arboretum Volunteer Group
[↓](#)
3. Email from NSWPLA plus Councillor Information Kit
[↓](#)
4. Schedule of Councillor Delegates on S355 Committee and Other Committees and Working Groups
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

DRAFT – LIVING DESERT STATE PARK VOLUNTEER GROUP – TERMS OF REFERENCE

QUALITY CONTROL			
TRIM REFERENCES			
RESPONSIBLE POSITION	Director Corporate and Community		
SUPPORT POSITION/S	Visitor Services Coordinator Living Desert Rangers		
APPROVED BY	Council		
REVIEW DATE	October 2028	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	ENDORSED BY	

1. INTRODUCTION

The Volunteer Group will be known as the Living Desert State Park Volunteer Group.

2. PURPOSE

The Volunteer Group will undertake various activities to make improvements to the Living Desert State Park.

The role of the Volunteer Group will be achieved by:

- Under the guidance of Council staff, participating in regular working bees to assist with the upkeep and beautification of the Living Desert State Park.
 - the John Simons Flora and Fauna Sanctuary
 - the Living Desert picnic area
 - the Sculpture Symposium site
 - the Star View Primitive Campground
- To undertake roles as Volunteer Tour Advisors at the Living Desert State Park on a rostered basis.
- To assist in the maintenance and future development of native flora and fauna within the State Park.
- To assist Council with the opening and closing functions of The Living Desert on a rostered basis.

- By undertaking all activities in a manner consistent with Council's Workplace Health and Safety requirements; and with the use of all designated personal protective equipment (e.g. gloves, safety glasses) as required by Council.
- To abide by Council's Code of Conduct and Volunteer Management Framework and Policy.

3. VOLUNTEER GROUP DELEGATION

The Volunteer Group has no delegated authority. It can only refer matters to the Living Desert Rangers or the Visitor Services Coordinator for consideration.

The Volunteer Group cannot approve the expenditure of money, employ staff, speak on behalf of Council or make a policy on behalf of Council.

4. MEMBERSHIP

Volunteer members will be appointed for a period of up to four (4) years. The term of membership shall align with the current term of the elected Council.

A reasonable number of volunteers members shall be appointed by the General Manager.

In terms of appointing volunteers, the Council will call for nominations. The appropriate form must be completed, signed by the nominee, and received by the General Manager before the closing date. The General Manager shall appoint the volunteer members to the Volunteer Group.

Council reserves the right to amend the number of members.

Note: Nominees may be required to undergo a pre-existing medical check prior to being appointed to the Volunteer Group.

5. OPERATION OF THE VOLUNTEER GROUP

At the beginning of each year, the Volunteer Group will set a draft schedule for working-bee activities throughout the year.

The Volunteer Group shall operate in accordance with Council's Volunteer Management Framework and Policy and falls under the category of Group 1 – Regular Volunteers.

6. RESPONSIBILITIES OF MEMBERS

Members of the Volunteer Group are bound by the Broken Hill City Council Code of Conduct and shall undertake activities in accordance Workplace Health and Safety Policy and Procedures, Council's Volunteer Management and Framework and with guidance by Council staff.

Members will be provided with a copy of the Broken Hill City Council Code of Conduct and required to sign an acknowledgement form indicating their acceptance of such, before volunteering at the Living Desert State Park.

7. RECORDS

Living Desert State Park Volunteer Group – Terms of Reference
2 of 3

Page

Site sign-in sheets shall be completed for working-bees and recorded in Council's Electronic Records Management System.

Should the Volunteer Group be in receipt of any Council records, these records should be provided to the Living Desert Rangers or the Visitor Services Coordinator to be saved into Council's Electronic Records Management System.

8. SUPPORT SERVICES

The Volunteer Group is supported by Council's Living Desert Rangers and the Visitor Services Coordinator.

For the purposes of Council's Code of Conduct, Risk Management Framework, and Volunteer Management Framework volunteers are considered in the same category as Council staff.

9. DEFINITIONS

"Council" shall mean the Broken Hill City Council.

"Volunteer Group" shall mean the Living Desert State Park Volunteer Group.

"Living Desert" shall mean the Living Desert State Park, Nine Mile Road, Broken Hill.

DRAFT – RIDDIFORD ARBORETUM VOLUNTEER GROUP – TERMS OF REFERENCE

QUALITY CONTROL			
TRIM REFERENCES			
RESPONSIBLE POSITION	Director Infrastructure and Environment		
SUPPORT POSITION/S	Manager Infrastructure Operations Coordinator Parks and Open Spaces		
APPROVED BY	Council		
REVIEW DATE	October 2028	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	ENDORSED BY	

1. INTRODUCTION

The Volunteer Group will be known as the Riddiford Arboretum Volunteer Group.

2. PURPOSE

The Volunteer Group will undertake various activities to make improvements to the Riddiford Arboretum.

The role of the Volunteer Group will be achieved by:

- Under the guidance of Council staff, participating in regular working bees to assist with the upkeep and beautification of the Riddiford Arboretum.
- To assist in the maintenance and future development of native flora within the Riddiford Arboretum.
- By undertaking all activities in a manner consistent with Council's Workplace Health and Safety requirements; and with the use of all designated personal protective equipment (e.g. gloves, safety glasses) as required by Council.
- To abide by Council's Code of Conduct and Volunteer Management Framework and Policy.

3. VOLUNTEER GROUP DELEGATION

The Volunteer Group has no delegated authority. It can only refer matters to the Coordinator Park and Open Spaces or the Manager Infrastructure Operations.

The Volunteer Group cannot approve the expenditure of money, employ staff, speak on behalf of Council or make a policy on behalf of Council.

4. MEMBERSHIP

Volunteer members will be appointed for a period of up to four (4) years. The term of membership shall align with the current term of the elected Council.

A reasonable number of volunteers members shall be appointed by the General Manager.

In terms of appointing volunteers, the Council will call for nominations. The appropriate form must be completed, signed by the nominee, and received by the General Manager before the closing date. The General Manager shall appoint the volunteer members to the Volunteer Group.

Council reserves the right to amend the number of members.

Note: Nominees may be required to undergo a pre-existing medical check prior to being appointed to the Volunteer Group.

5. OPERATION OF THE VOLUNTEER GROUP

At the beginning of each year, the Volunteer Group will set a draft schedule for working-bee activities throughout the year.

The Volunteer Group shall operate in accordance with Council's Volunteer Management Framework and Policy and falls under the category of Group 1 – Regular Volunteers.

6. RESPONSIBILITIES OF MEMBERS

Members of the Volunteer Group are bound by the Broken Hill City Council Code of Conduct and shall undertake activities in accordance Workplace Health and Safety Policy and Procedures, Council's Volunteer Management and Framework and with guidance by Council staff.

Members will be provided with a copy of the Broken Hill City Council Code of Conduct and required to sign an acknowledgement form indicating their acceptance of such, before volunteering at the Riddiford Arboretum.

7. RECORDS

Site sign-in sheets shall be completed for working-bees and recorded in Council's Electronic Records Management System.

Should the Volunteer Group be in receipt of any Council records, these records should be provided to the Coordinator Parks and Open Spaces or the Manager Infrastructure Operations to be saved into Council's Electronic Records Management System.

8. SUPPORT SERVICES

The Volunteer Group is supported by Council's Infrastructure Team and the Director Corporate and Community Services.

For the purposes of Council's Code of Conduct, Risk Management Framework, and Volunteer Management Framework volunteers are considered in the same category as Council staff.

9. DEFINITIONS

"Council" shall mean the Broken Hill City Council.

"Volunteer Group" shall mean the Riddiford Arboretum Volunteer Group.

"Riddiford Arboretum" shall mean the Riddiford Arboretum, Galena Street, Broken Hill.

Leisa Bartlett

From: a.casey@nswpla.org.au
Sent: Thursday, 26 September 2024 12:36 PM
To: a.casey@nswpla.org.au
Subject: NSWPLA - Councillor Information
Attachments: NSWPLA Councillor Information Package 2024.pdf

Good Afternoon General Managers

With the 2024 Local Government Election declaration drawing near, followed by the determination of Councillor representation on committees, I have attached the NSWPLA information package.

NSWPLA is the peak body for public libraries across NSW providing advocacy, networking opportunities, professional development, collaboration, and recognition and looks forward to working with your nominated representative to further strengthen the public library network across NSW.

It would be appreciated if your office could advise the Executive Officer of the Councillor representative by emailing a.casey@nswpla.org.au.

Warm regards

Adele Casey

Adele Casey | Executive Officer | NSW Public Libraries Association
PO Box 30 | West Wyalong NSW 2671
m: 0428 790 272
e: a.casey@nswpla.org.au



A young woman with long brown hair and black-rimmed glasses is sitting cross-legged on a wooden floor in a library. She is holding a large, thick red book open in front of her face, with only her eyes visible above the top edge of the pages. She is wearing a grey and white plaid button-down shirt and blue denim jeans. The background shows white bookshelves filled with books.

**NSW PUBLIC
LIBRARIES
ASSOCIATION
2024**

**COUNCILLOR
INFORMATION KIT**

**The peak body
for public
libraries across
NSW providing
Advocacy,
Network
Opportunities,
Professional
Development,
Collaboration
and
Recognition**

About NSWPLA

NSWPLA is the only state based library association in Australia that was formed by councillors, includes councillors in its executive committee, and has a membership exclusively of councils. 100% of NSW councils are currently members of NSWPLA. This point of difference provides NSWPLA with a broader political focus, including a strong relationship with Local Government NSW.

The Association depends on councillors for its ongoing prosperity, and strongly encourages the engagement of councils and councillors to support the betterment of the 362 libraries across the state.

The Renew Our Libraries funding campaign in 2018/19 resulted in an additional \$60m funding for NSW libraries over the 4-year period 2019/20–2022/23, the largest single increase in funding for NSW libraries since the introduction of the NSW Library Act in 1939.

History

NSWPLA was formed in July 2014 when the former New South Wales Metropolitan Public Libraries Association (NSWMPLA) and the country association, Public Libraries New South Wales (PLNSW), amalgamated. The amalgamation was undertaken to strengthen the voice for public libraries in New South Wales.

PLNSW and NSWMPLA were based on two very different philosophies. The former was a political association that was established in 1989 (as the NSW Country Public Libraries Association – CPLA) when councillors voted to form an association to lobby the state government for a more equitable funding model for country libraries. NSWMPLA emerged from the Metropolitan Chief Librarians' Committee that had previously been the Sydney Chief Librarians' Committee. It was an association that provided professional support to the network through its working parties and publications.

NSWPLA was based largely on the constitution of PLNSW, as one of the main reasons for the amalgamation was to engage metropolitan councillors to add strength to the political voice for lobbying and advocacy – at that time a funding campaign prior to the 2015 NSW election.

NSWPLA is the only Australian state based library association that includes councillors in the structure of its Executive. Other state associations are professional organisations with a membership of library services rather than councils, reflecting the unique genesis of NSWPLA (through the formation of the CPLA). This point of difference provides NSWPLA with a closer affiliation with the 128 councils across NSW, and the advantage of the associated local government lobbying capacity to support political campaigns

Role

NSWPLA is the peak body for public libraries across NSW. The role of the Association is to:

- Advocate and lobby for the NSW public library network
- Initiate strategic partnerships
- Champion the public library cause
- Build trust and support
- Provide relevant information
- Foster cooperation and collaboration
- Strengthen the public library network

Membership

Full membership to the Association is open to all Local Government Councils in NSW that have adopted the NSW Library Act 1939. Whilst libraries and their services are a key focus of NSWPLA, it is Councils that are the members of the association. Councils provide the vast majority of funding for the provision of library services, and campaigning for better funding is a key role of NSWPLA. The Association currently enjoys 100% membership of NSW Councils, which provides a clear imprimatur for NSWPLA to represent the interests of NSW libraries as their recognised peak body.

Membership Representation

There are three levels of NSWPLA representation:

- Elected representatives: Councillors, who can lobby government and make political comment to strengthen advocacy campaigns. They are also a key to strengthening the partnership of the Association with Local Government New South Wales (LGNSW).
- Council Management representatives, who provide the link from the Association into Council and can inform council of the work of the Association.
- Library Managers, who provide the professional advice that forms the basis for the work of the Association.

The membership is key to the success of the Association.

Associate Membership

Associate Membership is open to any individual or organisation with an interest in the public library sector and community development.

NSWPLA Executive Structure

As outlined in the [NSWPLA Constitution](#) Part 3 Clause 15, the Executive comprises of:

- President
- Two Vice Presidents
- Two Library Managers
- Secretary/Treasurer

The Executive is elected from the member representatives in accordance with Clause 15(1) of the constitution. The President and Executive Officer represent NSWPLA on the [NSW Public Libraries Consultative Committee](#), a sub-committee of the Library Council of NSW.

Executive Priorities

Executive continues to focus on the strategic growth and development of the Association. Key areas of attention are:

- Fostering higher levels of engagement and participation by metropolitan councillors who had little involvement in the previous Metropolitan Public Libraries Association, which was primarily a professional organisation for library managers until its merger with the NSW Country Public Libraries Association in 2014 to form NSWPLA.
- Maintaining the current 100% membership of the Association by NSW councils through representation of the Executive at all meetings of the 8 NSWPLA Zones.
- Strengthening the strategic alliance between NSWPLA and Local Government NSW to further political capacity of the Association.
- Activating the key strategies of the NSWPLA Strategic Plan 2021-2025, Identity, Advocacy and Connections:
 - Identity – Strengthen the NSWPLA identity so that it projects one voice to members, stakeholders and communities raising the profile of public libraries across NSW.
 - Advocacy – Public libraries offer vibrant spaces in which all community members can meet, learn and play. They provide essential community learning and social services to every community in NSW.
 - Connections – Create and facilitate opportunities for members and stakeholders to collaborate, cooperate, and share experiences, knowledge, and ideas to ensure that NSW libraries have the capacity to meet the future needs of members and communities.
- Better articulating the Association's value proposition to its membership under the key headings of Professional Development, Advocacy and Strategic Partnerships by including opportunities for our member councils and their staff:

Professional Development

- Annual SWITCH Conference
- Colin Mills Scholarship (biennial)
- Kath Knowles Emerging Leaders Award (biennial)
- Multicultural Excellence Awards (annual)
- Innovation and Outreach Services Awards (annual)
- Life Membership awards (annual)
- Recognition of retiring Library Managers (annual)

- The Reading Hour
- Summer Reading Club
- Provision of the Inclusion Resources Program for NSWPLA members
- Provision of the Basecamp electronic communications program to support more effective and inclusive interactions within NSWPLA Zones
- Provision of professional development support to staff of NSWPLA member councils to attend SLNSW offsite training opportunities

Advocacy

- Establishment and maintenance of a strong network of 8 geographic zones
- An Executive Committee that provides scope to include both elected and library manager representatives from across the state
- An Executive Officer who is employed to undertake a range of administrative, strategic, and support activities on behalf of the Executive Committee and broader membership
- Various campaigns as required including the Renew Our Libraries funding campaign

Strategic Partnerships

- Alliance with Local Government NSW
- State Library of NSW via representation on Public Libraries Consultative Committee
- Representation on the Australian Public Library Alliance (Sub Committee of Australian Library and Information Association)
- Membership of the Australian Libraries Copyright Council

Executive Officer

NSWPLA contracts an Executive Officer to undertake the administration of the Association, including convening the annual SWITCH Conference. The Executive Officer role provides support to the Executive Committee and is a conduit between the Association and its members. There is an increasing focus on member services, acknowledging that NSWPLA members are the strength of the Association.

NSWPLA Zones

The Association comprises eight (8) zones across the state:

- Central East Zone
- Central West Zone
- North East Zone
- South East Zone
- South West Zone
- Sydney North Zone
- Sydney South Zone
- Sydney West Zone

Each zone consists of member Councils as follows:

Central East Zone

Central Coast Council
Cessnock City Council
Dungog Shire Council
Lake Macquarie City Council
Maitland City Council
Muswellbrook Shire Council
Newcastle City Council
Port Stephens Council
Singleton Shire Council
Upper Hunter Shire Council

Moree Plains Shire Council
Narromine Shire Council
Oberon Council
Orange City Council
Parkes Shire Council
Walgett Shire Council
Warren Shire Council
Warrumbungle Shire Council
Weddin Shire Council

Central West Zone

Bathurst Regional Council
Blayney Shire Council
Bogan Shire Council
Bourke Shire Council
Brewarrina Shire Council
Broken Hill City Council
Cabonne Shire Council
Central Darling Shire Council
Cobar Shire Council
Coonamble Shire Council
Cowra Shire Council
Dubbo Regional Council
Forbes Shire Council
Gilgandra Shire Council
Lachlan Shire Council
City of Lithgow Council
Mid-Western Regional Council

North East Zone

Armidale Regional Council
Ballina Shire Council
Bellingen Shire Council
Byron Shire Council
Clarence Valley Council
Coffs Harbour City Council
Glen Innes Severn Council
Gunnedah Shire Council
Gwydir Shire Council
Inverell Shire Council
Kempsey Shire Council
Kyogle Council
Lismore City Council
Midcoast Council
Liverpool Plains Shire Council
Nambucca Shire Council
Narrabri Shire Council
Port Macquarie– Hastings Council
Richmond Valley Council

Tamworth Regional Council
Tenterfield Shire Council
Tweed Shire Council
Uralla Shire Council
Walcha Council

South East Zone

Bega Valley Shire Council
Eurobodalla Shire Council
Goulburn Mulwaree Council
Kiama Municipal Council
Queanbeyan-Palerang Regional
Council
Shellharbour City Council
Shoalhaven City Council
Snowy Monaro Regional Council
Upper Lachlan Shire Council
Wingecarribee Shire Council
Wollondilly Shire Council
Wollongong City Council
Yass Valley Council

South West Zone

Albury City Council
Balranald Shire Council
Berrigan Shire Council
Bland Shire Council
Carrathool Shire Council
Coolamon Shire Council
Cootamundra-Gundagai
Regional Council
Edward River Council
Federation Council
Greater Hume Shire Council
Griffith City Council
Hay Shire Council
Hilltops Council
Junee Shire Council
Leeton Shire Council
Lockhart Shire Council
Murray River Council
Murrumbidgee Council
Narrandera Shire Council
Temora Shire Council
Snowy Valleys Council
Wagga Wagga City Council
Wentworth Shire Council

Sydney Northern

City of Ryde Council
Hornsby Shire Council
Hunters Hill Council
Ku-ring-gai Council
Lane Cove Council
Mosman Municipal Council
North Sydney Council
Northern Beaches Council
Willoughby City Council

Sydney Southern

Bayside Council
Burwood Council
City of Canada Bay
Canterbury-Bankstown Council
Georges River Council
Inner West Council
Randwick City Council
Strathfield Municipal Council
Sutherland Shire Council
Sydney City Council
Waverley Council
Woollahra Municipal Council

Sydney Western

Blacktown City Council
Blue Mountains City Council
Camden Council
Campbelltown City Council
City of Parramatta Council
Cumberland Council
Fairfield City Council
Hawkesbury City Council
The Hills Shire Council
Liverpool City Council
Penrith City Council

NSWPLA Zone Contacts

Central East

Mala Scorse

City of Newcastle
Secretary
mscorse@ncc.nsw.gov.au

South West

Carina Clement

Albury City Library and Museum
Secretary
cclement@alburycity.nsw.gov.au

Central West

Katherine McAlister

Macquarie Regional Library
Secretary
Kathryn.McAlister@mrl.nsw.gov.au

Sydney North

Rebecca Browning

Willoughby City Council
Secretary
rebecca.browning@willoughby.nsw.gov.au

North East

Kathryn Breward

Clarence Regional Library
Joint Secretary
kathryn.breward@clarence.nsw.gov.au

Sydney South

Heather Davis

City of Sydney
Secretary
HDavis@cityofsydney.nsw.gov.au

South East

Margie Kirkness

Shellharbour City Council
Secretary
margie.kirkness@shellharbour.nsw.gov.au

Sydney West

Vicki Edmunds

Blue Mountains City Library
Secretary
vedmunds@bmcc.nsw.gov.au

Each Zone has a Chairperson and Secretary. The roles of the Chair and Secretary are pivotal to the success of the organisation and duties of the positions vary across the state depending on the zone requirements. In general, the Chair is the spokesperson for the Zone; is a strong advocate for libraries at local and state levels; works with the NSWPLA Executive on matters that require the input of the wider Association; and is a positive ambassador for the Zone, NSWPLA and libraries in general. The Secretary facilitates Zone meetings; acts as a contact and liaison point between the NSWPLA Executive and the Zone; provides information and support to the NSWPLA executive as required; represents libraries at the Zone level; and is also a strong advocate for the NSW public library network.

It is imperative that Zone Presidents and Zone Secretaries are positive ambassadors for libraries within their electorates and zones, and across the wider library network supporting the purpose and values of NSWPLA.

Legislative Framework

NSW public libraries are managed by local authorities (Councils) that have adopted the Library Act 1939. The State Library provides a range of services to public libraries including support and consultancy, as well as being the conduit between the NSW public library network and the state government through the NSW Public Library Consultative Committee.

If the local authority has adopted the Act, and operates its library service in accordance with the requirement of the Act, it is eligible for a subsidy administered by the Library Council of New South Wales. By observing the principles the legislation embodies, local authorities may also be eligible for other financial assistance from the State Government's funding programs. Local Libraries receive State subsidies and Library Infrastructure grants approved by the Minister on the recommendation of the Library Council.

Amendments to the Library Act 1939, Section 10

The Library Amendment Act 1992 amended section 10 of the Library Act 1939. This section deals with the provisions in relation to public libraries. These amendments were introduced "to make further provisions with respect to the services to be provided free of charge by local libraries; and for related purposes". The amendments ensure that core educational and information services remain free of charge

Public Library Funding

NSW Councils receive funds from the State Government to support the provision of library services across the state in accordance with the Library Act 1939 (NSW), however funding gradually declined over the 38 year period 1980 - 2018. In 1980, state funding met 23.6% of the total cost of operating the 373 public libraries across NSW. By 2016/17 the state contribution had reduced to meet just 7.04% of library operating costs. This was the lowest per-capita contribution of all states in Australia. The level of State Government funding for NSW public libraries reached crisis point in 2017 because the ongoing attrition of state funding for libraries had been ignored by successive NSW governments, leaving local government to bear an ever increasing funding burden.

NSWPLA launched its Renew Our Libraries Campaign in early August 2018 in partnership with Local Government NSW, NSW councils, their libraries and communities. NSW Labor had already committed to a \$50m increase in state funding at its election campaign launch in March 2018. The Liberal Party pledged a \$60m pledge by the end of August 2018, to be rolled out over the next term of government (2019-20 to 2022-23). Renew Our Libraries continued until the state election in May 2019 and relaunched in August 2019 with phase two of the campaign, focusing on the future sustainability of library funding through cost of living indexation and protection via inclusion of the new funding arrangements in library legislation.

As a result of the Renew Our Libraries funding campaign, the NSW Library Act 1939 legislates that \$2.85 per capita will be provided (by 2022/23) to each NSW Council to support its library services. Although this part of the funding formula is not indexed to population growth or the consumer price index (CPI), lobbying is currently underway to index and protect the funding (as discussed above).

Significantly, libraries have become a recognised default access point for online state, federal and often private enterprise services for communities across the state. With a 373-strong network of libraries across the state that all provide internet access, it is not surprising that libraries have assumed this role. In effect, public libraries are subsidising access and support to online services for a broad range of government and non-government enterprises in the absence of any financial contribution for staffing or infrastructure. Accordingly, the problem for NSW communities is that as online services grow and the capacity of libraries to meet the demand for online support diminishes, people who are socially, financially and/or digitally disadvantaged find themselves further isolated from online services.



Contact

New South Wales Public Libraries Association
Executive Officer
Adele Casey
a.casey@nswpla.org.au

For more information go to:
NSWPLA.ORG.AU



COUNCIL DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES

OCTOBER 2024 TO SEPTEMBER 2025

STANDING COMMITTEES	
Infrastructure and Environment Mayor 4 x Councillors	Mayor Councillor Councillor Councillor Councillor
Community Mayor 5 x Councillors	Mayor Councillor Councillor Councillor Councillor Councillor
Policy and Finance Mayor 5 x Councillors	Mayor Councillor Councillor Councillor Councillor Councillor
COUNCIL S355 COMMITTEES	
Committee Name	Delegates
Ageing Well Advisory Committee 3 x Councillors	Councillor Councillor Councillor
Alma Oval Community Committee At least 1 x Councillor	Councillor
Broken Hill Heritage Advisory Committee 3 x Councillors	Councillors not to be appointed at this stage
Broken Hill City Art Gallery Advisory Committee 3 x Councillors	Councillor Councillor Councillor
ET Lamb Memorial Oval Community Committee At least 1 x Councillor	Councillor
Memorial Oval Community Committee At least 1 x Councillor	Councillor

Norm Fox Sportsground Community Committee At least 1 x Councillor	Councillor
Picton Sportsground Community Committee At least 1 x Councillor	Councillor
Youth Advisory Committee 3 x Councillors	Councillor Councillor Councillor
OTHER COMMITTEES	
Committee Name	Delegates Required
Association of Mining & Energy Related Councils 1 x Councillor	Councillor
Australia Day Advisory Group 4 x Councillors	Councillor Councillor Councillor Councillor
Australian Floodplains Association Mayor + alternate	Mayor Councillor (alternate)
Australian Mining Cities and Centres Alliance Mayor + Deputy Mayor(alternate)	Mayor Deputy Mayor (alternate)
Audit, Risk & Improvement Committee Mayor +all Councillors invited as observers	Mayor All Councillors invited as observers
Asset Naming Committee 4 x Councillors	Councillor Councillor Councillor Councillor r
Broken Hill ClubGRANTS Committee 2 x Councillors	Councillor Councillor
Broken Hill Education Working Group Mayor, Deputy Mayor + 1 Councillor	Mayor Deputy Mayor Councillor
Broken Hill Lead Reference Group 1 x Councillor	Councillor
Broken Hill Liquor Accord 1 x Councillor	Councillor
Broken Hill Traffic Committee 1 x Councillor (observer only)	Councillor (observer)
Community Assistance Grants Panel Mayor + 2 Councillors	Mayor Councillor Councillor

Companion Animals Management Working Group 3 x Councillors	Mayor Councillor Councillor
Country Mayor's Association Mayor + Deputy Mayor (alternate)	Mayor Deputy Mayor (alternate)
Disability Inclusion Action Plan Working Group 2 x Councillors	Councillor Councillor
EP O'Neill Memorial Precinct Project Steering Group Mayor, Deputy Mayor plus 1 x Councillor	Mayor Deputy Mayor Councillor
Far West Joint Organisation Mayor and Deputy Mayor	Mayor Deputy Mayor
Fruit Fly Control Awareness Working Group 3 x Councillors	Councillor Councillor Councillor
Gateway Signage Advisory Committee Mayor, Deputy Mayor plus at least 1 Councillor	Mayor Deputy Mayor Councillor
General Manager's Performance Review Committee Mayor, Deputy Mayor and 3x Councillors	Mayor Deputy Mayor Councillor Councillor Councillor
Library and Cultural Precinct Project Steering Group Mayor and Deputy Mayor	Mayor Deputy Mayor
Menindee Lakes Stakeholder Group 1 x Councillor	Councillor
Murray Darling Association Region 4 2 x Councillors	Councillor Councillor
NSW Public Libraries Association 1 Councillor	Councillor
Perilya North Mine Community Consultative Committee 1 x Councillor	Councillor
Project Steering Group for the Project Consultative Group Mayor and Deputy Mayor	Mayor Deputy Mayor
Reconciliation Action Plan (RAP) Working Group 3 x Councillors	Councillor Councillor Councillor
Regional Capitals Australia Mayor and Deputy Mayor	Mayor Deputy Mayor

Regional Cities NSW Mayor and Deputy Mayor	Mayor Deputy Mayor
Silverton Wind Farm Community Consultative Committee 1 x Councillor	Councillor
Tidy Towns Working Group 2 x Councillors	Councillor Councillor
Western Division Councils 2 x Councillors	Councillor Councillor
Western NSW Mining and Resource Development Taskforce Mayor	Mayor
Volunteer Working Group 4 x Councillors	Councillor Councillor Councillor Councillor

QUALITY CONTROL TABLE		
Minute No.	Date	Resolution
	30/10/2024	Appointment of Delegates to Committees October 2024 to September 2025

EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 140/24

SUBJECT: CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 14 SEPTEMBER 2024 LOCAL GOVERNMENT ELECTION D24/31101

Recommendation

1. That Broken Hill City Council Report No. 140/24 dated October 3, 2024, be received.
2. That pursuant to section 291(A)(1)(b) of the Local Government Act 1993, should there become casual vacancies in the office of Councillor for Broken Hill City Council within 18 months after the 14 September 2024 Broken Hill City Council Local Government election, vacancies are to be filled by using a countback of votes cast at the 14 September 2024 Broken Hill City Council Local Government election.
3. That the General Manager advises the Returning Officer (of the Broken Hill City Council Local Government election held 14 September 2024) within seven (7) days, of Council's resolution on this matter.

Executive Summary:

At the first meeting of the newly elected Council, Council must resolve if they wish any casual vacancies occurring in the office of a Councillor within 18 months of the date of the last election (held 14 September 2024) are to be filled by a countback of votes cast at the 14 September 2024 Broken Hill City Council Local Government election. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies by the conduct of a By-election.

Report:

From time-to-time councils may be required to fill casual vacancies in civic office that occur for various reasons. *Section 234 of the Local Government Act 1993* outlines the various circumstances that constitute a vacancy in civic office:

234 When does a vacancy occur in civic office?

- 1) *A civic office becomes vacant if the holder –*
 - a) *Dies, or*
 - b) *Resigns the office by writing addressed to the General Manager, or*
 - c) *Is disqualified from holding civic office, or*
 - d) *Is absent from 3 consecutive ordinary meetings of the Council (unless the holder is absent because he or she has been suspended from office under*

this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without –

- (i) Prior leave of the council, or*
 - (ii) Leave granted by the council at any of the meetings concerned, or*
 - e) Becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or*
 - f) Becomes a mentally incapacitated person, or*
 - g) Is dismissed from civic office, or*
 - g1) In the case of the office of a councillor, is elected as mayor by the electors, or
Ceases to hold the office for any other reason.
Note: see section 275 for the circumstances in which a person is disqualified from holding civic office.*
- 2) For the purposes of subsection (1)(d), a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.*
- 3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.*
- 4) Subsection (3) does not prevent the council from granting further leave of absence in respect of any future council meeting.*
- 5) The office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor.*

Casual vacancies in civic office can be filled by either holding a By-election or by the process of a countback of votes cast at the last election for that office.

Section 291A of the *Local Government Act 1993* outlines the process for holding a countback of votes instead of a By-election, section 291A states:

291A Countback to be held instead of by-election in certain circumstances

- 1) This section applies to a casual vacancy in the office of a councillor if -*
 - a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*
 - b) The council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be*

filled by a countback of votes cast at the last election for that office.

- 2) *This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected –*
 - a) *In an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or*
Note – see section 285 (Voting system for elections)
 - b) *In an election without a poll being required to be held.*
Note – see section 311 (uncontested elections)
- 3) *A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the Regulations.*
- 4) *A countback election to fill a casual vacancy to which this section applies must be conducted –*
 - a) *If the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner – by a returning officer appointed by the Electoral Commissioner, or*
 - b) *If the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council - by a returning officer appointed by the electoral services provider.*
 - c) *(Repealed)*
- 5) *If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election –*
 - a) *The returning officer must notify the general manager of the council concerned, and*
 - b) *A by-election in accordance with this Part must be held to fill the casual vacancy.*
- 5A) *If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.*
- 6) *This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.*

A person elected to fill a casual vacancy in the office of Councillor will hold the office for the balance of the predecessor's term (Section 233(3) of the *Local Government Act 1993* refers).

To avoid the considerable financial and resourcing costs associated with the conduct of a By-election, it would be prudent of Council to resolve that should a casual vacancy occur within 18 months of the 14 September 2024 local government elections, the process of a countback of votes cast at the 14 September 2024 local government elections be

undertaken to fill the vacancy. This resolution must be made at this meeting being the first Council Meeting held of the newly elected Council.

Should Council resolve this way, Council must advise the Election Manager of the ordinary election within seven (7) days of Council's resolution as per *Section 393C of the Local Government (General) Regulation 2021* which states:

393C Countback elections

- 1) *A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.*

- 2) *For the purpose of section 291A of the Act, the prescribed day is 14 September 2024.*

- 3) *If a Council resolves, at its first meeting following an ordinary election of councillors for the area, that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the date of that ordinary election, the general manager is to notify the election manager of the ordinary election within seven (7) days of the resolution.*

Community Engagement:

Nil.

Strategic Direction:

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

Relevant Legislation:

Chapter 10, Part 5 of the Local Government Act 1993

Division 11, Section 393C, Schedule 9A of the Local Government (General) Regulation 2021

Financial Implications:

The budgeted cost of the 2024 Broken Hill Local Government election was \$207,882.00 excluding GST. A similar cost would be expected for any by-elections to occur due to the number of venues, staff and logistics to be organised whether it be for one candidate or multiple candidates.

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 141/24**

SUBJECT: **ELECTORAL FUNDING OBLIGATIONS OF NEWLY ELECTED COUNCILLORS AND MAYORS** **D24/31146**

Recommendation

1. That Broken Hill City Council Report No. 141/24 dated October 3, 2024, 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 newly 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.

Executive Summary:

Councillors and mayors elected at the local government elections on 14 September 2024 must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission periodically for their Term in Office.

The first disclosures are required to be submitted by 11 February 2025.

Report:**Disclosures of political donations and electoral expenditure**

Elected members must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission during their Term in Office.

There are four (4) types of disclosures to submit each year as an elected member: two half-yearly disclosures of political donations made and received and two annual disclosures of major political donors and electoral expenditure incurred.

The relevant periods each disclosure covers and the lodgment periods for disclosures for 2024/2025 are:

Disclosure type	Disclosure period	Disclosure lodgment period	Disclosure due by
1 st half-yearly donation disclosure	01/07/2024 to 31/12/2024	01/01/2025 to 11/02/2025	11/02/2025
2 nd half-yearly donation disclosure	01/01/2025 to 30/06/2025	01/07/2025 to 11/08/2025	11/08/2025
Annual major political donor disclosure	01/07/2024 to 30/06/2025	01/07/2025 to 11/08/2025	11/08/2025
Annual electoral expenditure disclosure	01/07/2024 to 30/06/2025	01/07/2025 to 22/09/2025	22/09/2025

Newly elected members of Council must submit the above disclosures not only as a candidate and elected member, but also on behalf of the group if applicable.

If no political donations are made or received or no electoral expenditure is incurred, a 'Nil' disclosure forms must still be submitted.

Disclosures can be made through the Funding and Disclosure online portal for electoral participants on the NSW Electoral Commission's website.

It should be noted that Elected Members who do not comply with disclosure requirements could face a fine or prosecution by the NSW Electoral Commission; and that it is an Elected Members personal responsibility to adhere to the NSW Electoral Commission's disclosure requirements.

Elected member contact details

Elected members who have not provided the NSW Electoral Commission with up-to-date contact details are requested to do so as soon as possible by emailing **fdc@elections.nsw.gov.au**.

A current email address and mobile phone number for each elected member is required so that the NSW Electoral Commission can send notifications about when and how to disclose political donations and electoral expenditure.

More information about electoral funding obligations of elected members can be found on the NSW Electoral Commission website <https://elections.nsw.gov.au/Funding-and-disclosure>.

The *Electoral Funding Act 2018* can be accessed on the NSW Legislation website <https://legislation.nsw.gov.au/view/html/inforce/current/act-2018-020>.

Elected members can call the NSW Electoral Commission on 1300 135 736 if they have any questions.

Community Engagement:

Nil

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Electoral Funding Act 2018

Financial Implications:

Nil

Attachments

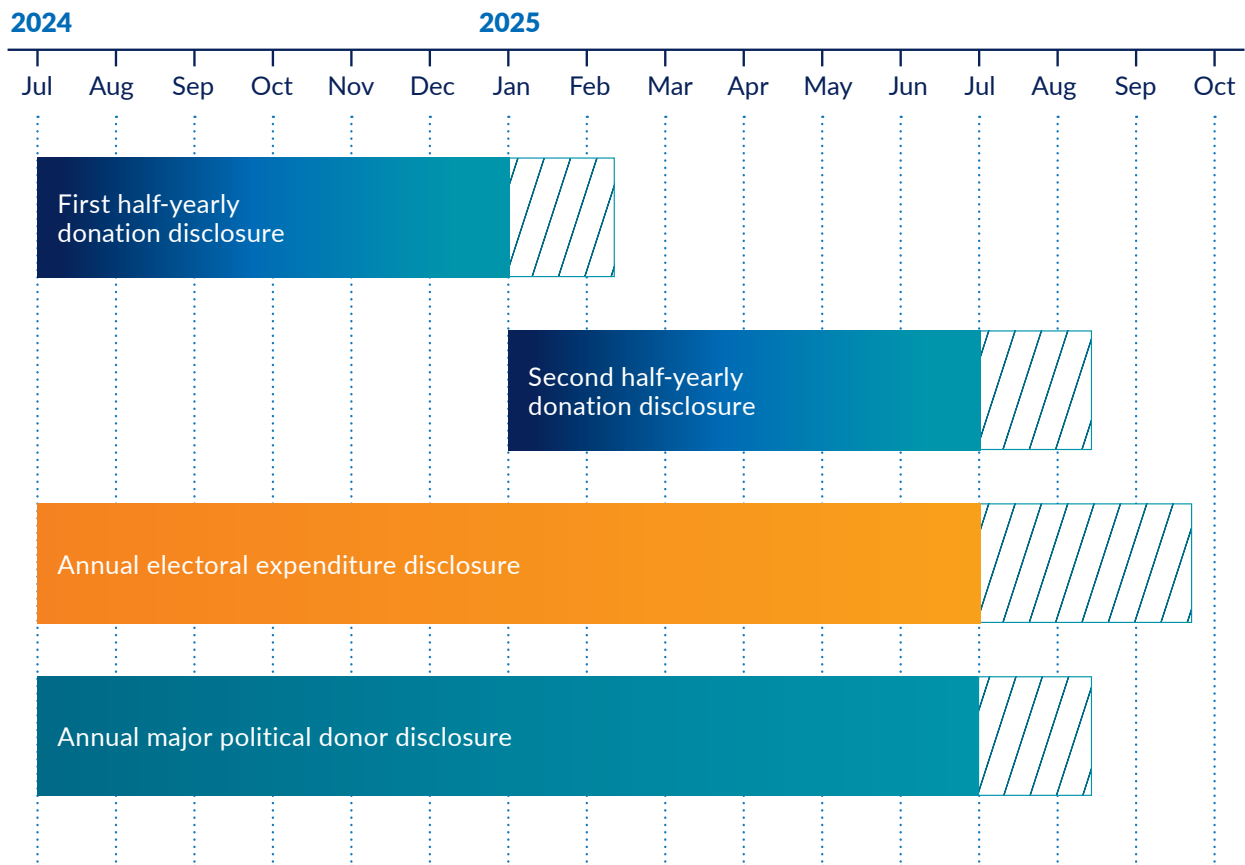
1. [↓](#) NSW Electoral Commission's Timeline for Disclosure Reporting 2024/2025

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



Disclosure reporting periods and due dates 2024-25



Key dates

- First half-yearly donation disclosure**
Begins: 01 July 2024
Ends: 31 December 2024
Lodge by: 11 February 2025
- Annual electoral expenditure disclosure**
Begins: 01 July 2024
Ends: 30 June 2025
Lodge by: 22 September 2025
- Second half-yearly donation disclosure**
Begins: 01 January 2025
Ends: 30 June 2025
Lodge by: 11 August 2025
- Annual major political donor disclosure**
Begins: 01 July 2024
Ends: 30 June 2025
Lodge by: 11 August 2025
- Lodgement period**

that a Councillor or Designated person holding that position at 30 June in any year, or commencing in a position with Council, must complete and lodge with the General Manager within three months after that date, a return in the form prescribed by the regulations.

Designated Persons as prescribed for the purpose of the regulations includes:

- the General Manager;
- Senior Staff of Council;
- a person (other than a member of the senior staff of the Council) who is a member of staff or a delegate of Council who holds a position identified by Council as the position of a designed person because it involves the exercise of functions under the *Local Government Act 1993* or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;
- a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

As per the *Local Government (General) Regulations 2021*, Designated Persons must complete the necessary Disclosure of Interest Return which declares their interest in:

- Real property
- Gifts
- Contributions to travel
- Interests and positions in corporations
- Positions in trade unions and professional or business associations
- Dispositions of real property
- Sources of income
- Debts
- Discretionary disclosures

Accordingly, completed Disclosure Returns have been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2023.

It should be noted that the mandatory proactive release provisions of the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulation 2018* (GIPA Regulation) applies to the disclosure of information contained in returns disclosing the interests of Councillors and designated persons as open access information. The combined effect of the GIPA Act and GIPA Regulation is that the information in the returns needs to be disclosed on the website of each local Council, unless to do so would impose unreasonable costs on the Council, or if there is an overriding public interest against disclosing the information.

A Councillor or Designated Person can apply for specific information to be redacted from the published copy of their Disclosure Return, but only if there is a sufficient reason that relates to a specific clause in Division 2 of the GIPA Act. When considering whether certain information should be redacted from the published copy of a Disclosure Return by Councillors and Designated Persons, the General Manager is required to apply the public interest test. Section 6 of the GIPA Act provides that there is a presumption in favour of disclosure of government information unless there is an overriding public interest against disclosure.

It should also be noted that Section 5 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) states that nothing in the PPIP Act affects the operation of the GIPA Act and in particular the PPIP Act does not lessen any obligations under the GIPA Act in respect of a public sector agency, and so therefore, does not lessen the presumption in favour of disclosure. The fact that a Disclosure Return by Councillors and Designated Persons is open access information (as prescribed by the GIPA Act) is an important factor in favour of disclosure.

The Disclosures by Councillors and Designated Persons Returns will be published on Council's website under the "Open Access" section in accordance with the provisions of the GIPA Act, GIPA Regulation and any guidelines published by the NSW Information and Privacy Commissioner, along with a register outlining the nature of any redactions made to Returns.

The Disclosures by Councillors and Designated Persons Returns are to be tabled at this Council Meeting.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993 Chapter 14 Division 1
Government Information (Public Access) Act 2009
Government Information (Public Access) Regulation 2009
OLG Model Code of Conduct for Local Councils in NSW
Broken Hill City Council Code of Conduct Policy

Financial Implications:

Nil

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

ITEM 7**BROKEN HILL CITY COUNCIL REPORT NO. 143/24****SUBJECT:** **ADOPTION OF DRAFT REVIEWED CODE OF CONDUCT POLICY**
D24/34795**Recommendation**

1. That Broken Hill City Council Report No. 143/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Chapter 14 Division 1*, Council adopts the draft reviewed (unamended) Code of Conduct Policy and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Conduct for Local Councils in NSW and issues a new Model Code and Model Procedures.

Executive Summary:

Pursuant to the *Local Government Act 1993* NSW Councils must adopt a Code of Conduct Policy which must incorporate the mandatory provisions of the Office of Local Government (OLG) Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) as prescribed by the *Local Government (General) Regulation 2021*. Council's adopted Code of Conduct policy may also incorporate the non-mandatory provisions and other provisions.

On 5 September 2024 the NSW Office of Local Government (OLG) issued a Circular to Councils No. 24/17 – Councillor Conduct and Meeting Practices – A Discussion Paper and OLG is seeking feedback from the industry by 15 November 2024 to inform its review of the Model Code of Meeting Practice and the Model Code of Conduct.

As the process for OLG to undertake an industry review may take some months to complete before OLG issues its amended Model Codes, it is recommended that Council adopts the draft reviewed (unamended) Code of Conduct Policy in its current form for the interim period.

Report:

Pursuant to the *Local Government Act 1993 Chapter 14 Division 1* and the *Local Government (General) Regulation 2021 Part 8*, Councils must adopt a Code of Conduct Policy and Procedures for the Administration of a Council's Code of Conduct Policy, that incorporates the mandatory provisions of the OLG Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) and OLG Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct Procedures)

A Council must also review and adopt its Code of Conduct Policy and Procedures within the first 12 months after each Ordinary Election, (its Code Conduct Policy and Procedures must be consistent with the mandatory provisions of the OLG's Model Code of Conduct and Model Code of Conduct Procedures. and the *Local Government Act 1993 and Local Government Regulation 2021*) and make adjustments as it considers appropriate and as are consistent with the *Local Government Act 1993 (the Act) Chapter 14, Division 1* and the *Local Government (General) Regulation 2021 Part 8*.

Office of Local Government's Review of the Model Code of Conduct for Local Councils in NSW

On 5 September 2024 the NSW Office of Local Government (OLG) issued a Circular to Councils No. 24/17 – Councillor Conduct and Meeting Practices – A Discussion Paper and OLG is seeking feedback from the industry by 15 November 2024 to inform its review of the Model Code of Meeting Practice and the Model Code of Conduct.

A report will be presented to Council, at the October Ordinary Council Meeting, for Council to consider the OLG's review of the Councillor Conduct Framework and it is recommended that a Councillor Briefing be held for Councillors to discuss the OLG Councillor Conduct and Meeting Practices Discussion Paper and to formulate a submission (if required).

As the process for OLG to undertake an industry review may take some months to complete; and as Council's current Code of Conduct Policy and Procedures are compliant with the mandatory provisions of the current OLG's Model Code of Conduct and Model Code of Conduct Procedures, it is recommended that Council adopts the draft reviewed (unamended) Code of Conduct Policy and Procedures for the interim period until OLG consults on amendments to its Model Code of Conduct and Model Code of Conduct Procedures and issues a new Model Codes.

Community Engagement:

Nil. As there are no requirements under the *Local Government Act 1993* and *Local Government (General) Regulation 2021* for Council's Code of Conduct Policy and Procedures to require public exhibition and as Council's current Policy and Procedures are compliant with the mandatory requirements of the NSW Model Code of Conduct and Model Code of Conduct Procedures, it is recommended that Council adopts the draft reviewed (unamended) Code of Conduct Policy and Code of Conduct Procedures for the interim period until the OLG have conducted their review and issued new amended Codes.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Chapter 12 Part 2
Local Government (General) Regulation 2021 Part 10

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Code of Conduct Policy
2. [↓](#) OLG Model Procedures for the Administration of the Code of Conduct Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

DRAFT CODE OF CONDUCT POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D16/2220		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27 March 2019	Adoption	46028	
26 August 2020	Adoption	46328	
30 March 2022	Public Exhibition	46789	
25 May 2022	Adoption	46856	

1. INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

2. POLICY OBJECTIVE

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- a. understand and comply with the standards of conduct that are expected of them
- b. enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- c. act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, 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".

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

3. GENERAL CONDUCT OBLIGATIONS

General Conduct

- 3.1 You must not conduct yourself in a manner that:
 - a. is likely to bring the council or other council officials into disrepute
 - b. is contrary to statutory requirements or the council's administrative requirements or policies
 - c. is improper or unethical
 - d. is an abuse of power
 - e. causes, comprises or involves intimidation or verbal abuse
 - f. involves the misuse of your position to obtain a private benefit
 - g. constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and Equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and Discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status) sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
 - a. is not wanted by the person
 - b. offends, humiliates or intimidates the person, and
 - c. creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a. a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b. the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a. aggressive, threatening or intimidating conduct
 - b. belittling or humiliating comments
 - c. spreading malicious rumours
 - d. teasing, practical jokes or 'initiation ceremonies'
 - e. exclusion from work-related events
 - f. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g. displaying offensive material
 - h. pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a. performance management processes
- b. disciplinary action for misconduct
- c. informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d. directing a worker to perform duties in keeping with their job
- e. maintaining reasonable workplace goals and standards
- f. legitimately exercising a regulatory function
- g. legitimately implementing a council policy or administrative processes.

Work Health and Safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a. take reasonable care for your own health and safety
 - b. take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c. comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d. cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e. report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land Use Planning, Development Assessment and other Regulatory Functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding Caucus Votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in Relation to Meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a. leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b. submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c. deliberately seek to impede the consideration of business at a meeting.

4. PECUNIARY INTERESTS

What is a Pecuniary Interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a. your interest, or
 - b. the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c. a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

- 4.4 For the purposes of clause 4.3:
- a. Your "relative" is any of the following:
 - i. your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii. your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii. the spouse or de facto partner of a person referred to in paragraphs i) and ii).
 - b. "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3 b) or c):
- a. if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b. just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c. just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What Interests Do Not Have To Be Disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a. your interest as an elector
 - b. your interest as a ratepayer or person liable to pay a charge
 - c. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e. an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f. if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g. an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h. an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

- i. an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i. the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii. security for damage to footpaths or roads
 - iii. any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j. an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - k. an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
 - l. an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - m. an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n. an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - o. an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What Disclosures Must Be Made by a Designated Person?

- 4.8 Designated persons include:
- a. the general manager
 - b. other senior staff of the council for the purposes of section 332 of the LGA
 - c. a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d. a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- a. must prepare and submit written returns of interests in accordance with clauses 4.21, and

- b. must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What Disclosures must be made by Council staff other than Designated Persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What Disclosures must be made by Council Advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What Disclosures must be made by a Council Committee Member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What Disclosures must be made by a Councillor?

- 4.20 A councillor:
 - a. must prepare and submit written returns of interests in accordance with clause 4.21, and
 - b. must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of Interests in Written Returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a. becoming a councillor or designated person, and
 - b. 30 June of each year, and
 - c. the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a. they made and lodged a return under that clause in the preceding 3 months, or
 - b. they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21 (c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of Pecuniary Interests at Meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a. at any time during which the matter is being considered or discussed by the council or committee, or
 - b. at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a. a member of, or in the employment of, a specified company or other body, or
 - b. a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a. the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b. the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c. the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a. be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b. be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b. that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

5. NON-PECUNIARY CONFLICTS OF INTEREST

What is a Non-Pecuniary Conflict of Interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing Non-Pecuniary Conflicts of Interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political Donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a. made by a major political donor in the previous four years, and
 - b. the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:
- a. a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b. "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a. the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b. that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other Business or Employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a. conflict with their official duties
 - b. involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c. require them to work while on council duty
 - d. discredit or disadvantage the council
 - e. pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal Dealings with Council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

6. PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a. Items with a value of \$10 or less
 - b. a political donation for the purposes of the *Electoral Funding Act 2018*
 - c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d. a benefit or facility provided by the council to an employee or councillor
 - e. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f. free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. the discussion of official business
 - ii. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations.

Gifts and Benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are Offers of Gifts and Benefits to be dealt with?

- 6.5 You must not:
- a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind
 - c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and Benefits of Token Value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a. invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b. gifts of alcohol that do not exceed a value of \$50
 - c. ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d. prizes or awards that do not exceed \$50 in value.

Gifts and Benefits of More Than Token Value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting

codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-Like Gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and Undue Influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

7. RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and Administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a. direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c. contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager

- d. contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of Staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a. give their attention to the business of the council while on duty
 - b. ensure that their work is carried out ethically, efficiently, economically and effectively
 - c. carry out reasonable and lawful directions given by any person having authority to give such directions
 - d. give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e. ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate Interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f. councillors and administrators being overbearing or threatening to council staff
 - g. council staff being overbearing or threatening to councillors or administrators

- h. councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i. councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j. council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k. council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l. councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

8. ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and Administrator Access to Information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and Administrators to Properly Examine and Consider Information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of Access to Information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of Certain Council Information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a. subject to clause 8.14, only access council information needed for council business
 - b. not use that council information for private purposes
 - c. not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d. only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and Security of Confidential Information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a. only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b. protect confidential information
 - c. only release confidential information if you have authority to do so
 - d. only use confidential information for the purpose for which it is intended to be used
 - e. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f. not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g. not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a. the *Privacy and Personal Information Protection Act 1998*
 - b. the *Health Records and Information Privacy Act 2002*
 - c. the Information Protection Principles and Health Privacy Principles

- d. the council's privacy management plan
- e. the Privacy Code of Practice for Local Government

Use of Council Resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a. the representation of members with respect to disciplinary matters
 - b. the representation of employees with respect to grievances and disputes
 - c. functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a. for the purpose of assisting your election campaign or the election campaign of others, or
 - b. for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet Access and Use of Social Media

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council Record Keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor Access to Council Buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

9. MAINTAINING THE INTEGRITY OF THIS CODE

Complaints Made For an Improper Purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a. to bully, intimidate or harass another council official
 - b. to damage another council official's reputation
 - c. to obtain a political advantage
 - d. to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e. to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f. to avoid disciplinary action under the Procedures
 - g. to take reprisal action against a person for making a complaint alleging a breach of this code
 - h. to take reprisal action against a person for exercising a function prescribed under the Procedures

- i. to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental Action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a. injury, damage or loss
 - b. intimidation or harassment
 - c. discrimination, disadvantage or adverse treatment in relation to employment
 - d. dismissal from, or prejudice in, employment
 - e. disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints Alleging a Breach of This Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

10. DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative wholly advisory	a voting representative of the board of a joint organisation
committee	a council committee that the council has not delegated any functions to

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS
SUBMITTED UNDER CLAUSE 4.21**

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21 (a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21 (b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21 (c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real Property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or

- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

Code of Conduct Policy

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You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an Nature of interest interest at the return date/at any time since 30 June

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in

Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

Code of Conduct Policy

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which travel was
undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER
CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee
(as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

Code of Conduct Policy

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[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF
CONDUCT FOR LOCAL COUNCILS IN NSW**

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if
these hours are unsuitable)

All offices are wheelchair accessible.

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Produced by the Department of Planning, Industry and Environment

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Part 1:

Introduction

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

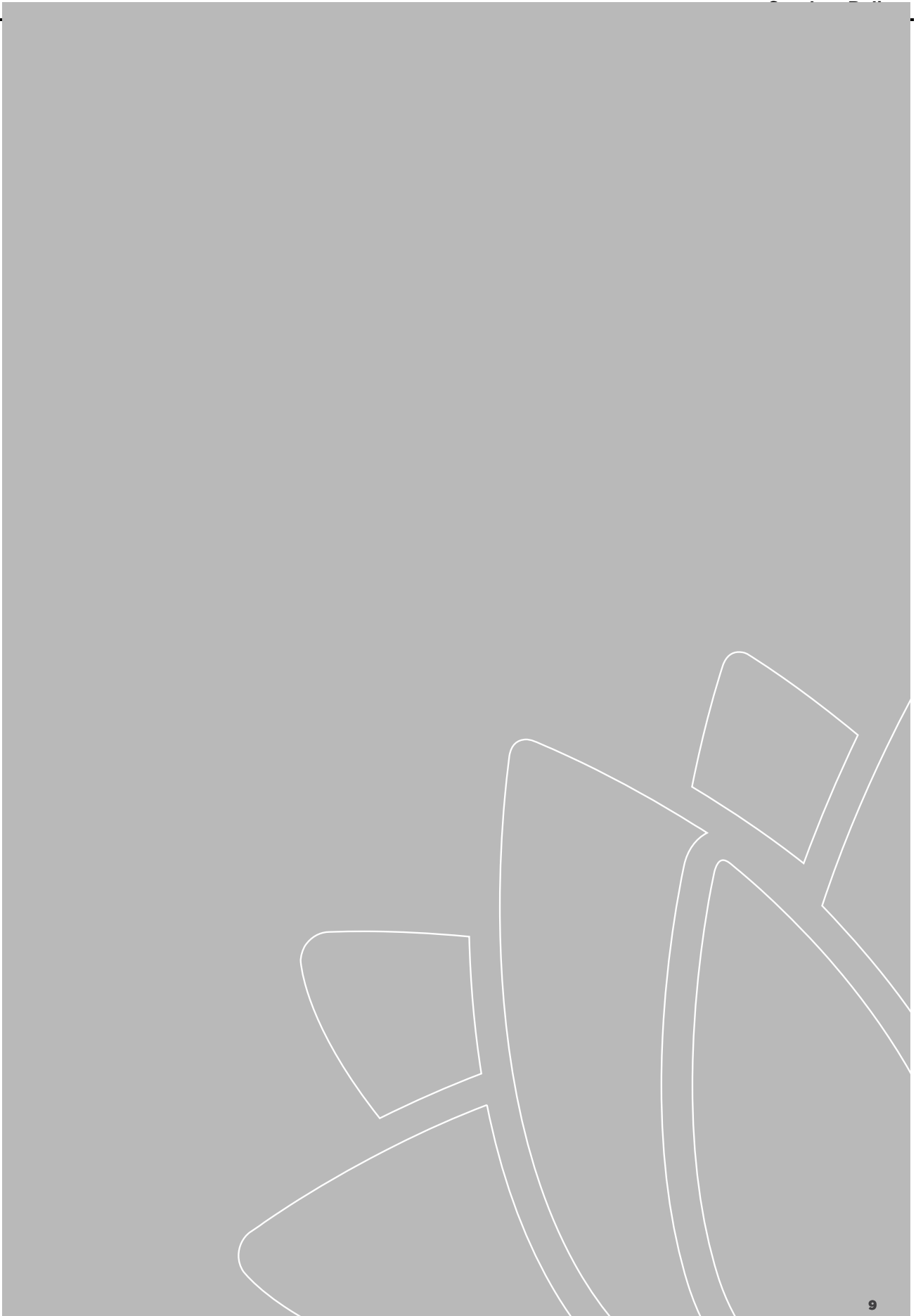
Part 2:

Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3:
Administrative
Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

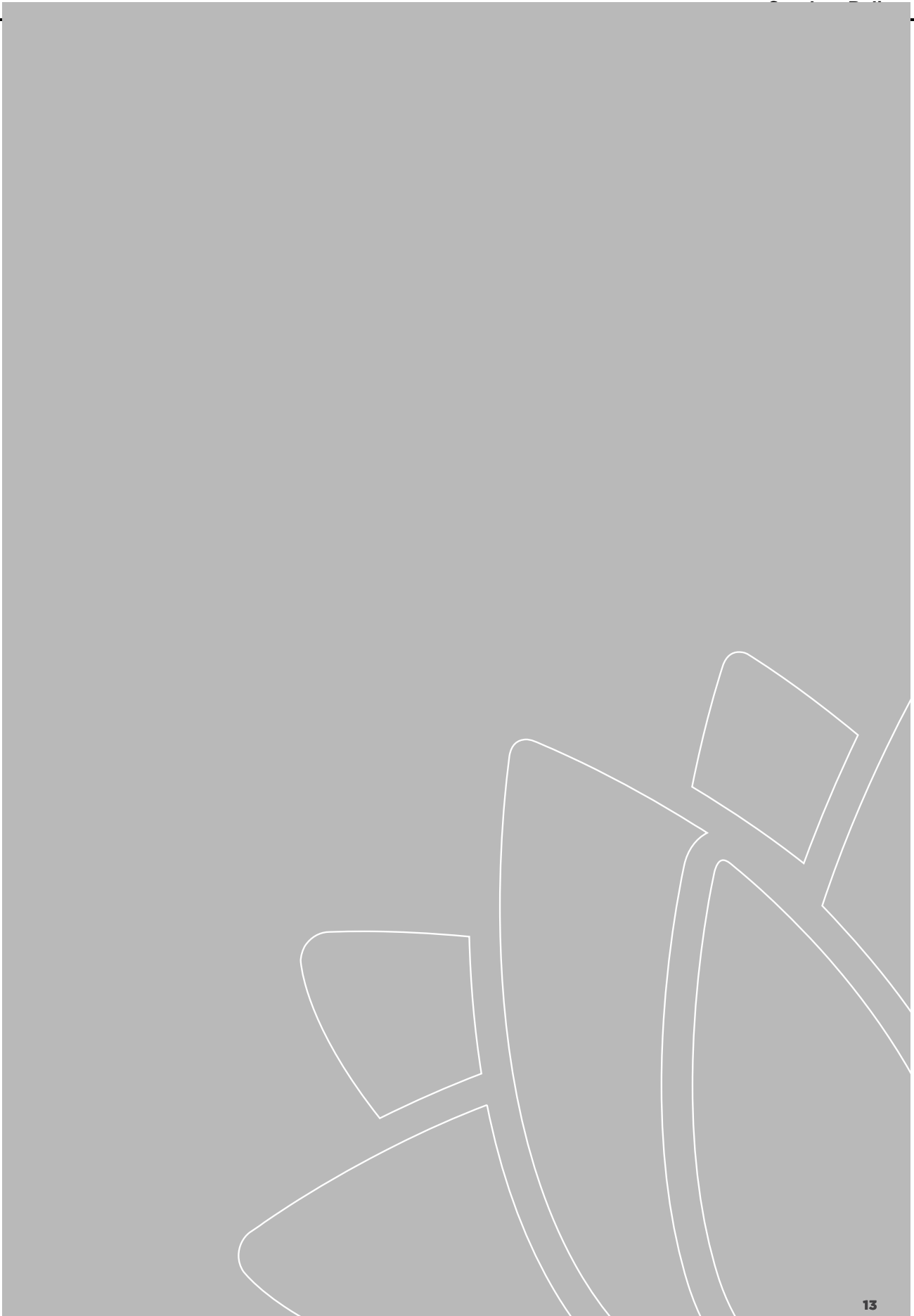
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office, and
 - arrange the annual reporting of code of conduct complaints statistics.



Part 4:

**How May Code of Conduct
Complaints be Made?**

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

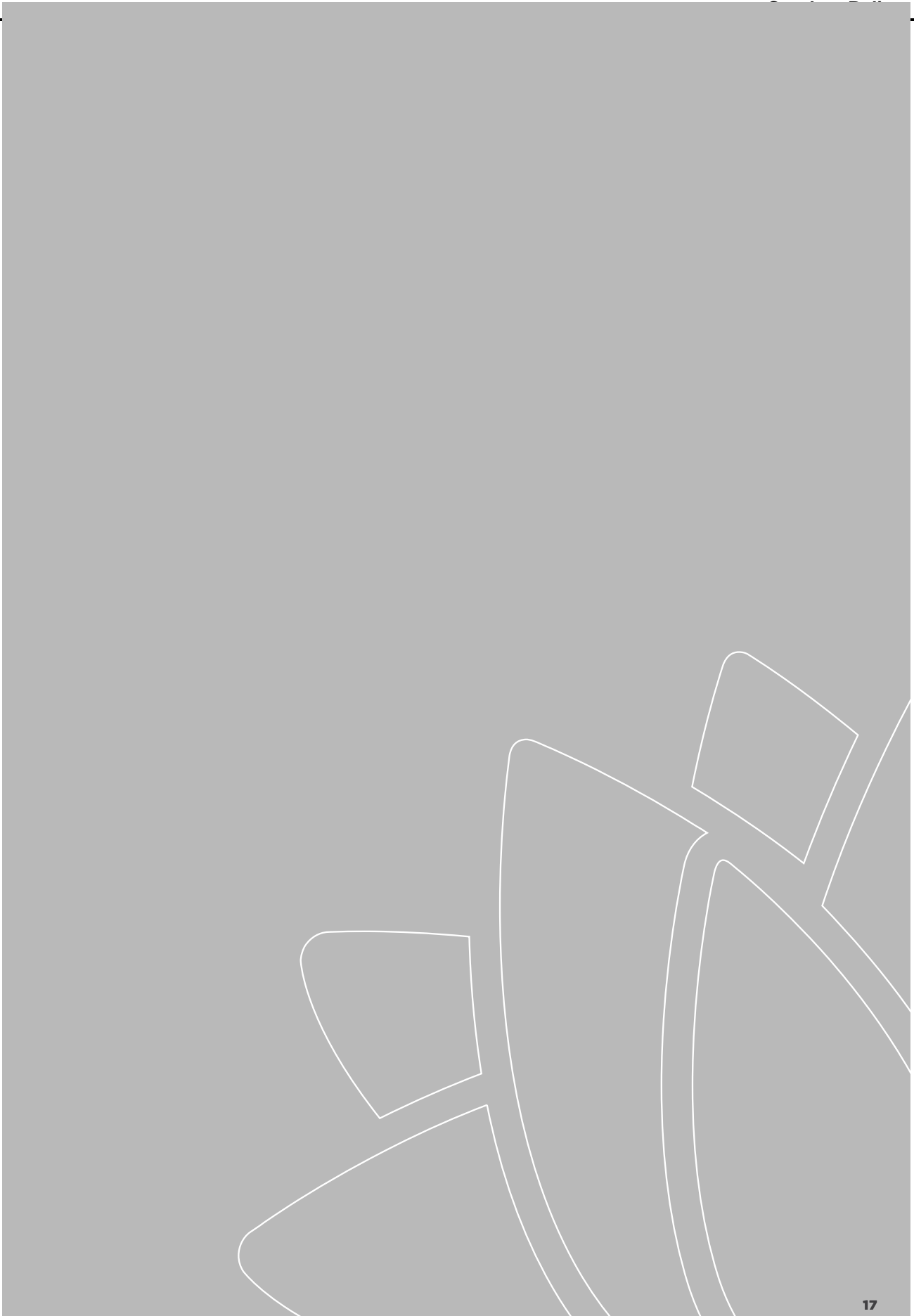
- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.



Part 5:

**How are Code of Conduct
Complaints to be Managed?**

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

- a) is not a code of conduct complaint, or
- b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- censure
 - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - prosecution for any breach of the law

- d) removing or restricting the person's delegation
- e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6:

**Preliminary Assessment of
Code of Conduct Complaints
About Councillors or the
General Manager by
Conduct Reviewers**

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7:

**Investigations of Code of
Conduct Complaints About
Councillors or the
General Manager**

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:

Oversight and Rights of Review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

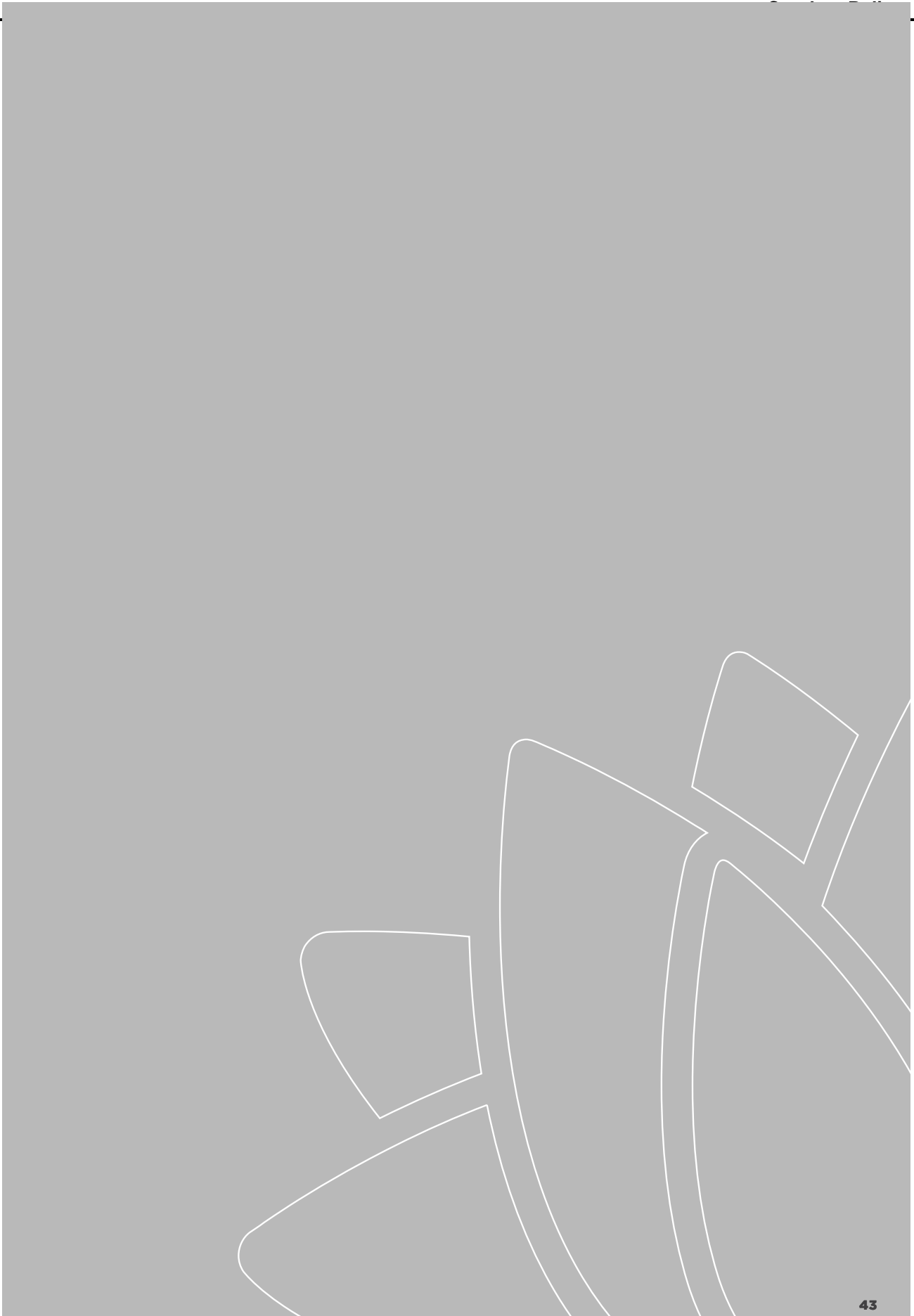
Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- that the investigator has failed to comply with a requirement under these procedures, or
 - that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.



Part 9:

Procedural Irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

Part 10: Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11:

**Reporting Statistics on Code
of Conduct Complaints
About Councillors and the
General Manager**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12: Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



Report:

Pursuant to the *Local Government Act 1993 Chapter 12 Part 2 Division 1* and the *Local Government (General) Regulation 2021 Part 10*, Councils must adopt a Code of Meeting Practice Policy, that incorporates the provisions of the OLG Model Code of Meeting Practice for Local Councils in NSW (Model Code of Meeting Practice).

A Council must also review and adopt its Code of Meeting Practice Policy within the first 12 months after each Ordinary Election, (its Code of Meeting Practice Policy must be consistent with the mandatory provisions of the OLG Model Code of Meeting Practice and the *Local Government Act 1993*) and make adjustments as it considers appropriate and as are consistent with the *Local Government Act 1993 (the Act) Chapter 12 Part 2 Division 1* and the *Local Government (General) Regulation 2021 Part 10*.

Office of Local Government's Review of the Model Code of Meeting Practice for Local Councils in NSW

On 5 September 2024 the NSW Office of Local Government (OLG) issued a Circular to Councils No. 24/17 – Councillor Conduct and Meeting Practices – A Discussion Paper and OLG is seeking feedback from the industry by 15 November 2024 to inform its review of the Model Code of Meeting Practice and the Model Code of Conduct.

A report is presented to Council, in this Business Paper, for Council to consider the OLG's review of the Councillor Conduct Framework and it is recommended that a Councillor Briefing be held for Councillors to discuss the OLG Councillor Conduct and Meeting Practices Discussion Paper and to formulate a submission (if required).

Renaming of Council's Standing Committees

Discussions regarding with the Mayor regarding the calling of this Extraordinary Council Meeting and which reports relating to machinery matters which could be presented to this meeting, the Mayor requested that Code of Meeting Practice be amended to change the names of the three Standing Committees to reflect Council's current organisational structure, directorates and Strategic Plans in order to re-align reports to the responsible Council Director. Therefore, amendments have been made to clauses 8.1 and 20.5 a) of the Policy to change the current Standing Committee names to:

- Infrastructure and Environment Committee (formerly named the Works Committee)
- Community Development Committee (formerly named the Health and Building Committee)
- Finance and Governance Committee (formerly named the Policy and General Committee)

The draft reviewed Code of Practice Policy with changes highlighted is attached to this report at attachment 1.

As the process for OLG to undertake an industry review may take some months to complete; and as Council's current Code of Meeting Practice Policy is compliant with the mandatory provisions of the current OLG Model Code, it is recommended that Council places the draft reviewed Code of Meeting Practice Policy on public exhibition with a view to adopting the draft Policy for the interim period until OLG consults on amendments to the Model Code of Meeting Practice for Local Councils in NSW and issues a new Model Code.

Community Engagement:

The draft reviewed Code of Meeting Practice Policy shall be publicly exhibited for a period of 28 days with submissions accepted for 42 days from the first day of public exhibition.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Chapter 12 Part 2
Local Government (General) Regulation 2021 Part 10

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Code of Meeting Practice Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

DRAFT CODE OF MEETING PRACTICE POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 - D19/21935		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	7
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
29 April 2020	Adoption of Amendment and Temporary Amendment	46238	
29 July 2020	Adoption	46307	
9 December 2020	Adoption of Temporary Amendment	46411	
26 March 2021	Temporary amendment to policy as per <i>Local Government (General) Regulation 2005 temporary amendment to allow Councillors to attend Council Meetings via audio-visual link under certain circumstances and as resolved by Council</i>	As per the temporary amendment to the <i>Local Government (General) Regulation 2005 (26 March 2021 to 31 December 2021)</i> .	
28 April 2021	Adoption of temporary addendum (extended to 30 June 2022) – Procedures for Councillor attendance via audio-visual link	46505	
27 January 2022	Public Exhibition	46713	
30 March 2022	Adoption	46799	
25 May 2022	Adoption of Amendment	46858	

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1. INTRODUCTION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) first adopted by Broken Hill City Council on 29/05/2019 and with subsequent amendments and is known as Council's Code of Meeting Practice Policy is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This code applies to all meetings of council 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.

The code of meeting practice 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.

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.

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.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

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.

3. BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:

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 6:30p.m. and be held in the Council Chambers.

Note: Clause 3.1 reflects section 365 of the Act.

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.

Notice to the public of council meetings

- 3.3 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 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to 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.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 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 3.6 reflects section 367(1) of the Act.

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

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.8 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 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 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 to the General Manager's Office by 5:00pm two Friday's prior to the Council Meeting.
- 3.10 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

- 3.11 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.12 A councillor is not permitted to ask a question with notice under clause 3.11 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.13 The general manager or their nominee may respond to a question with notice submitted under clause 3.11 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.14 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.
- 3.15 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 3.9.

- 3.16 Nothing in clause 3.15 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.17 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.
- 3.18 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 3.18 reflects section 9(2A)(a) of the Act.

- 3.19 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.

Statement of Ethical Obligations

- 3.20 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

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 that the general manager has identified under clause 3.18 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.21 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.22, 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 3.25 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The general manager 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 Despite clause 3.25, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- a. a motion is passed to have the business considered at the meeting, and
 - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.27 A motion moved under clause 3.26(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.28 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.26(a) can speak to the motion before it is put.
- 3.29 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.26(b) on whether a matter is of great urgency.

4. PUBLIC FORUMS

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.

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

4.3 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.

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.

4.4 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.

4.5 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.

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

4.7 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.

4.8 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.

- 4.9 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.
- 4.10 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.
- 4.11 The Chairperson is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 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.
- 4.14 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.
- 4.15 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.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 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.
- 4.18 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.
- 4.19 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.
- 4.20 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.

- 4.21 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.
- 4.22 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.
- 4.23 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 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 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 5.6 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 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 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 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 5.9 reflects section 368(2) of the Act.

5.10 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.

5.11 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.

5.12 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.

5.13 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.

5.14 Where a meeting is cancelled under clause 5.13, 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 under clause 3.3.

Entitlement of the public to attend council meetings

5.15 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 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 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 5.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 5.18 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.19 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 defamatory statements.
- 5.20 The recording of a meeting is to be made publicly available on the council's website and via YouTube and Facebook:
- a. at the same time as the meeting is taking place, or
 - b. as soon as practicable after the meeting.
- 5.21 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.22 Clauses 5.20 and 5.21 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 5.18 – 5.22 reflect section 236 of the Regulation.

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

Attendance of the general manager and other staff at meetings

- 5.24 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 5.24 reflects section 376(1) of the Act.

- 5.25 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 5.25 reflects section 376(2) of the Act.

- 5.26 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 5.26 reflects section 376(3) of the Act.

- 5.27 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.28 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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 If the chairperson is the mayor, they are to be addressed as 'Mayor [surname]'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting 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) 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."*

- 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.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.1 may 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 3.9, and
 - b. unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 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. subject to clause 9.9, 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, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- a. a motion is passed to have the business considered at the meeting, and
 - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 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.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting 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 3.9 and 3.13.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 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 put questions directly, succinctly, respectfully 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 3.9 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 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 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.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 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.
- 10.12 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.
- 10.13 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.
- 10.14 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.
- 10.15 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.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 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.

- 10.21 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.
- 10.22 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.
- 10.23 Despite clause 10.22, 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.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, 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.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 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 10.20.
- 10.28 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.
- 10.29 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.
- 10.30 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.

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.

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.

Voting at council meetings

11.4 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.

11.5 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.

11.6 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.

Voting on planning decisions

11.7 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.

11.8 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.

11.9 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.

11.10 Clauses 11.7–11.9 apply also to meetings that are closed to the public.

Note: Clauses 11.7–11.10 reflect section 375A of the Act.

Note: The requirements of clause 11.7 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.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 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.
- 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 8.3.
- 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 in accordance with the requirements of the council's code of conduct.

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, and
 - c. are fully discussed in that advice.

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 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 3.21 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 Where the matter has been identified in the agenda of the meeting under clause 3.21 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 the approved form. Applications must be received by 5:00pm three days before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 2 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their

representations to whether the meeting should be closed to the public. 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.

Expulsion of non-councillors from meetings closed to the public

- 14.18 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.
- 14.19 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 only such force as is 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.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 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 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 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.
- 14.22 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 14.21 during a part of the meeting that is webcast.

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 cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 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

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 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.
- 15.9 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.
- 15.10 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

- 15.11 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. insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation

- 15.12 The chairperson may require a councillor:
- a. to apologise without reservation for an act of disorder referred to in clauses 15.11 (a) or (b), or (e), or
 - b. to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - c. to retract and apologise without reservation for an act of disorder referred to in clauses 15.11 (d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation

How disorder at a meeting may be dealt with

- 15.13 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

- 15.14 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.
- 15.15 Clause 15.14 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.

- 15.16 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 15.12. 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: 15.16 reflects section 233(2) of the Regulation

- 15.17 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 15.12. 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 or disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation

- 15.18 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.
- 15.19 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.
- 15.20 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 only such force as is 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.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 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.
- 15.22 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.
- 15.23 Without limiting clause 15.18, a contravention of clause 15.22 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 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 only such force as is 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.

16. CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may 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 and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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

- 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 under clause 3.9.

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 clause 3.9.

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's Office no later than 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, and
 - b. a motion to have the motion considered at the meeting is passed, and
 - c. the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it 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 clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

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 clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 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 no later than 10:00pm.
- 18.2 If the business of the meeting is unfinished at 10:00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 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.
- 18.4 Clause 18.3 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.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, 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,
- 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. As per Minute No. 46689 of 12 January 2022 Council Meeting, 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:
 - **Infrastructure and Environment Committee** to consider all matters relating to that Directorate.
 - **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.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- a. has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 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

- 20.11 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.
- 20.12 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.
- 20.13 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.
- 20.14 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, but 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

- 20.15 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 unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 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 20.15.
- 20.17 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).

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 webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.22 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,
 - 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.
- 20.23 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.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 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.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.27 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.

- 20.28 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 15.11 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
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 20.11 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	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
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
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment

foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
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 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>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later times
year	means the period beginning 1 July and ending the following 30 June

EXTRAORDINARY MEETING OF THE COUNCIL

October 3, 2024

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 145/24SUBJECT: ADOPTION OF THE REVISED COUNCILLOR SUPPORT POLICY
D24/31144**Recommendation**

1. That Broken Hill City Council Report No. 145/24 dated October 3, 2024, be received.
2. That Council notes the minor amendments made to the draft revised Councillor Support Policy to reflect that Council issues Councillors with a pre-loaded credit card for use for out-of-pocket expenses associated with Councillor travel arrangements rather than reimbursing Councillors post travel.
3. That Council notes that the draft revised Councillor Support Policy is consistent with the requirements of *Local Government Act 1993 sections 252, 253 and 254* and the *Local Government (General) Regulation 2021 clause 403*.
4. That pursuant to the *Local Government Act 1993 Section 253 (3)*, Council adopts the draft revised Councillor Support Policy as a Policy of Council.

Executive Summary:

The purpose of the Councillor Support Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these expenses and facilities are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2021*.

The Policy was last adopted on 1 March 2023 to reflect that Councillors had the option of requesting a pre-loaded credit card for use for out-of-pocket travel expenses and the policy has now been amended to reflect that the pre-loaded credit card is the sole process for the provision of funds to Councillors for the payment of out-of-pocket travel expenses.

Report:

Councils are required to review their Councillor Support Policy within the first 12 months of the newly elected Council. Public notice is not required to be given prior to adoption if the Council is of the view that amendments to the policy are not substantial.

Council's current Councillor Support Policy is compliant with current legislation and since the last review of the Policy there hasn't been any circumstances occurring that would give rise to an indication that the Policy was not adequate.

However, the Policy has been amended to reflect the new practice of the provision of pre-loaded credit cards to Councillors to use for travel related expenses when travelling outside of the Broken Hill LGA to represent Council, rather than the previous practice of reimbursing Councillors for these expenses post travel.

Council's Councillor Support Policy complies with the following sections of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Local Government Act 1993**252 Payment of expenses and provision of facilities**

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *(Repealed)*
- (5) *A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Local Government (General) Regulation 2021**403 Payment of expenses and provision of facilities**

- (1) *A policy under section 252 of the Act must not include any provision enabling a council -*
- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
 - (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than the mayor.*
- (2) *A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.*

Community Engagement:

Not required as per *Section 253(3) of the Local Government Act 1993:*

- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

This is due to the policy being consistent with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* with regards to the provision of facilities and the payment of expenses to Councillors for the conduct of their civic duties with Council. Amendments have been made to the policy to reflect the new process of the provision of a pre-loaded credit card for travel related expenses in lieu of a Councillor seeking reimbursement for these expenses post travel.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Financial Implications:

All expenses detailed within the Councillor Support Policy are provided for within the adopted 2024/2025 Operational Plan.

Attachments

1. [↓](#) Draft Revised Councillor Support Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



DRAFT REVISED COUNCILLOR SUPPORT POLICY

QUALITY CONTROL			
TRIM REFERENCES	D12/13302 – 12/114		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	September 2024	REVISION NUMBER	17
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
24/09/2014	Adoption	44759	
30/09/2015	Public Exhibition	45075	
25/11/2015	Adoption	45128	
28/09/2016	Public Exhibition	45337	
30/11/2016	Adoption	45374	
23/02/2022	Public Exhibition	46739	
27/04/2022	Adoption	46819	
01/03/2023	Adoption	47120	

1. INTRODUCTION

This policy has been developed to ensure good governance and best practice standards are adhered to.

The policy is made in accordance with sections 252, 253 and 254 of the *Local Government Act 1993* (NSW).

2. POLICY OBJECTIVE

The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2021*.

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the *Local Government Act 1993*. These fees are determined annually and are based on the determinations made by the Local Government Remuneration Tribunal.

Should Council be in a period of Administration, the adopted Councillor Support Policy applies to the Administrator of the Council.

3. POLICY SCOPE

This policy is relevant to all Councillors.

4. POLICY STATEMENT

GENERAL PAYMENT OF EXPENSES

4.1. Payment of Expenses

Councillors will be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor. General allowances unrelated to actual expenses will not be paid.

A general allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and / or otherwise reconciled according to a set procedure and within a specific timeframe. (A Statutory Declaration is included at Annexure 1 for this purpose).

It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees.

4.2. Reimbursement and Reconciliation of Expenses

Councillors must provide a certified claim in the form provided by the General Manager for all travel, incidental and out of pocket expenses incurred. Payment will only be made for:

- a) expenses covered under this Policy; and
- b) items accompanied by appropriate tax invoice receipts or as provided in clause 4.4;
- c) Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required it would be appropriate for Councillors to certify that the expenditure was for the purpose intended.

Where no receipts or tax invoices are submitted; a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred (Appendix 1).

If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.

The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.

Other than provided in Clause ~~4.47.1.3~~, all claims must be submitted within ~~seven#irty (Z30)~~ days of being incurred unless reasonable cause can be shown for the delay.

Failure to meet this timeframe will result in a decline of the reimbursement.

4.3. Payment in Advance – Council issued Preloaded Credit Card

Councillors ~~have the option of requesting~~ are provided with advance payment for expenses to be incurred under this Policy ~~upon request to the General Manager~~, via the issue of a preloaded credit card.

The preloaded credit card can be used for all out-of-pocket travel related expenses as outlined in 4.4 and 4.12.

Councillors must reconcile advance payments within seven (7) days of the provision of the service or completion of the travel.

All items to be reconciled must be accompanied by appropriate tax invoice receipts.

Funds not acquitted will be advised to the Councillor and deducted from the next scheduled Councillor payment.

4.4. Establishment of Monetary Limits and Standards

The following are monetary limits for reasonable out-of-pocket expenses:

Expense	Refund Basis	Daily Limit \$	Comment
Registration Costs	Actual	None	Includes costs relating to official attendance at conferences/meetings which may also include luncheons, dinners, tours/inspections which are relevant to the interests of the Council and part of the conference registration costs. In most cases, Council will arrange and fund registrations to conferences/meetings.
Accommodation	Actual up to daily limit	Zone 1: \$400 per day Zone 2: \$250 per day Zone 3: \$200 per day	Limits are dependent on the location of accommodation, providing for regional differences in costs. Zone 1: Capital Cities Zone 2: Regional Cities Zone 3: Country Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the General Manager has the discretion to approve the increase in costs. In most cases, Council will arrange and fund accommodation (room only).
Out of pocket expenses	Actual up to daily limit	Reviewed annually – based on the ATO Reasonable	Expenses in this category may include: Reasonable refreshments Reasonable telephone or internet usage; Meals not included in registration fees etc.

		Allowance	The following expenses will not generally be reimbursed-funded and are the responsibility of the councillor: Alcohol (see note*) Mini-bar items
Enrolment fees	Actual	None	In most cases, Council will arrange and fund attendance of Councillors at training courses.
Air Travel	Actual	None	In most cases, Council will arrange and fund Councillors air travel when required.
Rail Travel	Actual	None	In most cases, Council will only arrange and fund Councillors air-rail travel when requested.
Taxi	Actual	None	Travel for official Council business or training only.
Bus	Actual	None	Travel for official Council business or training only.
Parking/Tolls	Actual	None	Travel for official Council business or training only.
Expense	Refund Basis	Daily Limit \$	Comment
Telephone	Actual	\$50 per month	Council related calls only.
Use of private motor vehicle	Actual	Per km allowance as defined in the BHCC Award	The use of a Council pool car should be considered for car travel prior to use of own vehicle.
Personal care or child care expenses: up to four (4) hours	Actual up to daily limit	\$80 per day	Council will reimburse a Councillor's costs to a maximum of \$80 to cover a four (4) hour engagement of a babysitter/caregiver where required to allow the Councillor to attend any Council, Committee meetings, working party or workshop. The four (4) hour period shall include 30 minutes prior to and after the conclusion of the meeting or workshop.
Personal care or child care expenses: more than four (4) hours	Actual up to hourly limit	\$15 per hour	An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc. that go beyond the four (4) hours engagement period referred to above.

* Council will ~~not not reimbursefund~~ expenses relating to alcoholic beverages unless the expenses have been incurred as part of legitimate Council business and the Councillor can identify the strategic benefit to the Broken Hill City Council and community.

Examples include:

- Civic Functions

- Entertaining members of the public in order to promote a Local Government initiative or project
- Evening meals associated with a seminar or other function at a particular venue during which significant official business is engaged in during a meal.

4.5. Incidental Expenses

Council will ~~cover fund~~ incidental travel expenses-provided that it can be demonstrated that the expenses were actually incurred - and that established reconciliation procedures are followed, for example, ~~the completion of a claim form provision of original receipts itemising the~~. ~~A claim form must include an itemised account of~~ expenditure and should not be general in nature.

Council will not ~~reimburse fund~~ personal travel expenses.

4.6. Expenses – Accompanying Person

When a service is shared between a Councillor and accompanying person, the expense associated with the service will be ~~reimbursed funded by Council as long as~~ the expense did not increase due to the attendance of the accompanying person.

Formatted: Underline

Where costs increase due to the attendance of the accompanying person ~~(whether Council has paid these additional expenses either directly by Purchase Order or by the Councillor's use of Council's preloaded credit card~~, Council will ~~only reimburse the amount that relates to the Councillor's invoice the Councillor for reimbursement to Council of the additional charges incurred~~. In the case of accommodation paid by Council, the Councillor must pay the difference between the single person rate and the rate charged for additional persons ~~(an invoice will be issued to the Councillor to reimburse these costs to Council)~~.

However, Council will meet the reasonable direct costs of an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature within the City of Broken Hill. For example, civic receptions; award ceremonies; conferences held in Broken Hill at which Council is the host or is represented and charitable functions for charities supported by the Council.

Council will not pay for costs associated with accompanying persons who accompany a Councillor at any event or function outside the Council area, including interstate and overseas.

SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS

4.7. Attendance at Seminars and Conferences

Councillor ~~a~~Attendance at seminars and conferences must be approved by Council on a case by case basis.

Council will cover registrations fees for conferences, seminars and the like that are attended by the Councillor as a representative of the Council.

Council will also cover travel and accommodation costs as set out in Clauses 4.4 and 4.12.

4.8. Attendance at External Committee Meetings

Councillors may travel to and attend meetings directly relating to their appointment on external committees and other groups on behalf of Council, without prior approval of Council.

Council will cover travel and accommodation costs as set out in Clauses 4.4 and 4.12.

4.9. Training and Educational Expenses

Council supports the professional development of all Councillors. In order to facilitate this, an annual training plan shall be maintained and a budget provided to meet the needs identified in the training plan.

In general, training will be provided on a group basis for all Councillors. Council will organise and fully fund the training. All training and educational expenses must be directly related to the Councillor's civic functions and responsibilities.

Training for individual Councillors must be approved by the Mayor upon receipt of a request in writing. The Mayor will consult with the General Manager as approval is subject to availability of funds and relevance of training in accordance with the Division of Local Government Councillor Induction and Professional Development – A Guide for Councils.

Council will continue to develop, fund and implement a Councillor training and development program with particular reference to the Division's Councillor Induction and Professional Development Guide.

4.10. Travel Arrangements and Expenses

All travel associated with Council business must be properly authorised prior to travel being undertaken. Councillors must not approve their own travel. Authorisation must be obtained in the following ways:

4.11. Authorisation

- a) All Councillors' travel must be authorised by resolution of Council, except in cases of urgency or where it relates to attendance at external committee meetings to which the Councillor has been appointed by Council. In situations of urgency, the Mayor may authorise travel which must then be endorsed at the next Council meeting;
- b) Councillors' travel arrangements must be authorised by the Mayor, or the Deputy Mayor in the absence of the Mayor;
- c) In cases of exceptional circumstances, Councillor's travel arrangements may be authorised by the General Manager, or the Acting General Manager, in the absence of the General Manager;
- d) In the case of the Mayor, travel arrangements may be authorised by the General Manager or the Acting General Manager in the absence of the General Manager;
- e) Councillor who undertook travel must return the pre-loaded credit card along with receipts for out-of-pocket travel expenses as per clauses 4.4, within 7 days of the travel being completed, in order that the credit card can be reconciled.

4.12. Travel Arrangements

- a) All travel arrangements must be made through the Executive Support Team. Travel arrangements must not be made by individuals unless prior approval has been obtained in writing from the General Manager;
- b) Travel must be for the purpose approved. Changes must not be made to travel arrangements unless prior approval has been obtained from the General Manager;
- c) Should the General Manager approve Councillors to make their own travel arrangements, the Councillor is not permitted to accumulate Frequent Flyer points for Council-funded travel;

- d) Travel may be by air (economy class), rail (first class), coach or motor vehicle, depending upon which is the most cost effective mode;
- e) Councillors intending to travel by motor vehicle must abide by the provisions of Council's Motor Vehicle Usage Policy [and Agreement](#);
- f) Councillors requiring air travel should advise the Executive Support Team as soon as travel has been authorised so that any discount fares may be utilised;
- g) Should Councillors wish to be accompanied by another person, prior approval must be obtained from the Mayor. All travel costs associated with the travel of the other person must be paid by the other person unless otherwise resolved by Council;
- h) All travel by Councillors must be undertaken using the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations;
- i) Councillors are personally responsible for all traffic or parking fines incurred whilst they are driving private or Council vehicles on Council business.

4.13. Accommodation

- a) The Executive Support Team will arrange suitable room accommodation, based upon cost and convenience. A Councillor may choose accommodation at a different location but it must be at the same cost or less;
- b) Council will pay accommodation costs and hotel/motel parking fees where they are not included in accommodation costs;
- c) Council will not pay for separate or upgraded accommodation for spouse, partner or accompanying persons. The Councillor will be invoiced for any additional associated costs;
- d) Council orders for accommodation will not include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel; such costs will be paid by the Councillor on check-out;
- e) Should accommodation not be able to be booked in advance because of uncertain travel arrangements, accommodation charges must be paid by the traveller and a reimbursement claimed upon return to Broken Hill. Reimbursement of reasonable accommodation costs will only be made if a tax invoice is produced.

4.14. Incidental Expenses

Councillors are issued with a Council preloaded credit card to pay for ~~will reimburse the~~ reasonable out-of-pocket expenses involved in travel as detailed in this Policy.

4.15. Overseas Travel

Prior to any action in respect of overseas travel, a report shall be prepared for Council's consideration in advance of the proposed travel, detailing the purpose of the travel, meetings, costs, conferences and seminars together with the expected tangible benefits that may be derived for the Broken Hill community.

If the overseas travel is approved all the provisions within this Councillor Support Policy will apply in respect of travel arrangements and costs to be met by Council.

Upon return a detailed report is to be provided to Council by the Councillor(s) who undertook the travel measuring tangible outcomes against the original expectations.

4.16. Cancellation

Any cancellation of travel arrangements must be advised to the Executive Support Team as soon as practicable.

4.17. Telephone Costs and Telecommunications

Call charges up to the monetary monthly limit shall be reimbursed by Council upon receipt of a Statutory Declaration by a Councillor that the amount relates to Council business and is accompanied by a schedule of itemised calls.

4.18. Care and Other Related Expenses

Council adopts the principle of the payment of child care expenses for children up to and including the age of 16 years, to enable a Councillor to attend to their civic duties.

However, child care will only be available to enable the Councillor's attendance at essential Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the Mayor and General Manager.

In situations where care is required for a partner or other immediate family member to enable the Councillor's attendance at essential Council activities, a separate application will be required from the affected Councillor in each instance, for determination by the Mayor and General Manager.

4.19. Insurance Expenses and Obligations

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional liability.

Council will affect an appropriate level of insurance for Councillors in the following areas:

- a) Personal Accident/Travel Insurance – coverage of Councillor and spouse, partner or accompanying person, while on Council business;
- b) Public Liability – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- c) Professional Indemnity – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- d) Councillors & Officers Liability – for matters arising out of Councillors' performance of their civic duties and /or exercise of their Council functions.

Council will meet any excess applicable under a policy but the appropriate excess applicable will be reviewed upon the renewal of these insurances. A duty of care is required by all insured persons. Terms and conditions are as per policy wordings.

Councillors are not covered by workers compensation payments or arrangements.

Council may obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor or to reimburse those costs, provided that the costs or reimbursements are ones that Council is authorised to meet.

4.20. Attendance at Non-Council Functions

- a) Consideration will be given to meeting the cost of Councillors' attendance at dinners and other non-Council functions that provide briefings from key members of the community, politicians and business where the function is relevant to the Council's interest and is held in Broken Hill, such cost to be the reasonable expenses of a required registration fee and or necessary meal and beverage cost; when clause 7.8 (b) does not apply. Requests should be made prior to the event via the Mayor to the Council's General Manager;
- b) The majority of briefings for Councillors will be organised by the General Manager and take place at a Council venue and budgeted in Council's operating expenditure;
- c) No payment will be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

4.21. Legal Expenses and Obligations

- a) Council will indemnify or reimburse the reasonable legal expenses of:
 - A Councillor defending an action arising from the performance in good faith of a function under the Act; or
 - A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor.
- b) Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including the following, provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith if a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - Independent Commission Against Corruption
 - Office of the NSW Ombudsman
 - Division of Local Government
 - Department of Premier and Cabinet
 - NSW Police Force
 - Director of Public Prosecutions
 - Council's Conduct Review Committee / Reviewer
- c) In the case of a conduct complaint made against a Councillor, legal costs may only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct;
- d) In the case of a pecuniary interest or misbehaviour matter legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government;

- e) Legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to a Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome;
- f) Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances;
- g) Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- h) Council will not meet legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- i) Approval must be sought and given in writing from the General Manager prior to legal expenses being incurred.

GENERAL PROVISION OF FACILITIES

4.22. Provision of Facilities generally

Facilities, equipment and services will be provided that are appropriate to support the Mayor and Councillors in undertaking their role as elected members of the Council.

4.23. Private Use of Equipment and Facilities

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business.

It is acknowledged that incidental use of Council equipment and facilities may occur from time to time and such incidental private use is not subject to a compensatory payment back to Council.

Where more substantive private use occurs, Councillors must advise the General Manager in writing and the Councillor will be charged on a cost recovery basis for that private use. The General Manager will establish a register to record all such applications, reconciliations and reimbursements. Council will invoice Councillors for any such substantive private use on a quarterly basis.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

4.24. Acquisition and Return of Equipment and Facilities

Councillors are required to return all equipment issued to them, excluding clothing, within one (1) month after the completion of their term of office, during extended leave of absence or at the cessation of their civic duties.

Councillors may have the option to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale, it may be purchased at an agreed fair market price or written down value. Councillors may make application in writing to the General Manager for consideration of this option and determination of same.

EQUIPMENT AND FACILITIES PROVIDED FOR COUNCILLORS

4.25. Clothing

Each Councillor will be provided with the following corporate clothing for use as part of their civic duties i.e. attendance at Council Meetings, civic functions etc.:

- a) Jacket with embroidered Council ~~lege-crest~~ – one jacket during a term of office;
- b) Neck tie/scarf – a sufficient number of neck ties/scarves embroidered with the Council's ~~legecrest~~; and
- c) A Councillor name badge.

Additional clothing, within the Council's current uniform range may be purchased by Councillors at the Councillor's own expense.

4.26. Office/Meeting Room Facilities

A Councillor Office/meeting room is available on the Second Floor at Council's Administrative Centre for use by Councillors in the conduct of their duties of office and for Councillor interviews with constituents.

The office/meeting room will be equipped with a telephone, a computer with internet, email and Windows software and connected to a scanner/printer/copier.

It will be necessary for Councillors to make bookings for use of the Councillor Office/meeting room through the General Manager's Office Executive Support Team and these bookings will appear on the Councillor's Outlook Calendar as a reference for Councillors of the availability of the office/meeting room.

4.27. Reference Materials

All Councillors will be issued with either an electronic or hardcopy copy of Bluett's Local Government Handbook (NSW) Latest Edition and Councillor's [reference m](#)Induction Manual compiled by the General Manager.

Other reference materials will be provided as requested by Councillors or as deemed necessary by the General Manager.

4.28. Meals and refreshments

Council will provide appropriate light meals and refreshments at Council Workshops, meetings and meetings of Council and Committees which run over normal meal times.

4.29. Mobile Telephones

Upon request Councillors may be provided with a standard mobile telephone for the purpose of conducting Council business and must be used in a manner consistent with the Council's Mobile Phones Policy.

The Mobile Telephone Agreement must be completed by Councillors who are provided with a mobile phone (Appendix 2).

4.30. Portable Computers Devices

A portable computer device will be provided to all Councillors, in lieu of printed Council Business Papers and other reference materials / information.

Councillors are not to store personal photos/videos/music/games on their portable computer devices as this can cause unnecessary operating problems when downloading large documents and business papers.

Help Desk-support will be provided for Council business purposes.

4.31. Council Motor Vehicles

Access to Council's Motor Vehicle Fleet will be provided to the Mayor and Councillors for the purposes of travelling to and from meetings, conferences and seminars where it is identified to be the most direct and / or cost effective option.

Use of Council's Motor Vehicle Fleet is to be in accordance with the Motor Vehicle Usage Policy [and Agreement](#).

GIFTS AND BENEFITS

4.32. Given By Councillors

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example on a Council business related trip or when receiving visitors; these gifts and benefits should be of token value as defined in Council's Code of Conduct ~~and Council's "Gifts and Benefits" Policy~~.

4.33. Received by Councillors

The provisions of Council's Code of Conduct ~~and Council's "Gifts and Benefits" Policy~~ will apply.

PROVISION OF ADDITIONAL EQUIPMENT & FACILITIES FOR THE MAYOR

4.34. Mobile Telephone

Council will provide at its cost a mobile phone for use in relation to official duties and functions of the Office of Mayor. Council will meet rental and the cost of official calls. The account for the mobile phone will be in the name of Broken Hill City Council and the Mayor must advise the Council in writing monthly of any personal calls made from the mobile phone as the cost of these personal calls is to be met by the Mayor.

4.35. Office Facilities

Council will provide the following office facilities at the Administrative Centre:

- a) Office space; sufficient quantity of quality office space necessary to fulfil the duties of Mayoral office;
- b) Telephone; a high quality digital telephone with direct in dial and direct line facilities;
- c) Furniture; An appropriate quantity of quality office furniture;
- d) Stationery; including Mayoral letterhead, envelopes and stationery generally.

4.36. Secretarial Support

Secretarial support facilities are available to the Mayor through the Executive Support Team during normal office hours. The General Manager may on request provide access to secretarial support outside office hours for Council business, for example, public meetings and ceremonies.

Council will meet the cost of postage of mail forwarded by the Mayor in the conduct of official duties.

4.37. Purchase Card

Council shall provide the Mayor with a purchase card for business expenditure only and must comply with the general terms and conditions within Council's Purchase Card Procedures or any other relevant policies and procedures.

DISPUTE RESOLUTION REGARDING EXPENSES AND FACILITIES FOR COUNCILLORS

4.38. Process

Should any dispute arise about the payment of expenses or provision of facilities for Councillors, the Councillor(s) concerned are required to submit a formal written request to the General Manager advising the issue in dispute and the provision or remedy sought.

The General Manager is to give proper consideration to any such request and make a decision as to whether the claim is in keeping with this policy; whether the claim is not appropriate and/or whether the Councillor Support Policy needs to be reviewed.

Should the Councillor, on receipt of the General Manager's reply, consider the matter needs to be reviewed; the Councillor must make a written submission to the Independent Chair of the Audit Committee. The Chair will consider and decide the matter.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The General Manager is responsible for ensuring that Council is operating in accordance with the provisions of this policy.

5.2. Communication

This Policy will be communicated to the community and staff utilising 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.

5.3. Associated Documents

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

- Broken Hill City Council Code of Conduct
- Motor Vehicle Usage Policy
- Mobile Telephone Policy
- Purchase Card Procedure
- Annexure 1 – Statutory Declaration
- Annexure 2 – Mobile Telephone Agreement

6. REVIEW

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

This Policy must be reviewed within the first twelve (12) months of each new term of Council with public notice to ensure it meets the requirements of legislation and the needs of Council.

The General Manager 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 (sections 252-254)
- Local Government (General) Regulation 2021 (section 403)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009.

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

8. DEFINITIONS

"Accompanying Person" shall mean a person who has a close relationship (partner / spouse) with the Councillor and / or provides carer support to the Councillor).

"ATO" shall mean Australian Taxation Office.

"Incidental Travel Expenses" shall mean business expenses incurred while undertaking approved travel other than airfares and accommodation. Expenses such as reasonable business related hospitality and entertainment, domestic meals, taxi fares, business related communication, business related excess baggage and stationery are examples that fall into this category.

"Personal Travel Expenses" shall mean expenses of a personal nature incurred by the traveller when on approved travel. Expenses such as personal entertainment, including use of the hotel mini-bars and in-house videos, laundry and personal travel are examples that fall into this category.

"Traveller" shall mean The Mayor or Councillor approved to undertake travel on behalf of the Council.



ANNEXURE 1

BROKEN HILL CITY COUNCIL

REIMBURSEMENT OF INCIDENTAL EXPENSES INCURRED BY COUNCILLORS

STATUTORY DECLARATION

On _____ (date), I _____ (name),

a Councillor of Broken Hill City Council, of:

_____ (address)

Do solemnly and sincerely declare that:

1. On _____ (date) I did incur expenditure in accordance with the Councillor Support Policy, in the sum of:

\$ _____

2. I am unable to produce invoices, receipts, dockets and/or related documents which evidence the expenditure referred to in paragraph 1. However, I verify that I incurred the expenses in relation to my duties as Councillor for Broken Hill City Council.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Signed: _____

Witnessed: _____

Name of Witness: _____

Qualification of the Witness: Justice of the Peace

Solicitor

Registration Number of Justice of the Peace (or stamp): _____

1. Councillor	2. General Manager	3. Executive Support Team
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ANNEXURE 2

**BROKEN HILL CITY COUNCIL
MOBILE TELEPHONE AGREEMENT**

I, _____ (the "approved user")

acknowledge the following:

1. That I have received and read a copy of Council's Mobile Phones Policy;
2. That I have been granted use of a Council mobile telephone in accordance with Council's Mobile Phone Policy;
3. That I will comply with the requirements of this policy;
4. That I accept responsibility for the equipment granted to me;
5. That I will reimburse Council for all private and personal calls made on the Council mobile telephone that has been allocated to me;
6. That the mobile phone and associated equipment must be returned to Council at the end of my term of Council;
7. The mobile telephone number and serial number of the equipment allocated to me are:

a) mobile telephone number: _____

b) mobile telephone serial number: _____

c) sim card serial number: _____

Councillor

Date

EXTRAORDINARY MEETING OF THE COUNCIL

October 2, 2024

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 146/24

SUBJECT: ADOPTION OF THE DRAFT REVISED COUNCILLOR AND STAFF INTERACTION POLICY D24/34793

Recommendation

1. That Broken Hill City Council Report No. 146/24 dated October 2, 2024, be received.
2. That Council notes the minor amendments made to the draft revised Councillor and Staff Interaction Policy and also notes that the Councillor and Staff Interaction Policy is consistent with the Office of Local Government's Model Policy.
3. That Council adopts the draft revised Councillor and Staff Interaction Policy as a Policy of Council.

Executive Summary:

On 7 April 2022 the Office of Local Government released its Model Councillor and Staff Interaction Policy 2022 for NSW Councils.

The draft Councillor and Staff Interaction Policy (based on the Model Policy) promotes positive, respectful and professional interactions between Councillors and staff reflecting the "best practice" principles of Local Government.

The Policy was first adopted by Council on 27 April 2022, and has been reviewed and amended to update the numbering of Part 5 of the Policy and to update the staff names and titles in Schedule 1; and is now presented to Council to consider re-adoption as a Policy of Council.

Report:

On 7 April 2022 the Office of Local Government released its Model Councillor and Staff Interaction Policy (Model Policy) for use by NSW Councils.

The Model Policy was developed following two rounds of consultation by the Office of Local Government with the Local Government sector and the Model Policy represents a "best practice" approach to ensure a positive, professional working relationship between Councillors and staff which is a key element to a Council's success.

The objectives of the Model Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties

- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

The Model Policy also outlines the process for which Councillors can request information or advice from staff; access to Council staff; Councillor access to Council buildings; and appropriate and inappropriate interactions.

Council first adopted the Councillor and Staff Interaction Policy (based on the Model Policy) at its Ordinary Council Meeting held 27 April 2022. The Policy has been reviewed for the new Term of Council and the following amendments have been made:

- corrections to the numbering in Part 5 clauses 5.13, 5.14, and
- amendments to names and titles of staff in Schedule 1.

Attached to this report is the draft revised Councillor and Staff Interaction Policy (based on the Model Policy) for Council's consideration of re-adoption.

Community Engagement:

As the draft revised Policy is consistent with the OLG Model Policy and the amendments are minor in nature and do not alter the context of the Policy, it is recommended that the draft revised Policy be adopted, as per the *Local Government Act 1993 section 355*.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993 sections 355 and 440

Financial Implications:

Nil

Attachments

1. [↓](#) Draft revised Councillor and Staff Interaction Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

DRAFT COUNCILLOR AND STAFF INTERACTION POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/114 – D22/17614		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	31 October 2026	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27/04/2022	Adoption	46818	

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PART 1 – INTRODUCTION

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Broken Hill City Council's *Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

PART 2 – APPLICATION

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

PART 3 – POLICY OBJECTIVES

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

**PART 4 – PRINCIPLES, ROLES AND
RESPONSIBILITIES**

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale

and cost for a client group of 10 people.

Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data
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4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

PART 5 – THE COUNCILLOR REQUESTS SYSTEM

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the Executive Support Team) under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor requests system to:
 - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist councillors with their

- requests and do so in a respectful manner.
- 5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within 10 business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 5.8 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.9 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.10 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.11 The General Manager may refuse access to information requested by a councillor if:
- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
 - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the General Manager is prevented by law from disclosing the information.
- 5.12 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 5.13 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.1~~12~~ (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.1~~12~~ (c) or (d).
- 5.14 Nothing in clauses 5.1~~12~~, 5.1~~23~~, and 5.1~~34~~ prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 5.15 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 5.16 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 5.17 A report will be provided to twice yearly regarding the performance and efficiency of the councillor requests system against established key performance indicators.

PART 6 – ACCESS TO COUNCIL STAFF

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Officer who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

PART 7 – COUNCILLOR ACCESS TO COUNCIL BUILDINGS

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

PART 8 – APPROPRIATE AND INAPPROPRIATE INTERACTIONS

8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
- c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
- e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and council staff feel supported when seeking and providing clarification about council related business
- g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:

- i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
- e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- f) councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to councillors
- h) councillors making personal attacks on staff or engaging in conduct towards staff that would

be contrary to the general
conduct provisions in Part 3 of the
Code of Conduct in public forums
including social media

- i) councillors directing or pressuring
staff in the performance of their
work, or recommendations they
should make
- j) staff providing ad hoc advice to
councillors without recording or
documenting the interaction as
they would if the advice was
provided to a member of the
community

8.3 Where a councillor engages in
conduct that, in the opinion of the
General Manager, puts the health,
safety or welfare of staff at risk, the
General Manager may restrict the
councillor's access to staff.

8.4 Any concerns relating to the conduct
of staff under this Policy should be
raised with the General Manager.

PART 9 – COMPLAINTS

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

SCHEDULE 1 – AUTHORISED STAFF CONTACTS FOR COUNCILLORS

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

AUTHORISED STAFF MEMBER	POSITION
Jay Nankivell	General Manager
Razija Nu'man	Chief Director Corporate and Community Officer
Codie Howard	Chief Assets and Projects Officer Director <u>Infrastructure and Environment</u>
Simon Brown	Chief Financial Officer Director Finance and <u>Commercial</u>
<u>Darrin Manuel</u>	<u>Manager Communications and Marketing</u>
Leisa Bartlett	Executive Officer
Lacey Butcher	Executive Assistant
Emily Guerin (current vacant position)	Executive Assistant
<u>Jessica Murray</u>	<u>Executive Assistant</u>

Staff who support Council's S355 Committees and other Council Committees and Working Groups can interact with Councillors for the purpose of facilitating such S355 Committees/other Committees and Working Groups only (e.g. dissemination of meeting information, agendas, minutes and actions etc).

SCHEDULE 2 – COUNCILLOR REQUEST SYSTEM

As per Part 5 – The below table provides information regarding the process for requests made by Councillors.

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Action (e.g. repairs to footpath, mowing of Park)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Request entered into Customer Service Request System and allocated a request number which is notified to Councillor
Access to Council documents for a purpose related to your role as a Councillor	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Referral by Executive Support Team to Public Officer for determination. If request is refused a formal application under GIPA Act may be submitted or Notice of Motion may be submitted to Council Meeting
Access to documents for a private purpose	Application under GIPA Act to Public Officer	Referral by Executive Support Team to Public Officer for determination.
Access to Council workplace	Telephone request to General Manager or designated officer	Coordination by General Manager or designated officer
Advice (e.g. technical advice, current status of development application, request for allocation of capital budgets)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Registration by Executive Support Team and referral to relevant Manager with copy to General Manager. Manager to update register as to progress of Request
Administrative Support (e.g. stationery, office supplies, stenographic or clerical services)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Executive Support Team to arrange in accordance with Councillor Support Policy

EXTRAORDINARY MEETING OF THE COUNCIL

October 2, 2024

ITEM 11**BROKEN HILL CITY COUNCIL REPORT NO. 147/24**

SUBJECT: **COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024 AND CANCELLATION OF THE NOVEMBER 2024 STANDING COMMITTEE MEETINGS** **D24/41766**

Recommendation

1. That Broken Hill City Council Report No. 147/24 dated October 2, 2024, be received.
2. That along with the newly elected Mayor and Deputy Mayor, Council determines additional Councillor Delegates to attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024.
3. That Council determines its two voting delegates and advise Local Government NSW prior to 6 November 2024.
4. That as a number of Elected Members and the General Manager will be attending the Conference during the same week as the November Standing Committee Meetings, the Standing Committee Meetings for November be cancelled with reports presented directly to the Ordinary Council Meeting to be held 27 November 2024.

Executive Summary:

Attendance of Council's delegates at the LGNSW Annual Conference is by Council resolution.

The Conference is to be held in Tamworth at the Tamworth Regional Entertainment and Conference Centre from 17-19 November 2024.

As early bird registrations closed on 25 September 2024, Council has previously determined at its 31 July 2024 Council Meeting (Minute No. 47605) that the Mayor, Deputy Mayor and three (3) Councillors will attend the Conference. Early bird registrations were pre-booked in Council's name, with the names of the elected members to be determined at the first meeting of the newly elected Council on 30 October 2024 Council Meeting.

As well as determining its Council delegates, Council is also required to determine its two (2) voting delegates to the Conference and advise Local Government NSW prior to 6 November 2024.

Due to travel time to and from Tamworth plus attendance at the Conference, potentially five (5) Elected Members and the General Manager will be absent from Broken Hill during the same week as the November Standing Committee Meetings and as such, it is recommended that the Standing Committee Meetings for November be cancelled and that reports be presented directly to the Ordinary Council Meeting to be held 27 November 2024.

Report:

The LGNSW Annual Conference is the annual policy-making event for councils of NSW. The Conference is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

The theme for the Annual Conference has not yet been released and the program has only been released as a draft. Based on the format of previous years the Conference will include addresses by keynote speakers, presentations, panel addresses, workshops and trade exhibitions all tailored to the various aspects and current issues facing Local Government.

Attendance at the Conference will ensure that remote areas such as the Far West are not placed at a disadvantage by decisions made.

Council at its meeting held 31 July 2024 considered a report regarding Councillor delegates to the Conference and resolved as follows:

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 107/24 - DATED JULY 17, 2024 - COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024 D24/34847

RESOLUTION

Minute No. 47605

Councillor D Gallagher moved
Councillor R Algate seconded

Resolved

-) 1. That Broken Hill City Council Report No. 107/24 dated July 17, 2024, be received.
-) 2. That Council determines that the Mayor, Deputy Mayor and three (3) Councillor Delegates attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024.
3. That Council determines its two voting delegates and advise Local Government NSW prior to 6 November 2024.
4. That Council at its Ordinary Meeting to be held on 30 October 2024 (being the first meeting following the Local Government Elections), determines which three (3) Councillor delegates will attend the Local Government NSW Conference.

CARRIED UNANIMOUSLY

Voting Delegates

Voting delegates must be registered to attend the Conference and be registered as a nominated voting delegate.

To vote on motions, delegates must be an elected member of a council, county council, the Lord Howe Island Board (LHIB), Norfolk Island Regional Council (NIRC) or Related Local Government Body (RLGB) or an Administrator appointed in accordance with the *Local Government Act 1993*.

As per the Rules of the Local Government NSW (Rule 23) the formula to determine the number of voting delegates for a Council with the population between 10,001 to 20,000 is 2, therefore **Broken Hill City Council is entitled to 2 voting delegates.**

Ordinary members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for voting on motions by 5pm on Wednesday **6 November 2024.**

November Standing Committee Meetings

As per clause 20.5a of Council's adopted Code of Meeting Practice Policy (based on the Office of Local Government Model Code of Meeting Practice) the November Committee Meetings are scheduled for Monday 18 to Wednesday 20 November 2024, the week prior to the 27 November 2024.

Any alteration to the scheduled dates for Standing Committee Meetings must be in accordance with clause 20.5a the Code of Meeting Practice Policy and therefore any alteration must be resolved by Council.

Due to travel time to and from Tamworth plus attendance at the Conference along with potentially five (5) Elected Members and the General Manager will be absent from Broken Hill during the same week as the November Standing Committee Meetings and as such, it is recommended that the Standing Committee Meetings for November be cancelled and that reports be presented directly to the Ordinary Council Meeting to be held 27 November 2024.

Community Engagement:

Nil

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.2	Provide learning and networking opportunities for elected members
Key Direction:	4	Our Leadership
Objective:	4.3	We unite to succeed in Australia's first City on the National Heritage List
Strategy:	4.3.4	Maintain a strong relationship and regularly engage with the Minister for Local Government and other Ministers

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2021

Financial Implications:

Registration Fee 2024 (dinner not included)	\$1,485.00 per person
Optional Conference Dinner Ticket	\$230.00 per person
Return flights to Tamworth	\$994.00 per person
Accommodation –Regional City rate (within Council's policy limits)	\$250.00/person/night

Councillors will also be reimbursed for any out-of-pocket travel expenses incurred as per Council's adopted Councillor Support Policy.

Attachments

1. [↓](#) Local Government NSW Conference 2024 Program

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024 AND CANCELLATION OF THE NOVEMBER 2024 STANDING COMMITTEE MEETINGS

Attachment 1
Local Government NSW Conference
2024 Program

Local Government NSW Annual Conference | 17-19 Nov 2024
Tamworth Regional Entertainment and Conference Centre (TRECC)

Sunday 17 November 2024 - TRECC	
12.30pm – 5.30pm	<p>12.30pm Registration - TRECC foyer</p> <p>1.00pm Trade Exhibition open</p> <p>1.00pm – 2.30pm Breakout session - Professional Development Session for Mayors and Councillors - STAR Room off TRECC foyer</p> <p>Plenary session – Main Plenary Area</p> <p>2.30pm to 3.00pm Afternoon Refreshments in Exhibition area</p> <p>3.00pm to 5.00pm Plenary sessions AR Bluett Memorial Awards President’s Welcome Reception address</p> <p>Bus transfers to Tamworth Town Hall (CBD – Tamworth)</p>
5.30pm-7.30pm	President’s Welcome Reception – Tamworth Town Hall. Bus transfers to selected hotels.
Monday 18 November 2024– Business Session Day 1 – TRECC	
7.30am-8.40am	ALGWA NSW Breakfast – (TRECC)
7.30am	Registration opens. Light refreshments in exhibition area. Registration desk open from 7.30am to 6pm.
9.00am	Conference introduction, Conference Welcome Opening address
9.25am–5.00pm	<p>Opening of the Federal & State Conferences adoption of standing orders, business sessions and consideration of motions and conference business.</p> <p>Presentation of financial reports</p> <p>Commencement of consideration of motions and conference business</p> <p>Morning Refreshments</p> <p>Consideration of Conference Business continued</p> <p>Delegate lunch in Exhibition area</p> <p>Consideration of Conference Business continued</p> <p>Afternoon Refreshments in trade exhibition</p> <p>Consideration of Conference Business</p> <p>Networking in trade exhibition</p>
6.30pm – 10.30pm	LGNSW Conference Dinner & entertainment. Presentation LG Service Awards.
Tuesday 19 November 2024 – Business Session Day 2 – TRECC	
7.30am	LGNSW Information Desk and Exhibition and light refreshments – operational
9.00am–1.15pm	<p>Plenary and panel sessions</p> <p>Morning Refreshments</p> <p>Announcement of location for Annual Conference 2025</p>

**COUNCILLOR ATTENDANCE AT THE LOCAL
GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD
IN TAMWORTH 17-19 NOVEMBER 2024 AND
CANCELLATION OF THE NOVEMBER 2024 STANDING
COMMITTEE MEETINGS**

**Attachment 1
Local Government NSW Conference
2024 Program**

Local Government NSW Annual Conference | 17-19 Nov 2024

Tamworth Regional Entertainment and Conference Centre (TRECC)

1.15pm	Grab and Go Lunch in trade exhibition Conference concludes at 2.00pm
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CITY COUNCIL

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