



# **BREWARRINA SHIRE COUNCIL**

**MEETING OF COUNCIL AGENDA**

# **SEPTEMBER**

**FRIDAY 15TH SEPTEMBER 2023  
COMMENCING AT 10:00AM**



**BREWARRINA SHIRE COUNCIL  
57 BATHURST STREET  
BREWARRINA NSW 2839**

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The Council of the  
**SHIRE OF BREWARRINA**



All communications to be addressed to the General Manager

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57 Bathurst Street  
BREWARRINA NSW 2839  
PO Box 125  
BREWARRINA NSW 2839  
Telephone: (02) 6830 5100  
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Email: breshire@brewarrina.nsw.gov.au

**NOTICE OF ORDINARY MEETING**

NOTICE is hereby given that an ORDINARY MEETING of the Council of Brewarrina will be held on **Friday 15<sup>th</sup> September 2023** at the **Brewarrina Shire Council Chambers commencing at 10.00 am** for the transaction of the following business.

<b>1.</b>	<b>Opening Prayer &amp; Acknowledgement of Country:</b>	
<b>2.</b>	<b>Apologies / Leave of Absence:</b>	
<b>3.</b>	<b>Declaration of Interest:</b>	Page 3
<b>4.</b>	<b>Confirmation of Minutes:</b>	
	Minutes of Ordinary Council Meeting held on Friday 25 <sup>th</sup> August 2023	Page 7
<b>5.</b>	<b>Mayoral Minute</b>	NIL
<b>6.</b>	<b>Reports of Committees</b>	NIL
<b>7.</b>	<b>Reports to Council For Action:</b>	
	1. Election of Mayor Report	Page 15
	2a. <b>Election of the Mayor</b> Attachment: Nomination form – Mayor 2023 Ballot Form	Page 27
	2b. <b>Election of the Deputy Mayor:</b> Attachment: Nomination form - Deputy Mayor 2023 Ballot Form	Page 35
	3. Standing And Other Committees And Election Of Delegates Attachment: Delegate templates Committee Description	Page 41
	4. Annual Council Meeting Schedule Attachment: 2023-2024 Calendar	Page 51
	5. Leave Policy	Page 55
	6. Internally Restricted Assets	Page 61
	7. Bank Reconciliation & Investments	Page 63
	8. Union Picnic Day 2023	Page 67
<b>8.</b>	<b>Reports for Information:</b>	
	• Reports For Information Covering Report	Page 71
	• Status Report	Page 73

	a. General Manager / Mayor Diary	Page 81
	b. Transport	Page 85
	c. Plant	Page 87
	d. Utilities	Page 89
	e. Consultant – Health & Building Officer	Page 91
	f. Economic Development	Page 93
	m. Human Resources	Page 97
	<b>• Items for Correspondence.</b>	
	a. Post – Election Guide	Page 103
	b. Model Code of Conduct for Local Council in NSW	Page 117
<b>9.</b>	<b>Notice of Motion / Questions with Notice:</b>	NIL
<b>10.</b>	<b>Confidential Matters</b>	NIL
<b>11.</b>	<b>Conclusion of Meeting:</b>	

**Delegations:** Nil  
David Kirby  
General Manager

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**DISCLOSURE OF INTEREST AT ORDINARY COUNCIL MEETING**

Meeting Date: .....

Item Number: .....

Subject:

.....  
.....

I, ..... declare the following interest:

**Pecuniary:**

Must leave Chamber; take no part in the discussion and voting.

**Non-Pecuniary - Significant Conflict:**

Recommended that affected person leaves Chamber, takes no part in discussion and voting.

**Non-Pecuniary - Insignificant Conflict:**

Affected person may choose to remain in Chamber and participate in discussion and voting.

For the reason that:

.....  
.....

Signed: ..... Date: .....  
(Definitions are provided on the next page)

## Definitions

(Local Government Act and Code of Conduct)

**Pecuniary** - An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated.

*(Local Government Act, 1993 Sections 442 and 443).*

A Councillor or other member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or other member must not take part in the consideration or discussion on the matter and must not vote on any question relating to that matter.

*(Section 451)*

**Non-Pecuniary** - A private or personal interest the council official has that does not amount to

a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If you have declared a non-pecuniary conflict of interest you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interest in at least one of these ways.

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, Council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).

# ***Previous Months Minutes***

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Meeting commenced at 10:00 am

**1: PRESENT:**

**Councillors**

**Vivian SLACK-SMITH  
Noel SHERIDAN  
Thomas STANTON  
Donna JEFFRIES  
Angelo PIPPOS  
Patricia FRAIL *via Teleconference*  
Douglas GORDON  
Isaac GORDON**

**General Manager**

**David KIRBY**

**Executive Assistant**

**Laura GORDON**

**2: APOLOGIES**

106/23

**RESOLVED on MOTION by Councillor SHERIDAN; Seconded by Councillor JEFFRIES; That Council grant the leave of absences for Councillor BROWN for the Friday 25<sup>th</sup> AUGUST 2023 Ordinary Business Meeting.**

The MOTION upon being PUT to the MEETING was declared CARRIED.

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**3: TELEPHONE CONFERENCE**

107/23

**RESOLVED on MOTION by Councillor STANTON; Seconded by Councillor GORDON; that Council grant for Councillor FRAIL to attend via Teleconference for the Friday 25<sup>th</sup> AUGUST 2023 Ordinary Business Meeting.**

The MOTION upon being PUT to the MEETING was declared CARRIED.

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**4. DECLARATION OF PECUNIARY OR NON-PECUNIARY CONFLICT OF INTEREST:**

- NIL

**5: CONFIRMATION OF MINUTES:**

Confirmation of the Minutes of the Ordinary Meeting of Friday 21<sup>st</sup> July 2023

108/23

**RESOLVED on MOTION by Councillor JEFFRIES; Seconded by Councillor PIPPOS; that the Minutes of the Ordinary Meeting of Friday 21<sup>st</sup> July 2023 covered by resolutions 93/23 to 105/23 action request be adopted.**

The MOTION upon being PUT to the MEETING was declared CARRIED.

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## 6: MAYORAL MINUTE:

### PURPOSE:

The purpose of this report is to advise Council of the possible day change of the September Ordinary Meeting of Council 2023.

### RECOMMENDATION:

That Council resolve to change the Ordinary Council meeting day from Friday 22<sup>nd</sup> September to Friday the 15<sup>th</sup> September 2023.

109/23

**RESOLVED on MOTION by Councillor PIPPOS, Seconded by Councillor I GORDON;**  
That;

1. Council meeting to be moved to Friday 15<sup>th</sup> September 2023. Council;
2. Public notice of meeting date change to be posted on Facebook & Western Herald.

The MOTION upon being PUT to the MEETING was declared CARRIED.

## 7: REPORTS OF COMMITTEES

- NIL

## 8: REPORTS FOR ACTION TO COUNCIL:

### ITEM 1: BANK RECONCILIATION & INVESTMENTS

### PURPOSE:

The purpose of this report is to present the reconciliation of Council's cashbook and bank statement as at 31<sup>st</sup> July 2023. The presentation of this information is not a requirement of any Act, however it has been provided historically for the information of Councillors.

### RECOMMENDATION:

That Council;

1. The bank reconciliation report is received as information.
2. The Certification of the Responsible Accounting Officer for compliance with the Investment Policy and the Ministerial Investment Order dated 28 April 2017 be received and noted.

110/23

**RESOLVED on MOTION by Councillor JEFFRIES, Seconded by Councillor D GORDON;**

That;

1. The bank reconciliation report is received as information.
2. The Certification of the Responsible Accounting Officer for compliance with the Investment Policy and the Ministerial Investment Order dated 14<sup>th</sup> August 2023 be received and noted.

The MOTION upon being PUT to the MEETING was declared CARRIED.

### ITEM 2: ANNUAL FINANCIAL REPORTS YEAR ENDED 30 JUNE 2023

**PURPOSE:**

The purpose of this report is to seek Council approval to refer the 2022/23 Annual Financial Statements to audit.

**RECOMMENDATION:**

That;

1. Councils' Financial Reports for the year ending 30 June 2023 to be referred to audit;
2. The necessary elected members and staff be authorised to sign the statements on the annual General Purpose Financial Report and the Special Purpose Financial Report for the year ended 30 June 2023; and
3. Council delegate to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public as per Section 418(1).

111/23

**RESOLVED on MOTION by Councillor PIPPOS, Seconded by Councillor D GORDON;**

That;

1. Councils' Financial Reports for the year ending 30 June 2023 to be referred to audit;
2. The necessary elected members and staff be authorised to sign the statements on the annual General Purpose Financial Report and the Special Purpose Financial Report for the year ended 30 June 2023; and
3. Council delegate to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public as per Section 418(1).

The MOTION on being PUT to the MEETING was declared CARRIED.

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<p><b>ITEM 3: POLICY REVIEW INTERNAL REPORTING – PUBLIC INTEREST DISCLOSURES</b></p>
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**PURPOSE:**

The purpose of this report is to review and adopt the Internal Reporting Policy – Public Interest Disclosures.

**RECOMMENDATION:**

That Council;

Council review and approve the Internal Reporting Policy – Public Interest Disclosures.

112/23

**RESOLVED on MOTION by Councillor JEFFRIES, Seconded by Councillor SHERIDAN;**

That;

Council review and approve the Internal Reporting Policy – Public Interest Disclosures.

The MOTION on being PUT to the MEETING was declared CARRIED.

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**REPORTS FOR INFORMATION:**

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The purpose of this report is for Councillors to receive the Status Report, Councils Information Reports as well as the items for Correspondence.

**RECOMMENDATION:**

That the Status Report, Information Reports, which are listed from a-n, and the Items for Correspondence be received as information.

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**9: REPORTS FOR INFORMATION**

- a) Status Report, General Manager and Mayors Diary
- c) Plant
- d) Utilities
- f) Economic Development
- m) Human Resources
- o) Correspondence

113/23

**RESOLVED on MOTION by Councillor SHERIDAN; Seconded by Councillor PIPPOS;**

**That;**

**The status Report, Information Reports and Items of Correspondence be received and noted.**

The MOTION on being PUT to the MEETING was declared CARRIED.

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**10: NOTICE OF MOTION/ QUESTIONS WITHOUT NOTICE:**

- NIL

**11: CLOSED SESSION**

114/23

**RESOLVED on MOTION by Councillor D GORDON, Seconded by Councillor JEFFRIES; that Council move to close the Meeting to the public as per section of the Local Government Act 1993:**

**Section 10B (2) (a) of the Local Government Act 1993, the discussion of personnel matters concerning particular individuals (other than Councillors)**

The MOTION upon being PUT to the MEETING was declared CARRIED.

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**Meeting moved into closed session at 10:52am**

**A Pippas excused himself from the Chambers at 11:06am**

A Pippos returned to the Chambers at 11:09am

**CONFD – PROPOSED NAMING OF GOODOOGA ROAD**

**PURPOSE:**

The purpose of this report is to consider a submission from Desley Mason to rename the Goodooga Road to Ron Mason Way.

**RECOMMENDATION:**

That;

Consider the community consultation responses regarding renaming of the Goodooga Road to Ron Mason Way.

115/23

**RESOLVED on MOTION by Councillor FRAIL, Seconded by Councillor SHERIDAN;**

That;

Council to not consider the report and the original motion still stands as it.

The MOTION on being PUT to the MEETING was declared CARRIED.

D Gordon excused himself from the Chambers at 11:12am

116/23

**RESOLVED on MOTION by Councillor SHERIDAN, Seconded by Councillor JEFFRIES;**

**That Council move into open session**

**Council resumed open session at 11:14am**

D Gordon returned to the Chambers at 11:14am

**12: OPEN SESSION**

**CONFD – PROPOSED NAMING OF GOODOOGA ROAD**

- That Council to not consider the report and the original motion still stands as it.

**Meeting concluded at 11:15am**

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***REPORTS TO COUNCIL FOR ACTION***

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# ELECTION OF MAYOR

Friday 15 September 2023

## The Mayor:

1. opens the meeting with the Opening Prayer and Welcome to Country, announces leave of absence (if any) and calls for apologies (if any);
2. calls for Declarations of Interest;
3. calls for the minutes of the previous Ordinary meeting (25/08/2023) to be confirmed;
4. reads the Mayoral Minute (if any);
5. calls for Reports of Committees to be adopted (if any) ;
6. calls for Reports to Council for Action;
7. calls for Reports for Information to be adopted;
8. calls for Items for Correspondence;
9. calls for Notice of Motion/Questions with Notice;
10. calls for Confidential Matters.

**Councillors** respond.

**The Mayor** then asks Councillors to consider the report "Election of Mayor" to determine the METHOD OF ELECTION of the Mayor (details of the various options are outlined in the report contained within the Business Paper).

~ RESOLVED on the MOTION of Councillor \_\_\_\_\_ seconded Councillor \_\_\_\_\_ that the method of voting for the office of Mayor shall be Open Voting/Ordinary Ballot/Preferential Ballot. (Strike out those not applicable)

**The Mayor** then hands proceedings over to the Returning Officer (General Manager) and remains in her seat.

## IF NOMINATIONS ALREADY RECEIVED BY RETURNING OFFICER

**The Returning Officer** says:

*"I have received (state the number) nomination/s for the office of Mayor of the Brewarrina Shire for Councillor/s (state the Councillor/s names). I have examined this/these nomination/s and declare it/them to be in order (or not in order)"*

## CALL FOR FURTHER NOMINATIONS BY RETURNING OFFICER

**The Returning Officer** then asks:

*"Are there any further nominations from Councillors for the office of Mayor?"*

**The Acting Executive Officer** collects any additional nominations and gives them to the Returning Officer.

**The Returning Officer** examines the additional nominations to ascertain if they are in order (or not in order).

Note: Nominations are in order when the nominee has been nominated by two or more Councillors (one of whom can be the nominee) and signed by the nominee consenting to the nomination.

**The Returning Officer** then says

*"I have received a further (state the number) nomination/s for the office of Mayor of Brewarrina Shire for Councillor/s (state the Councillor/s names). I have examined this/these further nominations and declare it/them to be in order (or not in order)"*

The Returning Officer then says  
*"I now declare nominations for the office of Mayor closed".*

**IF ONLY ONE NOMINATION IS RECEIVED**

The Returning Officer then says  
*"As only one nomination has been received for Councillor \_\_\_\_\_, I now declare Councillor \_\_\_\_\_ elected unopposed as Mayor of Brewarrina Shire until the next Mayoral Election. Congratulations Councillor \_\_\_\_\_"*

The out-going Mayor then takes a seat at the 'horseshoe table' alongside the other Councillors.

The newly-elected Mayor takes the Chair and responds.

Councillors respond as appropriate.

The newly-elected Mayor then asks Councillors to consider the report "Election of Deputy Mayor" to determine the METHOD OF ELECTION and TERM OF OFFICE of the Deputy Mayor (details of the various options are outlined in the report contained within the Business Paper).

The Returning Officer then conducts the election of the Deputy Mayor (see pages 7-11)

**IF MORE THAN ONE NOMINATION IS RECEIVED**

The Returning Officer then says  
*"I have received (state the number) nominations for the office of Mayor and these are in order."*

*"Nominations have been received for Councillors (read names out in alphabetical order)."*

*"As there is more than one nomination, a vote will be taken using the method of voting determined by the Council" (either Open Voting/Ordinary Ballot/Preferential Ballot).*

The Returning Officer proceeds to conduct the election either by:

1. open voting (see page 2);
2. ordinary ballot (see pages 3 & 4); or
3. preferential ballot (see pages 5 & 6).

**IF COUNCIL HAS RESOLVED TO PROCEED BY "OPEN VOTING" (SHOW OF HANDS):**

The Returning Officer says  
*"Council has resolved to proceed by Open Voting for the election of Mayor. Nominations have been received for Councillors (read names out in alphabetical order)"*

*Voting by this method is by show of hands.*

*Please raise your hand if you are voting for Councillor \_\_\_\_\_"*

*Please raise your hand if you are voting for Councillor \_\_\_\_\_"*

*and so on.....*

The Returning Officer then records the votes<sup>1</sup> for each candidate on their nomination forms.

The Returning Officer then says  
"I now declare voting for the office of Mayor closed".

**RO's Notes:**

- If there are only 2 candidates, the candidate with the highest number of formal votes is declared elected.
- If there are only 2 candidates and they are tied, the one elected is to be chosen by lot <sup>i</sup>. In this instance, the first name chosen is elected.
- If there are 3 or more candidates, the one with the lowest number of votes is to be excluded. If two or more candidates are tied on the lowest number of votes, the one to be excluded is chosen by lot <sup>i</sup>. The first name chosen is excluded.
- A new election by open voting is conducted after each exclusion until there are 2 candidates remaining.
- The candidate with the highest number of votes, indicated by show of hands is elected.

The Returning Officer then announces the result and says  
"The votes received were:

Councillor \_\_\_\_\_ (no of) votes  
Councillor \_\_\_\_\_ (no of) votes

The Returning Officer then says  
"I now declare Councillor \_\_\_\_\_ elected as Mayor of the City of  
Brewarrina until the next Mayoral Election. Congratulations Councillor  
\_\_\_\_\_"

The out-going Mayor then takes a seat at the 'horseshoe table' alongside the other Councillors.

The newly-elected Mayor takes the Chair and responds.

Councillors respond as appropriate.

The newly-elected Mayor then asks Councillors to consider the report "Election of Deputy Mayor" to determine the METHOD OF ELECTION and TERM OF OFFICE of the Deputy Mayor (details of the various options are outlined in the report contained within the Business Paper).

The Returning Officer then conducts the election of the Deputy Mayor (see pages 7-11)

**IF COUNCIL HAS RESOLVED TO PROCEED BY ORDINARY BALLOT**

The Returning Officer says:  
"Council has resolved to proceed by Ordinary Ballot for the election of Mayor. Nominations have been received for Councillors (read names out in alphabetical order) and ballot papers will now be prepared and distributed to all Councillors."

The Acting Executive Officer prepares 9 ballot papers and hand them to the Returning Officer.

The Returning Officer checks and initials the front of each of the 9 ballot papers.

<sup>1</sup> If a Councillor does not raise their hand, no vote is recorded for that Councillor and the Minutes will reflect that Councillor \_\_\_\_\_ abstained from voting.

**The Returning Officer** then says

*“An ordinary ballot is a secret ballot and Councillors are asked to indicate their preference by marking the ballot paper in the box opposite the candidate of their choice with the figure “1”, a tick or a cross. If a Councillor spoils their ballot paper, I will provide them with another ballot paper on the return of the original one.”*

**The Acting Executive Officer** then issues one ballot paper to each Councillor and there is a pause while ballot papers are completed by Councillors.

**The Returning Officer** displays the empty Ballot box to the Council and public and then closes and locks the Ballot box and retains the key.

**The Returning Officer** then says,  
*“Ballot papers will now be collected”*

**The Acting Executive Officer** collects the ballot papers in the locked Ballot Box and hands the Box to the Returning Officer.

**The Returning Officer** then says  
*“I now declare voting for the office of Mayor closed”.*

**The Returning Officer** opens the lock, removes the Ballot Papers, and examines them for formality and conducts a count.

**RO’s Notes:**

- If there are only 2 candidates, the candidate with the highest number of formal votes is elected.
- If there are only 2 candidates and they are tied in the number of formal votes, the one elected is to be chosen by lot <sup>i</sup>. In this instance, the first name chosen is elected.
- If there are 3 or more candidates, the one with the lowest number of formal votes is to be excluded.
- If 2 or more candidates are tied on the lowest number of formal votes, the one to be excluded is chosen by lot <sup>i</sup>.
- A new ballot is conducted after each exclusion until there are two candidates remaining.
- The candidate with the highest number of formal votes is elected.

**The Returning Officer** then announces the result and says  
*“The votes received were:*

*Councillor \_\_\_\_\_ (no of) votes  
Councillor \_\_\_\_\_ (no of) votes*

**The Returning Officer** then says

*“I now declare Councillor \_\_\_\_\_ elected as Mayor of Brewarrina  
Shire until the next Mayoral Election. Congratulations Councillor  
\_\_\_\_\_”*

**The out-going Mayor** then takes a seat at the ‘horseshoe table’ alongside the other Councillors.

**The newly-elected Mayor** takes the Chair and responds.

**Councillors** respond as appropriate.

**The newly-elected Mayor** then asks Councillors to consider the report “Election of Deputy Mayor” to determine the METHOD OF ELECTION and TERM OF OFFICE of the Deputy

Mayor (details of the various options are outlined in the report contained within the Business Paper).

The Returning Officer then conducts the election of the Deputy Mayor (see pages 7-11)

## IF COUNCIL HAS RESOLVED TO PROCEED BY PREFERENTIAL BALLOT

The Returning Officer says:

*“Council has resolved to proceed by Preferential Ballot for the election of Mayor. Nominations have been received for Councillors (read names out in alphabetical order) and Ballot papers will now be prepared and distributed to all Councillors. If a Councillor spoils their ballot paper, I will provide them with another ballot paper on the return of the original one.”*

The Acting Executive Officer prepares 9 ballot papers and hand them to the Returning Officer.

The Returning Officer checks and initials the front of each of the 9 ballot papers.

The Returning Officer then says

*“A preferential ballot is a secret ballot and Councillors are asked to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates. If a Councillor spoils their ballot paper, I will provide them with another ballot paper on the return of the original one.”*

The Acting Executive Officer then issues one ballot paper to each Councillor and there is a pause while ballot papers are completed by Councillors.

The Returning Officer displays the empty Ballot box to the Council and public and then closes and locks the Ballot box and retains the key.

The Returning Officer then says,  
*“Ballot papers will now be collected”*

The Acting Executive Officer collects the ballot papers in the locked Ballot Box and hands the Box to the Returning Officer.

The Returning Officer then says  
*“I now declare voting for the office of Mayor closed”.*

The Returning Officer opens the lock, removes the Ballot Papers, and examines them for formality and conducts a count.

### RO's Notes:

- If a candidate has an absolute majority of first preference formal votes, that candidate is elected. “Absolute majority” means a number which is more than one half of the number of unexhausted formal Ballot papers, ie. if there are 15 unexhausted formal ballot papers, an absolute majority would be 8 votes.
- If not, the candidate with the lowest number of first preference formal votes is excluded and the votes on the Ballot Papers counted to him or her are transferred to the candidates with the second preferences on those Ballot Papers.
- In the event of one or more candidates being tied on the lowest number of formal votes, the one to be excluded is chosen by lot<sup>1</sup>. The ballot papers of the excluded candidate are then transferred to the candidates with second preference on those ballot papers.
- A candidate who then has an absolute majority is elected. If no candidate has an absolute majority of votes, the process of excluding the candidate who has the lowest

number of votes and counting each of his or her Ballot Papers to the candidates remaining in the election next in order of the voters preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

- If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.
- A ballot-paper of an elector at an election is not informal merely because it does not show the minimum number of preferences required by the directions so long as it shows at least half of the minimum number of preferences required by the directions.
- A ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least half of the minimum number of preferences required by the directions.

**The Returning Officer** then says

*"I now declare Councillor \_\_\_\_\_ elected as Mayor of the City of  
Brewarrina until the next Mayoral Election. Congratulations Councillor  
\_\_\_\_\_"*

**The out-going Mayor** then takes a seat at the 'horseshoe table' alongside the other Councillors.

**The newly-elected Mayor** takes the Chair and responds.

**Councillors** respond as appropriate.

**The newly-elected Mayor** then asks Councillors to consider the report "Election of Deputy Mayor" to determine the METHOD OF ELECTION and TERM OF OFFICE of the Deputy Mayor (details of the various options are outlined in the report contained within the Business Paper).

**The Returning Officer** then conducts the election of the Deputy Mayor (see pages 7-11)

## **ELECTION OF DEPUTY MAYOR**

Friday 15 September 2023

**The newly-elected Mayor** hands proceedings over to the Returning Officer and remains in his/her seat.

### **IF NOMINATIONS ALREADY RECEIVED BY RETURNING OFFICER**

**The Returning Officer** says: *"I have received (state the number) nomination/s for the office of Deputy Mayor of Brewarrina Shire for Councillor/s (state the Councillor/s names). I have examined this/these nomination/s and declare it/them to be in order (or not in order)"*

### **CALL FOR FURTHER NOMINATIONS BY RETURNING OFFICER**

**The Returning Officer** then asks:

*"Are there any further nominations from Councillors for the office of Deputy Mayor?"*

**The Acting Executive Officer** collects any additional nominations and gives them to the Returning Officer.

**The Returning Officer** examines the additional nominations to ascertain if they are in order (or not in order).

Note: Nominations are in order when the nominee has been nominated by two or more Councillors (one of whom can be the nominee) and signed by the nominee consenting to the nomination.

**The Returning Officer** then says:

*"I have received a further (state the number) nomination/s for the office of Deputy Mayor of Brewarrina Shire for Councillor/s (state the Councillor/s names). I have examined this/these further nomination/s and declare it/them to be in order (or not in order)"*

**The Returning Officer** then says

*"I now declare nominations for the office of Deputy Mayor closed".*

### **IF ONLY ONE NOMINATION IS RECEIVED**

**The Returning Officer** then says

*"As only one nomination has been received for Councillor \_\_\_\_\_, I now declare Councillor \_\_\_\_\_ elected unopposed as Deputy Mayor of Brewarrina Shire until the next Deputy Mayoral Election. Congratulations Councillor \_\_\_\_\_"*

**The newly-elected Deputy Mayor** then responds.

**Councillors** respond as appropriate.

### **IF MORE THAN ONE NOMINATION IS RECEIVED**

**The Returning Officer** then says to the Council,

*"I have received (state the number) nominations for the office of Deputy Mayor and these are in order."*

*"Nominations have been received for Councillors (read names out in alphabetical order)."*

*“As there is more than one nomination, a vote will be taken using the method of voting determined by the Council.”*

**The Returning Officer** proceeds to conduct the election either by:

1. open voting (see page 8);
2. ordinary ballot (see page 9-10); or
3. preferential ballot (see pages 10-11).

**IF COUNCIL HAS RESOLVED TO PROCEED BY “OPEN VOTING”  
(SHOW OF HANDS)**

**The Returning Officer** says *“Council has resolved to proceed by Open Voting for the election of Deputy Mayor. Nominations have been received for Councillors (read names out in alphabetical order)”*

*Voting by this method is by show of hands.*

*Please raise your hand if you are voting for Councillor \_\_\_\_\_”*

*Please raise your hand if your are voting for Councillor \_\_\_\_\_”*

*and so on.....*

**The Returning Officer** then records the votes<sup>2</sup> for each candidate on their nomination forms.

**The Returning Officer** then says

*“I now declare voting for the office of Deputy Mayor closed”.*

**RO’s Notes:**

- If there are only 2 candidates, the candidate with the highest number of formal votes is declared elected.
- If there are only 2 candidates and they are tied, the one elected is to be chosen by lot<sup>i</sup>. In this instance, the first name chosen is elected.
- If there are 3 or more candidates, the one with the lowest number of votes is to be excluded. If two or more candidates are tied on the lowest number of votes, the one to be excluded is chosen by lot<sup>i</sup>. The first name chosen is excluded.
- A new election by open voting is conducted after each exclusion until there are 2 candidates remaining.
- The candidate with the highest number of votes, indicated by show of hands is elected.

**The Returning Officer** then announces the result and says

*“The votes received were:*

*Councillor \_\_\_\_\_ (no of) votes*

*Councillor \_\_\_\_\_ (no of) votes*

**The Returning Officer** then says

*“I now declare Councillor \_\_\_\_\_ elected as Deputy Mayor of Brewarrina Shire until the next Deputy Mayoral Election. Congratulations Councillor \_\_\_\_\_”*

**The newly-elected Deputy Mayor** then responds.

**Councillors** respond as appropriate.

\_\_\_\_\_

<sup>2</sup> If a Councillor does not raise their hand, no vote is recorded for that Councillor and the Minutes will reflect that Councillor \_\_\_\_\_ abstained from voting.



## IF COUNCIL HAS RESOLVED TO PROCEED BY ORDINARY BALLOT

**The Returning Officer** says:

*“Council has resolved to proceed by Ordinary Ballot for the election of Deputy Mayor. Nominations have been received for Councillors (read names out in alphabetical order) and ballot papers will now be prepared and distributed to all Councillors.”*

**The Acting Executive Officer** prepares 9 ballot papers and hand them to the Returning Officer.

**The Returning Officer** checks and initials the front of each of the 9 ballot papers.

**The Returning Officer** then says

*“An ordinary ballot is a secret ballot and Councillors are advised to indicate their preference by marking the ballot paper in the box opposite the candidate of their choice with the figure “1”, a tick or a cross. If a Councillor spoils their ballot paper, I will provide them with another ballot paper on the return of the original one.”*

**The Acting Executive Officer** then issues one ballot paper to each Councillor and there is a pause while ballot papers are completed by Councillors.

**The Returning Officer** displays the empty Ballot box to the Council and public and then closes and locks the Ballot box and retains the key.

**The Returning Officer** then says,  
*“Ballot papers will now be collected”*

**The Acting Executive Officer** collects the ballot papers in the locked Ballot Box and hands the Box to the Returning Officer.

**The Returning Officer** then says  
*“I now declare voting for the office of Deputy Mayor closed”.*

**The Returning Officer** opens the lock, removes the Ballot Papers, examines them for formality and conducts a count.

### RO's Notes

- If there are only 2 candidates, the candidate with the highest number of formal votes is elected.
- If there are only 2 candidates and they are tied in the number of formal votes, the one elected is to be chosen by lot <sup>i</sup>. In this instance, the first name chosen is elected.
- If there are 3 or more candidates, the one with the lowest number of formal votes is to be excluded.
- If 2 or more candidates are tied on the lowest number of formal votes, the one to be excluded is chosen by lot <sup>i</sup>.
- A new ballot is conducted after each exclusion until there are two candidates remaining.
- The candidate with the highest number of formal votes is elected.

**The Returning Officer** then announces the result and says  
*“The votes received were:*

Councillor \_\_\_\_\_ (no of) votes  
Councillor \_\_\_\_\_ (no of) votes

**The Returning Officer** then says

*"I now declare Councillor \_\_\_\_\_ elected as Deputy Mayor of Brewarrina Shire until the next Deputy Mayoral Election. Congratulations Councillor \_\_\_\_\_"*

The newly-elected Deputy Mayor then responds.

Councillors respond as appropriate.

## **IF COUNCIL HAS RESOLVED TO PROCEED BY PREFERENTIAL BALLOT**

**The Returning Officer** says:

*"Council has resolved to proceed by Preferential Ballot for the election of Deputy Mayor. Nominations have been received for Councillors (read names out in alphabetical order) and Ballot papers will now be prepared and distributed to all Councillors"*

**The Acting Executive Officer** prepares 9 ballot papers and hand them to the Returning Officer.

**The Returning Officer** checks and initials the front of each of the 9 ballot papers.

**The Returning Officer** then says

*"A preferential ballot is a secret ballot and Councillors are asked to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates. If a Councillor spoils their ballot paper, I will provide them with another ballot paper on the return of the original one."*

**The Acting Executive Officer** then issues one ballot paper to each Councillor and there is a pause while Ballot Papers are completed by Councillors.

**The Returning Officer** displays the empty Ballot box to the Council and public and then closes and locks the Ballot box and retains the key.

**The Returning Officer** then says that:

*"Ballot Papers will now be collected."*

**The Acting Executive Officer** collects the ballot papers in the locked Ballot Box and hands the Box to the Returning Officer.

**The Returning Officer** then says

*"I now declare voting for the office of Deputy Mayor closed"*

**The Returning Officer** opens the lock, removes the Ballot Papers, examines them for formality and conducts a count.

### **RO's Notes:**

- If a candidate has an absolute majority of first preference formal votes, that candidate is elected. "Absolute majority" means a number which is more than one half of the number of unexhausted formal Ballot papers, ie. if there are 15 unexhausted formal ballot papers an absolute majority would be 8 votes.
- If not, the candidate with the lowest number of first preference formal votes is excluded and the votes on the Ballot Papers counted to him or her are transferred to the candidates with the second preferences on those Ballot Papers.
- In the event of one or more candidates being tied on the lowest number of formal votes, the one to be excluded is chosen by lot<sup>1</sup>. The ballot papers of the excluded candidate are then transferred to the candidates with second preference on those ballot papers.

- A candidate who then has an absolute majority is elected. If no candidate has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her Ballot Papers to the candidates remaining in the election next in order of the voters' preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.
- A ballot-paper of an elector at an election is not informal merely because it does not show the minimum number of preferences required by the directions so long as it shows at least half of the minimum number of preferences required by the directions.
- A ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least half of the minimum number of preferences required by the directions.

**The Returning Officer** says

*"I now declare Councillor \_\_\_\_\_ elected as Deputy Mayor of of Brewarrina Shire until the next Deputy Mayoral Election. Congratulations Councillor \_\_\_\_\_"*

**The newly-elected Deputy Mayor** then responds.

**Councillors** respond as appropriate.

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**<sup>i</sup> Procedure for choosing by lot:**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer. The candidate whose name appears on the slip of paper is **elected** (in the case of two candidates tied on the highest number of votes) or **excluded** (in the case of three candidates and two candidates are tied on the lowest number of votes).

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>ELECTION OF MAYOR</b>	<b>DOC REF:</b> GM 2
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<b>REPORT BY:</b>	David Kirby General Manager	<b>DATE:</b> 1 <sup>st</sup> September 2023
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**IP&R REFERENCE:**

Theme 4: A Community With Integrated Leadership

**PURPOSE:**

The purpose of this report is to inform Council on the process for electing a Mayor.

**RECOMMENDATION:**

That:

1. If there is more than one Mayoral candidate, the Council resolves whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting;
2. That a Mayor is elected in accordance with the legislated process for a term of two years ;
3. That the General Manager in his capacity as Returning Officer notifies the result of the election to *the Director-General of the Department of Local Government and to the Secretary of the Local Government New South Wales*; and
4. All ballot papers are to be destroyed following the election.

**CONTENT:**

With the results of the Ordinary Election and declaration of Councillors as the second item on the agenda is the legislative process for the election of the Mayor and Deputy Mayor.

Section .226 of the Local Government Act (LGA) provides a summary of the mayor's role:

- a) to be a leader of the Council and a leader in the local community,
- b) to advance community cohesion and promote civic awareness,
- c) to be the principal member and spokesperson of the governing body, including representing the views of the council and its local priorities
- d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- e) to preside at meetings of the council
- f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council
- h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) to promote partnerships between the council and key stakeholders
- j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council
- k) in conjunction with the general manager , to ensure adequate opportunities and mechanisms for engagement between council and the community,
- l) to carry out the civic and ceremonial functions of the mayoral office.

- m) to represent the council on regional organisations and inter-governmental forums at regional, State and Commonwealth level,
- n) in consultation with the councillors, to lead performance appraisals of the general manager,
- o) to exercise any other functions of the council that the council determines.

S.290 informs that the election of a Mayor by Councillors is to be held within three weeks following an ordinary election and holds office for two years.

S.230 provides that a Mayor elected by the Councillors, from among their number, (S282) holds the office of Mayor for 2 years and the election is to be held in the month of September.

Regulation 394 directs that the election of the mayor is to be in accordance with Schedule 7 of the Local Government Regulations.

**Schedule 7 details the election process:**

- The General Manager is the returning officer.
- A Councillor may be nominated without notice for election as mayor (or deputy mayor).
- 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.
- The nomination is to be delivered or sent to the returning officer.
- The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

**Election.**

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- (4) In this clause:
  - "ballot" has its normal meaning of secret ballot.
  - "open voting" means voting by a show of hands or similar means.

**Ordinary ballot or open voting**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**Count-2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**Count-3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one **excluded** is to be chosen by lot.

### **Preferential ballot**

This Part applies if the election proceeds by preferential ballot.

### **Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

### **Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

### **Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal *the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the

votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### **Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and *one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.*

### **Result**

The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:

- (a) to be declared to the Councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government of New South Wales.

### **GOVERNANCE IMPLICATIONS:**

- (1) A Council must pay the Mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.
- (3) A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- (5) A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.

The annual Mayoral allowance (S.249, LGA) is \$27,060 per annum. The allowance was determined by Councillors at the May 2021 meeting and by decision of the remuneration tribunal were not increased for the financial year. Councillor fees were also determined and set at \$12,400 per annum in accordance with *Council's Policy for Payment and Reimbursement of Expenses incurred by, and provision of Facilities to The Mayor, Deputy Mayor and Councillors.*

### **CONCLUSION:**

Nomination forms for the election of Mayor are **included with the meeting business paper**. Councillors may provide completed nominations to the General Manager prior to 10am before the Council meeting scheduled for 10<sup>th</sup> January 2022, recalling that the nomination form must contain the signatures of the nominators and the nominee, and also contain a statement that the nominee accepts nomination.

---

David Kirby  
General Manager

### **ATTACHMENT:**

Nomination form



**Brewarrina Shire Council  
Election of Mayor 15th September 2023**

Candidate nomination, Councillor \_\_\_\_\_

Nominated by:  
(Minimum 2 nominators required)

**Councillor 1** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 2** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 3** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 4** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I, (name) \_\_\_\_\_ hereby accept nomination as Mayor.

**Signature of Nominee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**Brewarrina Shire Council  
Election of Mayor, 15th September 2023**

**Candidates Name:**

_____	<input type="checkbox"/>
_____	<input type="checkbox"/>
_____	<input type="checkbox"/>
_____	<input type="checkbox"/>
_____	<input type="checkbox"/>

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>ELECTION OF DEPUTY MAYOR</b>	<b>DOC REF:</b> Item 2b
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<b>REPORT BY:</b>	David Kirby General Manager	<b>DATE:</b> 1 <sup>st</sup> September 2023
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**IPR REFERENCE:**

Theme 4: A Community With Integrated Leadership

**PURPOSE:**

The purpose of this report is to inform Council on the process for electing a Deputy Mayor.

**RECOMMENDATION:**

That:

1. **The Council determines whether it will elect a Deputy Mayor; and**
2. **If the Council determines to elect a Deputy Mayor,**
  - (a) **that an election is held;**
  - (b) **that the General Manager in his capacity as Returning Officer advises the election result to the *Director- General of the Department of Local Government* and to the *Secretary of the Local Government and Shires Associations of New South Wales*; and**
  - (c) **That the term of the Deputy Mayor be the same as for the Mayor ( two years)**
3. **All ballot papers are to be destroyed following the election.**

**CONTENT:**

The Council has in the past elected a Deputy Mayor and if so the election of the Deputy Mayor is required to be conducted on the same time and date as for the Mayor except that the term can be for less than two years. Council has in the past determined that it will have a Deputy Mayor and that the term will be for the same term as the Mayor.

The electoral process is as outlined for the election of the Mayor (refer report 4a).

The legislative requirement to so do and the nature of duties performed by the Deputy Mayor is contained within S.231 of the Local Government Act (LGA):

- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.
- (2) The person may be elected for the Mayoral term or a shorter term.
- (3) The Deputy Mayor may 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.
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Separate forms to enable Councillors to nominate candidates for election as Deputy Mayor are included with the Meeting Business Paper and are available at the council chambers on meeting date.

The annual Mayoral allowance is transferable under certain circumstances, to the Deputy Mayor. The Deputy Mayor receives Councillor allowances. There is no additional allowance for the Deputy Mayor.

**GOVERNANCE IMPLICATIONS:**

Financial.

Budgeted allowances

Legal.

Compliance with relevant Local Government and other legislation.

**CONCLUSION:**

Nomination forms for the election of Deputy Mayor are **included with the meeting business paper**. Councillors may provide completed nominations to the General Manager prior to 10am before the Council meeting scheduled for 10<sup>th</sup> January, 2022, recalling that the nomination form must contain the signatures of the nominators and the nominee, and also contain a statement that the nominee accepts nomination.

---

David Kirby  
General Manager

**ATTACHMENT:**

Nomination form & Ballot form.

**Brewarrina Shire Council  
Election of Deputy Mayor 15th September 2023**

Candidate nomination, Councillor \_\_\_\_\_

Nominated by:  
(Minimum 2 nominators required)

**Councillor 1** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 2** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 3** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Councillor 4** (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I, (name) \_\_\_\_\_ hereby accept nomination as Deputy Mayor.

**Signature of Nominee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**Brewarrina Shire Council  
Election of Deputy Mayor, 15th September 2023**

**Candidates Name:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## BREWARRINA SHIRE COUNCIL

**Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023**

<b>TITLE:</b>	<b>STANDING AND OTHER COMMITTEES AND ELECTION OF DELEGATES</b>	<b>DOC REF:</b> GM 3
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<b>REPORT BY:</b>	David Kirby General Manager	<b>DATE:</b> 1 <sup>st</sup> September 2023
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**IP&R REFERENCE:**

**PURPOSE:**

The purpose of this report is for Council to determine its committee membership and elects its delegates.

**RECOMMENDATION:**

**That Council determines its committee membership and elects its delegates.**

**CONTENT:**

There are a number of committees that comprise representatives of community groups or government agency staff. In some cases the membership is determined by Council or by reference to the constitution or agency framework for such committees. The Local Government Act prescribes that the Mayor is the default Chairperson/Council representative and may attend any meeting of the Council or its committees. The General Manager is also the default staff representative and may also attend any meetings of the Council or its committees.

In both cases the Mayor and /or General Manager may ask other Councillors/staff to attend committee meetings and the Council may also appoint other Councillors as representatives to committees.

Election of members and delegates

Reproduced below is the list of standing and other committees previously established by the Council. suggested committee attendees are included.

Committee	Name of Councillors (Mayor - member all committees)	Council Officers	Quorum	Public Rep.
Aged Care	Mayor and one Councillor	GM or delegate	2	4
Brewarrina General Cemetery Committee	Two Councillors	Utilities Manager	6	9
Plant Committee	All Councillors	General Manager & Transport Manager	4	n/a
Tourism and Cultural Committee	Two Councillors	General Manager, Community Services Manager & Tourism Officer	4	2
Traffic Committee	One Councillor (Council only has one vote)	Transport Manager		

## Appointment of Delegates to External Committees

Council is to elect delegates to attend various meetings and committees:

Committee	Proposed Staff Delegate	Proposed Councillor Delegates	Councillor Delegate 23/24
Roads and Maritime Services Regional Consultative Committee	Transport Manager	Two Councillors	
Murray Darling Association	General Manager	Mayor and one Alternate.	
Big Sky Library	General Manager or delegate	Councillor or Alternate	
Local Emergency Management Committee	General Manager or delegate	GM is LEMC Chair	Mayor
Western Regional Weeds Committee	General Manager & delegate	One Councillor	
Water Users Various Committees	General Manager	Mayor and one Alternate.	
Heritage Committee	General Manager	One Councillor	

### GOVERNANCE IMPLICATIONS:

#### Financial

Travel expenses for Councillors travelling from remote locations are included in the budget. Allocation to be reviewed September quarter for adequacy at October meeting.

### CONCLUSION:

Council should call for nominations for the committees and elect delegates accordingly.

\_\_\_\_\_  
David Kirby  
General Manager

### ATTACHMENTS:

- NIL

<b>Committee</b>	<b>Proposed Staff Delegate</b>	<b>Proposed Councillor Delegates</b>	<b>Councillor Delegate 23/24</b>
Roads and Maritime Services Regional Consultative Committee	Transport Manager	Two Councillors	
Traffic Committee	Transport Manager	One Councillor (Council has only one vote)	
Murray Darling Association	General Manager	Mayor and one Councillor	
Big Sky Library	Community Services Manager or delegate	Councillor or Alternate	
Western Regional Weeds Committee	General Manager & Delegate	One Councillor	
Aged Care	General Manager or delegate	Mayor and two Councillors	
Brewarrina General Cemetery Committee	General Manager	Three Councillors	
Water Users	General Manager	One Councillor as nominated	
Tourism & Cultural Committee	General Manager/ Tourism Officer	Two Councillors	
Heritage Committee	Manager of Environment Health and Building	One Councillor	

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## Brewarrina Shire Meeting Delegates

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**Committee:** PLANT COMMITTEE

**Composition:** Joint Council and Staff committee

**Membership:** Councillors, General Manager, Transport Manager & Workshop Supervisor. Other staff are invited to attend as required. (Quorum comprises a Minimum of 3 Councillors and General Manager)

**Purpose:** To receive reports concerning plant operations, discuss options for improving overall plant efficiency, review tenders for plant purchases and to approve recommendations to the General Manager/Council concerning the plant replacement program and any significant changes thereto.

**Meeting Frequency:** Quarterly or more frequently as required.

**Delegation:** To consider and recommend the acceptance of tenders for plant purchase and to make recommendations concerning the plant replacement program and any amendments thereto.

**Additional Information:** The General Manager, Transport Manager and Workshop Supervisor have respective delegations relating to operational requirements and purchasing authority etc. in accordance with Council delegations and policy.

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**Committee:** AGED CARE COMMITTEE

**Composition:** A tenant of the Aged Units, a Community representative, preferably a representative of the local legacy, a Councillor, Community aged care assessor / nurse, Two Council staff members.

**Purpose:** Advice on care, control and management of the 4 unit facility located at 17 Doyle Street, Brewarrina and allocation of units to a suitable applicant as each becomes vacant. And other matter which Council may decide from time to time.

**Membership:** Aged Units Tenant, community representative, preferably a representative of the local legacy, Councillor, Community aged care assessor / nurse and Two Council staff members. A Quorum will be a minimum of one Councillor, one Council Staff member and one other member from either local legacy or aged care/community health worker

**Meeting Frequency:** Annually or as required.

**Delegation:** Whilst no particular qualifications are necessary to nominate for a position on individual committees, a commitment to the committee's delegated roles and responsibilities and a willingness to be actively involved in committee activities is essential.

---

**Committee:** BREWARRINA GENERAL CEMETERY COMMITTEE

**Composition:** Councillors, General Manager, Council staff and Community representatives.

**Purpose:** To make recommendations to Council on any aspect of cemetery management or operation, including policy, procedures and guidelines.

**Membership:** Members of the Community Committees are appointed by resolution of Council. The committee consists of the following community and Council representatives;

- 2 Councillors
- 2 Community representatives
- General Manager and
- 2 Council Staff

**Meeting Frequency:** Quarterly or more frequently as required.

**Delegation:** Whilst no particular qualifications are necessary to nominate for a position on individual cemetery committees, a commitment to the committee's delegated roles and responsibilities and a willingness to be actively involved in committee activities is essential.

---

**Committee:** LEMC – LOCAL EMERGENCY MANAGEMENT COMMITTEE

**Composition:** General Manager and Emergency Services.

**Purpose:** Local Emergency Management Committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the Local Government Area for which it is constituted.

**Membership:** General Manager of the Council of the relevant Local Government Area, who is to be the Chairperson of the Committee, and a senior representative of each emergency services organisation operating in the local government area, the emergency services operating in the Local Government Area are:

- a. Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. NSW Police Force
- d. NSW Rural Fire Service
- e. NSW State Emergency Service
- f. NSW Volunteer Rescue Association

**Meeting Frequency:** Quarterly

**Delegation:** NIL

---

**Committee:** ROADS & MARITIME SERVICE REGIONAL CONSULTATIVE COMMITTEE.

**Composition:** Transport Manager and Roads & Maritime Service Regional Consultative Committee

**Purpose:** The role of the committees is expected to promote closer communication between Roads and Maritime Services and councils on broad issues that are relevant across an area.

**Membership:** Representation on the Committee is to be determined by Roads and Maritime Services in consultation with Council

**Delegation:** NIL



---

**Committee:** MURRAY DARLING ASSOCIATION COMMITTEE

**Composition:** General Manager and Councillors

**Purpose:** To provide effective representation of Local Government and Communities at state and federal level in the management of Basin resources by:

- providing information;
- facilitating debate; and
- Seeking to influence government policy.

**Membership:** Representation on the Committee is to be determined by Murray Darling Association in consultation with Council.

**Meeting Frequency:** Quarterly

**Delegation:** NIL

---

**COMMITTEE:** BIG SKY LIBRARY COMMITTEE

**Composition:** Community Service Manager and Councillors

**Purpose:** to discuss the general business of the Library and the provision, control and management of specified library services:

- Library management system;
- Collection development;
- Interlibrary loan and document delivery service; and
- Statistical reporting as required by the State Library of New South Wales.

**Membership:** Each of the Participating Councils shall nominate two persons, one of whom must be an elected member of a Participating Council, and these persons nominated shall become members of the Committee, together with the Executive Officer.

**Meeting Frequency:** Quarterly

**Delegation:** The General Manager of Moree Plains Shire Council, or a nominated Director, shall act as the Executive Officer of the Committee, and shall be entitled to a vote on all decisions made by the Committee.

---

**COMMITTEE:** WESTERN REGIONAL WEEDS COMMITTEE

**Composition:** General Manager and Councillors

**Purpose:** interest and concern for the control of weeds within the region. To provide a forum whereby members may assimilate and disseminate knowledge on methods to destroy and control weeds. To make representations and recommendations in regard to any aspect of weed control.

**Membership:** Is open to all Local Government Councils, who have a direct involvement in weeds control, and any Landholder Organisation which the Committee may decide.

**Meeting Frequency:** Yearly

**Delegation:** Each Council is entitled to 2 votes, one of which may be its weeds officer. All other Authorities, Government Department and appropriate Landholder Organisation are entitled to one vote per Organisation.

---

**COMMITTEE:** LOWER MACQUARIE WATER UTILITIES ALLIANCE.

**Composition:** General Manager, Utilities Manager and Councillors

**Purpose:** to be involved in the operation and management of their water supply and sewerage services.

**Membership:** The following are the member councils who are committed to undertake the requirements of the Lower Macquarie Water Utilities Alliance (LMWUA):

Bogan Shire Council  
Bourke Shire Council  
Brewarrina Shire Council  
Central Darling Shire Council  
Cobar Shire Council  
Coonamble Shire Council  
Dubbo Regional Council  
Gilgandra Shire Council  
Mid-Western Shire Council  
Narromine Shire Council  
Walgett Shire Council  
Warrumbungle Shire Council  
Warren Shire Council

**Meeting Frequency:** Every Two Months

**Delegation:** NIL

---

**COMMITTEE:** HERITAGE COMMITTEE

**Composition:** General Manager, Councillors and Public

**Purpose:** Interest and concern for preserving Brewarrina's History.

**Membership:** Is open to anyone in the public who is interested.

**Meeting Frequency:** Quarterly

**Delegation:** NIL

---

**COMMITTEE:** TOURISM AND CULTURAL COMMITTEE

**Composition:** General Manager, Community Services Manager

**Purpose:** The Committee is to consider and make recommendations to Council and/or the General Manager on issues concerning tourism and cultural development of the Shire in accordance with the terms of reference.

**Membership:** Councillors: The membership of the Committee shall be the Mayor and or 2 Councillors as appointed by Council.

Community Representation Four representatives The Chief Executive Officer of the Brewarrina Local Aboriginal Lands Council, One Representative of the Brewarrina Aboriginal Museum, two members of the Aboriginal Community as determined by the Committee.

**Staff:** The Meeting will be attended by the following • The General Manager • Tourism Officer and Community Services Manager

**Meeting Frequency:** As required.

**Delegation:** NIL

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>ANNUAL COUNCIL MEETING SCHEDULE</b>	<b>DOC REF:</b> GM: 4
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<b>REPORT BY:</b>	Arianne Tan <b>EXECUTIVE ASSISTANT</b>	<b>DATE:</b> 31 <sup>st</sup> August 2023
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## **IP&R REFERENCE:**

Theme 4: A Community With Integrated Leadership

## **PURPOSE:**

The purpose of this report is for Council to determine the dates of the Council meetings from October 2023 to September 2024.

## **RECOMMENDATION:**

**That Council:**

- 1. Approve the attached Meeting Schedule Calendar of proposed Ordinary Council Meeting Dates**
- 2. Determine to publically advertise Council's meeting schedule dates with locations for the period October 2023 – September 2024 in the following manner;**
  - a. Website**
  - b. Newspaper**
  - c. Main Council Office**

## **CONTENT:**

Section 9 of the Local Government Act, 1993 provides as follows:

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.

A calendar has been prepared that programs all of Council's regular meetings. Councillors will note that it is proposed that ordinary meetings of Council be held on the 4th Friday of each month for eight (8) of the twelve months.

Council meetings are ordinarily held in the Council Chambers with the exception of the November meeting which is normally held in Goodooga.

It is proposed to hold the March meeting on the Friday 22<sup>nd</sup> March, as this allows staff to action any outcomes of the meeting prior to the Easter break.

It is also proposed to hold the December meeting on the Friday 15<sup>th</sup>, as this will allow staff to action any outcomes of the meeting prior to the Christmas break.

Council is, however, able to review its calendar from time to time and, provided it can give the prescribed public notice period, can determine to change any meeting dates and incorporate an extra meeting. The legislation specifies that it must hold a minimum of ten ordinary council meetings throughout a year.

**GOVERNANCE IMPLICATIONS:**

NIL

**CONCLUSION:**

It is considered that setting the meeting dates for the year will simplify advertising requirements and planning, including of employee and Councillor absences.

---

David Kirby  
General Manager

**ATTACHMENT:**

2023-2024 Calendar with proposed Council meeting dates.

# 2023-2024

**DRAFT Council Calender**

October						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> August 2023

<b>TITLE:</b>	<b>RESPECT AT WORK POLICY</b>	<b>DOC REF:</b>
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<b>REPORT BY:</b>	Tara Byrnes <b>HUMAN RESOURCES MANAGER</b>	<b>DATE:</b> 5 <sup>th</sup> September 2023
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**IP&R REFERENCE:**  
**5.2.2 Timely and accurate reporting for efficient management and accountability**

**PURPOSE:**  
The purpose of this report is to inform Council on changes to the Leave Policy and ensure compliance with Award obligations.

**RECOMMENDATION:**  
**That Council;**  
**Re-adopts the Leave Policy with in line with Award amendments and updates.**

**CONTENT:**

The purpose of this report is to update Council Policy details in accordance with the transition from the 2017 Award version, to the latest Local Government (NSW) Award 2023.

This policy serves to establish a structured framework aimed at cultivating a positive work environment that allows employees to strike a reasonable balance between their professional responsibilities and personal commitments.

The primary objective of this policy is to supply information and guidance pertaining to various leave provisions and associated remunerations, aligning with the stipulations set forth in the Local Government (State) Award 2023 (the Award) and includes appropriate respect to Council operational needs highlighting employee procedural notification requirements to ensure efficient delivery of operations.

This policy applies to all staff including; all permanent full-time, part-time, and temporary employees. Additionally, in cases where the Award extends leave entitlements to casual employees, this policy equally encompasses such provisions.

Policies and procedures of Brewarrina Shire Council must be reviewed on a regular basis in line with legislative requirements, updates and procedural changes. Update changes to the Local Government (NSW) Award 2023 have required the Leave Policy to be reviewed, updated and presented to Council for adoption at this time.

**FINANCIAL IMPLICATIONS:**  
Minor administration costs.

**LEGAL IMPLICATIONS:**

Best practice ensures Council has an effective and up to date policy for managing employee leave provisions as per Local Government (NSW) Award 2023.

---

**David Kirby**  
General Manager

**ATTACHMENTS:**

1. Leave Policy V2



## Leave Policy

Version: 2+; Adopted: 23 November 2018

### 1. Intent

This policy aims to provide a framework for creating a positive work environment that enables employees to achieve a reasonable balance between work and personal commitments.

The objective of this policy is to provide information and guidance on a range of leave provisions and related payments in accordance with the Local Government (State) Award 2017-2023 (the Award) and/or Council provisions.

### 2. Scope

This policy applies to all permanent full-time, part-time and temporary employees.

Leave entitlements for casual employees are also included when the Award makes such provision.

### 3. Framework

Council's responsibility for providing quality services to the community is critical and operational effectiveness will be given due consideration when requesting and approving leave.

Where possible, leave arrangements should be made in collaboration between employees and management, with consideration given to options that meet both the employee's personal needs and Council's requirements.

The taking of leave should:

- Ensure Council's operational needs are taken into account, with leave notice supplied and approved in advance (preferably 2 weeks).
- For instances of sick, careers leave or family and domestic violence leave notification to immediate supervisor prior to shift commencement.
- Be in accordance with the employee's employment conditions.
- Be made on a case by case basis following an assessment of the merit of the request.
- Be transparent and capable of review.

A request will only be refused on reasonable business grounds, which may include:

- Significant negative impact on service delivery.
- A lack of capacity to reorganise the work arrangements of other team members.
- The impracticality of the arrangements that would need to be put in place.

### 4. Accountabilities

#### 4.1. GENERAL MANAGER

- Ensure the policy framework promotes and champions the intent and objectives of this policy.
- Ensure managers and supervisors support, manage and consistently apply this policy and its associated procedure within their area.

#### 4.2. MANAGERS AND SUPERVISORS

- Understand this policy and its associated procedure.

- Make available education, information and support regarding this policy and its associated procedure.
- Apply this policy and its associated procedure fairly, reasonably and consistently, including genuinely considering requests for leave, ensuring documentation is accurate and complete and monitoring leave of employees reporting to them to identify patterns of absences and managing each appropriately.

#### 4.3. EMPLOYEES

- Understand this policy and its associated procedure.
- Seek information, guidance and support where necessary to understand this policy and its associated procedure.
- Genuinely and respectfully participate in the leave process, including considering the broader impact of the request and work collaboratively with management in requesting leave.

#### 4.4. HUMAN RESOURCES

- Provide information, guidance and support to management and employees.

#### 4.5. PAYROLL

- Administer the process with respect to payment of leave and record keeping.

### 5. Linkages

#### 5.1. APPLICABLE LEGISLATION

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

- Annual Holidays Act (1994) NSW
- Local Government (State) Award 20~~23~~<sup>17</sup>
- NSW Long Service Leave Act 1955

#### 5.2. RELATED POLICIES AND PROCEDURES

Please refer to the following policies/procedures:

- Leave Procedure

### 6. Review

This policy was developed as part of a Bourke, Brewarrina and Walgett Joint Project (2018).

This Policy will be reviewed every three years or as required in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

#### 6.1. POLICY AMENDMENTS

Version	Date Approved	Resolution No	Description of Changes
V1	23 November 2018	218/18	
<u>V2</u>	<u>15 August 2023</u>	<u>TBA</u>	<u>Award updates.</u>

## 7. Appendix

### 7.1. COUNCIL PROVISIONS

UNION PICNIC DAY	All full-time employees will receive a full day's pay for Union Picnic Day. All Permanent Part-Time Employees will receive pay for the hours they would have been rostered to work on the day which Union Picnic Day falls.
ANNUAL OFFICE CLOSURE	Council may decide to close the Council offices between Christmas and New Year. Office employees who do not normally receive regular overtime payments will be paid their normal contracted hours of work, in recognition of unpaid overtime worked throughout the year.

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15th September 2023

<b>TITLE:</b>	<b>Internally Restricted Assets</b>	<b>DOC REF:</b> GM:
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<b>REPORT BY:</b>	David Kirby General Manager	<b>DATE:</b> 4th September 2023
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**RECOMMENDATION:**

**That Council formally adopt its internally restricted assets as at 30 June 2023 as per the list below.**

**EXECUTIVE SUMMARY:**

**Internally Restricted Assets:**

Council is required to formally adopt the type and value of its internally restricted assets (Reserves) that is; funds that Council has set aside for a future purpose. Councillors should note that Council has had to draw down on internally restricted cash reserves available to fund plant purchases and to carry over \$1.6m outstanding in road grant funding as at 30th June.

Hence, the very small balance in unrestricted cash and the drawdown of infrastructure and plant reserves.

Note C1-2 of Council's annual financial statements shows the actual cash and investments held as at 30th June 2023, broken up into:

- External Restrictions
- Internal Restrictions
- Unrestricted cash

Balances on completion of the draft Note C1-2 [subject to audit]

**Cash and Investments Summary**

	\$'000	\$'000
Total cash on hand 30th June 2023		<b>19,301</b>
<b>External Restrictions</b>		
Specific purpose unexpended grants - (GF)	7,741	
Water supplies - (bank)	2,204	
Sewerage services - (bank & other)	987	
Domestic waste management	152	(11,084)
<b>Internal restrictions</b> (see below)		(8,008)
<b>Unrestricted cash 30<sup>th</sup> June 2023</b>		<b>209</b>

Externally restricted funds are governed by legislation or are restricted specific purpose grant funds that must be used for that purpose and cannot be changed. Council can only adjust its own internally restricted assets and these adjustments depend on the amount of cash held.

Details of current Internal Reserves are as shown below. The purpose of these reserves may be changed by Council resolution.

**INTERNALLY RESTRICTED ASSETS (RESERVES) – 30 JUNE 2023**

<b>PURPOSE OF RESERVE</b>	<b>AMOUNT</b>	<b>NOTES</b>
Infrastructure replacement	1,000	This reserve can be utilised to fund future capital infrastructure works.
Employees leave entitlement	1,124	This amount represents Council's non-current Annual and Long Service Leave liability.
Prepaid financial assistance grant – general	4,243	Advance FAG Payment
Prepaid financial assistance grant – roads	1,641	Advance FAG Payment
<b>Total</b>	<b>8,008</b>	

**FINANCIAL IMPLICATIONS:**

Internally restricted funds are available for future works.

**LEGAL IMPLICATIONS:**

As required by Local Government Act.

\_\_\_\_\_  
David Kirby  
General Manager

**ATTACHMENTS:**

Nil.



# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> Sep 2023.

<b>TITLE:</b>	<b>BANK RECONCILIATION &amp; INVESTMENTS</b>	<b>DOC REF:</b>
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<b>REPORT BY:</b>	Rizwan Mushtaq Assistant Accountant	<b>DATE</b> 05/09/2023
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<b>IP&amp;R REFERENCE:</b>
Objective 5.2.2 - Timely and accurate reporting for efficient management and accountability

<b>RECOMMENDATION:</b>
<b>That:</b>
<ol style="list-style-type: none"> <li>1. The bank reconciliation report is received as information.</li> <li>2. The Certification of the Responsible Accounting Officer for compliance with the Investment Policy and the Ministerial Investment Order dated 28 April 2017 be received and noted.</li> </ol>

<b>CONTENT:</b>																																						
<b>1. <u>BANK RECONCILIATION</u></b>																																						
<b>PURPOSE:</b>																																						
The purpose of this report is to present the reconciliation of Council's cashbook and bank statement as at 31 <sup>st</sup> Aug 2023. The presentation of this information is not a requirement of any Act, however it has been provided historically for the information of Councillors.																																						
<table border="1"> <thead> <tr> <th colspan="2"><b>Bank Reconciliation for 31<sup>st</sup> Aug 2023</b></th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Cash book</b></td> </tr> <tr> <td>Opening Cashbook balance</td> <td>211,285.09</td> </tr> <tr> <td>Add: Receipts</td> <td>3,631,978.81</td> </tr> <tr> <td>Add: Recalled investments</td> <td>2,130,000.00</td> </tr> <tr> <td>Less: Payments</td> <td>5,632,259.16</td> </tr> <tr> <td>Less: Investments</td> <td>-</td> </tr> <tr> <td><b>Current Cashbook Balance</b></td> <td><b>341,004.74</b></td> </tr> <tr> <td colspan="2"><b>Council Operating Account</b></td> </tr> <tr> <td>Opening Statement Balance</td> <td>73,212.27</td> </tr> <tr> <td>Add: Receipts</td> <td>3,635,228.43</td> </tr> <tr> <td>Add: Recalled investment</td> <td>2,130,000.00</td> </tr> <tr> <td>Less: Payments</td> <td>5,497,836.02</td> </tr> <tr> <td>Less: Investments</td> <td>-</td> </tr> <tr> <td><b>Current Statement Balance</b></td> <td><b>340,604.68</b></td> </tr> <tr> <td>Add: Unpresented Receipts</td> <td>400.06</td> </tr> <tr> <td>Less: Unpresented Payments</td> <td>-</td> </tr> <tr> <td><b>Reconciliation Balance</b></td> <td><b>341,004.74</b></td> </tr> <tr> <td><b>Difference</b></td> <td><b>-</b></td> </tr> </tbody> </table>	<b>Bank Reconciliation for 31<sup>st</sup> Aug 2023</b>		<b>Cash book</b>		Opening Cashbook balance	211,285.09	Add: Receipts	3,631,978.81	Add: Recalled investments	2,130,000.00	Less: Payments	5,632,259.16	Less: Investments	-	<b>Current Cashbook Balance</b>	<b>341,004.74</b>	<b>Council Operating Account</b>		Opening Statement Balance	73,212.27	Add: Receipts	3,635,228.43	Add: Recalled investment	2,130,000.00	Less: Payments	5,497,836.02	Less: Investments	-	<b>Current Statement Balance</b>	<b>340,604.68</b>	Add: Unpresented Receipts	400.06	Less: Unpresented Payments	-	<b>Reconciliation Balance</b>	<b>341,004.74</b>	<b>Difference</b>	<b>-</b>
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## 2. INVESTMENTS

### PURPOSE

In accordance with Clause 212 of the Local Government (General) Regulation 2005, the responsible accounting officer must provide the Council with a written report (setting out details of all money that the council has invested under Section 625 of the Act) to be presented to the ordinary meeting each month.

Ref	Institution	Amount	Term & Rate	Maturity Date
81	NAB	3,000,000.00	92 days @ 5.10%	25/10/2023
82	NAB	1,500,000.00	85 days @ 4.85%	08/11/2023
90	NAB	1,000,000.00	91 days @ 4.70%	29/11/2023
91	NAB	1,500,000.00	90 days @ 4.93%	22/11/2023
92	NAB	1,000,000.00	92 days @ 5.14%	04/10/2023
108	CBA	2,000,000.00	183 days @ 5.31%	21/02/2024
111	CBA	1,000,000.00	92 days @ 5.11%	20/09/2023
112	CBA	1,000,000.00	90 days @ 4.88%	18/10/2023
113	CBA	1,500,000.00	77 days @ 4.78%	11/10/2023
114	CBA	1,000,000.00	84 days @ 4.86%	01/11/2023
115	CBA	1,000,000.00	86 days @ 4.70%	27/09/2023
50	MACQ	1,000,000.00	105 days @ 4.68%	07/09/2023
51	MACQ	1,000,000.00	112 days @ 4.68%	14/09/2023
At Call	CBA	-	at call - variable	
Bos At call	CBA	467,000.00	at call - variable	
<b>Total</b>		<b>18,467,000.00</b>		

### Certification – Responsible Accounting Officer

I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

\_\_\_\_\_  
Angus Chan  
Responsible Accounting Officer

### GOVERNANCE IMPLICATIONS:

Compliance with Local Government (General) Regulation 2005- Clause 212:

*The responsible accounting officer of a council must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented;*

- If only one ordinary meeting of the council is held in a month, at a meeting , or*
- If more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines.*

\_\_\_\_\_  
David Kirby  
General Manager

**ATTACHMENTS:**

Nil

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Council Meeting to be held on 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>UNION PICNIC DAY 2023</b>	<b>DOC REF:</b>
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<b>REPORT BY:</b>	David Kirby <b>General Manager</b>	<b>DATE:</b> 7 <sup>th</sup> Sept 2023
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**IP&R REFERENCE:**

Theme 4: A Community With Integrated Leadership - L2.4 Accountability to the community.

**PURPOSE:**

To inform Council of the request to hold the Union Picnic Day on Thursday 28<sup>th</sup> September 2023

**RECOMMENDATION:**

**That Council resolve that the Union Picnic Day be held on Thursday 28<sup>th</sup> September 2023.**

**CONTENT:**

The Local Government (State) Award 2010 provides for a one-day holiday for Council employees to be granted upon request from Council's Union delegate on a mutually agreed day.

It has been Council's tradition to have the Union Picnic Day on the Friday before the Labour Day long weekend. A request has been received from Council's Union delegate, requesting that Thursday 28<sup>th</sup> September 2023 be granted as a Council Union Picnic Holiday. The reason for the Thursday is the Friday falls on the Rostered Day Off (RDO) potentially leading to an extra-long 5 day weekend. This is a good opportunity for staff to recharge the batteries for the run into Christmas which will be busy this year.

The Award provisions describe in detail the way the Union Picnic holiday should be administered by Council for the employees who are Union members and who are not Union members. The Award provides that the Union Picnic Day holiday applies to all financial members of the Union only. If Council does not have any objection to the date then the Union's request should be granted.

Under Clause 19(iv) of the Award employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the Council to take annual leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by council, or may be required by council to make up time. With respect this clause, in September 2017 Council resolved the following allowing all staff the same leave entitlement;

**173/17 RESOLVED on MOTION by Councillor Wheatley seconded by Councillor Brown that Council resolve to grant the same entitlement to leave on the Union Picnic Day for all permanent employees, irrespective of their membership, financial or otherwise of a Union and that the General Manager advise staff that this was an over award entitlement, granted by the grace of Council, on this occasion.**

The MOTION on being PUT to the meeting was declared CARRIED.

# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15 September 2023

<b>TITLE:</b>	<b>ENVIRONMENT, PLANNING, HEALTH AND BUILDING INFORMATION REPORT</b>	<b>DOC REF:</b> Item:
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<b>REPORT BY:</b>	<b>Phil Denniston Consultant Environment, Planning, Health and Building</b>	<b>DATE:</b> 5 September 2023
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<b>IP&amp;R REFERENCE:</b> xxx
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<p><b>PURPOSE: To</b></p> <p>1. request delegation to the General Manager to sign two development applications for quarry activities on land owned or controlled by Council, being the</p> <ul style="list-style-type: none"><li>• Charlton Road site and the</li><li>• Rocks Quarry, off Aerodrome Rd.</li></ul> <p>Also Note that Crown Lands will have to approve the proposal/provide consent for Council to transfer the extraction right to Mr Lukas, or failing that Council may have to work out a way of using its current license and subcontracting the Work to Mr Lukas under some sort of contract (I believe we can achieve one or the other).</p>
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<p><b>RECOMMENDATION:</b></p> <p>That Council note the report contents and authorise the General Manager to sign the two Development Applications proposed by Mr T Lukas so he can extract materials from the identified sites.</p> <p><b>Please note</b> this is only a signature on behalf of Council (as owner/controller of the land) to enable the lodgement of a Development Application for each site. The DA's will of course have to be advertised and assessed by myself before a consent can be issued.</p>
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<p>I believe there has been some discussion with the General Manager and will let him explain the proposed outcomes and advantages of these options.</p>
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<p><b>CONCLUSION:</b></p> <p>It is assumed there are significant advantages for Council in this arrangement and the application costs will be borne by Mr Lukas.</p>
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<p><b>ATTACHMENTS:</b></p> <p>See site maps attached.</p>
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Phil - Environment, Planning, Health and  
Building

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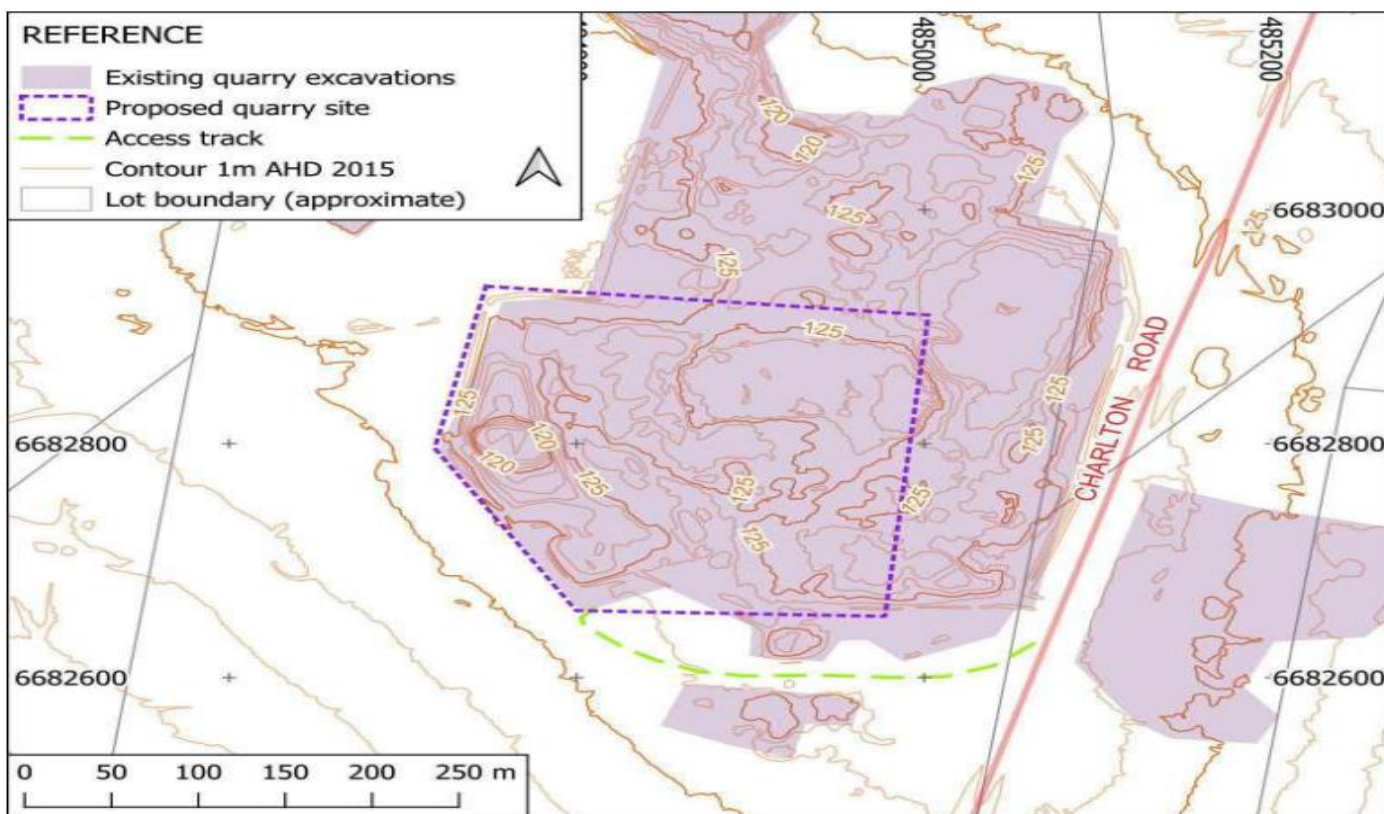


Figure 7 – Existing quarry disturbance in vicinity.

### 3.1.1 Previous quarry operation

Previous quarrying has been undertaken in recent years with the existing excavation up to about 2.5m below natural ground level, as shown in Figure 5 and Plate 3.

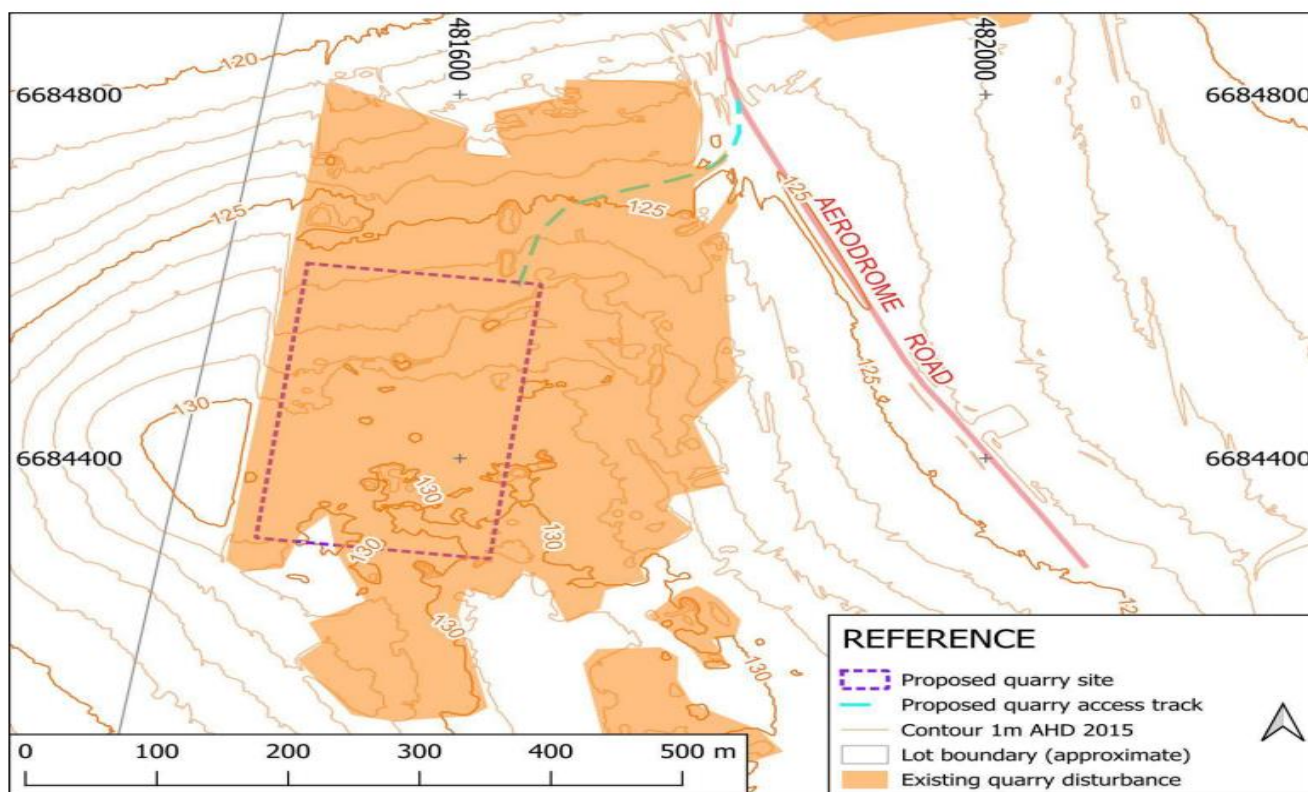


Figure 5 – Existing quarry disturbance in vicinity.

# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Council Meeting to be held on 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>Inaugural Goodooga Outback Shears</b>	<b>DOC REF:</b>
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<b>REPORT BY:</b>	<b>David Kirby General Manager</b>	<b>DATE:</b> 7 <sup>th</sup> Sept 2023
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**IP&R REFERENCE:**

Theme 4: A Community With Integrated Leadership - L2.4 Accountability to the community.

**PURPOSE:**

To inform Council of the request to hold the Inaugural Goodooga Outback Shears competition over the Easter long Weekend 2024

**RECOMMENDATION:**

- 1. That Council resolve that Council provide in-kind support for the Inaugural Goodooga Outback Shears deemed appropriate by the General Manager.**
- 2. That Council consider ongoing support and partnership options with Regional Enterprise Development Institute (REDI) for a Shearing School program utilising facilities at Old Correctional Facility.**

**CONTENT:**

Regional Enterprise Development Institute (REDI) have approached Council with a proposal to hold an Inaugural Goodooga Outback Shears competition over the 2024 Easter Long Weekend. The event would see the farming and surrounding communities enjoy an afternoon of interaction whilst enjoying a Teams Shearing competition which is much different from Quick Shear events and involves the whole shearing team including wool handlers.

REDI intends to build on the even by holding it annually and to cast it as a regional event to the broader shearing community. This will enable competitors to compete on a team's shears circuit leading to State, National and International competition opportunities.

Although Council aren't in a position to offer cash sponsorship contributions, it can offer a number of in-kind support opportunities including assistance with event programming, marketing and the coordination of vendors including food stalls and marquees. These are only some of the options available which Council can assist. It would be most beneficial to the Goodooga community and the wider region to make this event a success and ensure its focus is regional to bring economic and social opportunities to the town of Goodooga and surrounds.

REDI have also highlighted their intention to run a shearing school in the Brewarrina Shire and use local farms as host. It will be undertaken on a circuit arrangement and will require the use of the Shearing Facilities at the Old Correctional Facility during the shearing season. This will fit in perfectly with the Youth development programs Council are trying to get off the ground with Scott and Jane the lessees of the farm. Council will continue to hold talks with REDI to ensure we support the program.



**GOVERNANCE IMPLICATIONS:**

**CONCLUSION:**

1. That Council resolve that Council provide in-kind support for the Inaugural Goodooga Outback Shears deemed appropriate by the General Manager.
2. That Council consider ongoing support and partnership options with Regional Enterprise Development Institute (REDI) for a Shearing School program utilising facilities at Old Correctional Facility.

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David Kirby  
General Manager

As per normal, Council Union members will organise a Union Picnic Day which will be funded by the United Services Union. Union members are inclusive and allow other staff and family members to attend the picnic day as long they contribute to food and beverages. It's a family event which is generally a good chance for staff to get together before the Christmas period.

**GOVERNANCE IMPLICATIONS:**

Budgeted expense

Compliance requirement – Local Government (State) Award, 2010

**CONCLUSION:**

For Council resolution to approve the Union Picnic Day for Thursday 28<sup>th</sup> September 2023

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David Kirby  
General Manager

# ***REPORTS FOR INFORMATION***

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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>REPORTS FOR INFORMATION</b>	<b>DOC REF:</b> Item: a
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<b>REPORT BY:</b>	David Kirby <b>GENERAL MANAGER</b>	<b>DATE:</b> 5 <sup>th</sup> September 2023
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**IP&R REFERENCE:**

**Objective 5.2: A Council that provides quality service to ratepayers and residents and delivers cost-effective services to these customers**

**PURPOSE:**

The purpose of this report is for Councillors to receive the Status Report, Councils Information Reports as well as the items for Correspondence.

**RECOMMENDATION:**

**That the Status Report, Information Reports, which are listed from a-n, and the Items for Correspondence be received as information.**

**CONTENT:**

This report will cover the January Status Report, the Information Reports for each department that was compiled during the reporting period and Correspondence for Information.

The reports will be received in the following order;

- **Status Report**
- **Information Report**
  - a. General Manager / Mayor
  - c. Plant
  - d. Utilities
  - f. Economic Development
  - m. Human Resources
  - o. Correspondence
- **Items for Correspondence:**
  - 1. DPI Fisheries Update – Brewarrina Fish way Review
  - 2. Council Circular – 21-24 September 2023 Mayoral Elections

**GOVERNANCE IMPLICATIONS:** NA

**CONCLUSION:**

To inform Council of the monthly activities undertaken by the various departments within the Council.

---

David Kirby  
**General Manager**

**ATTACHMENTS:**

- **Status Report**
- **Information Reports**
  - a. General Manager / Mayor
  - c. Plant
  - d. Utilities
  - f. Economic Development
  - m. Human Resources
  - o. Correspondence
- **Items for Correspondence:**
  - 1. DPI Fisheries Update – Brewarrina Fish way Review
  - 2. Council Circular – 21-24 September 2023 Mayoral Elections

27th July 2018 - Ordinary Council Meeting			
Resolution Number	Officer Action	Information:	Action Taken:
134/18	GM	<p><b>RESOLVED on MOTION by Councillor Pippas Seconded by Councillor Chapman;</b></p> <p><b>That Council accept the grant from the Office of Local Government and note the requirement to utilise the funding for the purposes of developing compliant plans under the Crown lands Management Act for crown reserves.</b></p>	<p><b>5/09/2023 - Awaiting final approval from NSW Crown Lands.</b></p> <p><del>15/08/2023 - No Change</del>  <del>11/07/2023 - No Change</del>  <del>14/06/2023 - Going to Public Exhibition July</del>  <del>17/05/2023 - CHB finalising action plan</del>  <del>21/04/2023 - No Change</del>  <del>21/03/2023 - No Change</del>  <del>8/02/2023 - No Change</del>  <del>13/08/2018 - Awaiting action plan.</del></p>
24th July 2020 - Ordinary Council Meeting			
Resolution Number	Officer Action	Information:	Action Taken:
98/20	GM	<p><b>RESOLVED on MOTION by Councillor Wheatley, Seconded by Councillor Slack-Smith;</b></p> <p><b>That Council endorse the proposal for the Council to utilise funding from the Local Roads and Community Infrastructure Fund for the following identified projects:</b></p> <ol style="list-style-type: none"> <li><b>1. Goodooga Road Rest Stop Budget \$100k</b></li> <li><b>2. Weilmoringle Tennis Courts \$100k</b></li> <li><b>3. Culgoa Tennis Courts \$80k</b></li> <li><b>4. Tourism Signage – with proposals to be discussed and referred to Council \$80k</b></li> <li><b>5. Fish Traps interpretative Signage, new seating revamp of the carpark &amp; viewing platform etc. \$160k.</b></li> <li><b>6. Balance of funds approx. \$260 to be allocated on dollar for dollar basis with R2R funds for road repair up North.</b></li> </ol>	<p><b>5/09/2023 – An email has been sent to the contractor regarding overdue penalty rate charges.</b></p> <p><del>15/08/2023 - No Change</del>  <del>11/07/2023 - No Change</del>  <del>14/06/2023 - No Change</del>  <del>17/05/2023 - No Change</del>  <del>21/04/2023 - No Change</del>  <del>21/03/2023 - No Change</del>  <del>8/02/2023 - Finalising Signage Installation</del>  <del>17/08/2020 In progress, submissions /proposals to council - See report to Council.</del></p>

27th November 2020 – Ordinary Council Meeting																																	
Resolution Number	Officer Action	Information:			Action Taken:																												
159/20	GM	<p><b>RESOLVED on MOTION by Councillor Stanton, Seconded by Councillor Loughnan;</b></p> <p><b>That Council endorse the proposal with the following amendments for the Council to utilise funding from the Local Roads and Community Infrastructure Fund Extension for the continuing replacement of road safety ramps and other programs as follows;</b></p> <ul style="list-style-type: none"> <li>• <del>Road Safety Grid Program allocation of \$200,000.00</del></li> <li>• <b>Goodooga Skate Park allocation of \$100,000.00</b></li> <li>• <del>Brewarrina Memorial Park Picnic Areas allocation of \$100,000.00</del></li> <li>• <del>Brewarrina Memorial Pool – Toddlers Pool allocation of \$190,000.00</del></li> </ul>			<p><b>5/09/2023 - No change</b></p> <p><del>15/08/2023 – No Change</del></p> <p><del>11/07/2023 – No Change</del></p> <p><del>14/06/2023 – No Change</del></p> <p><del>17/05/2023 – No Change</del></p> <p><del>21/04/2023 – No Change</del></p> <p><del>21/03/2023 – No Change</del> – Waiting for Picnic area to be completed</p> <p><del>8/02/2023 – No Change</del></p> <p><del>11/05/2021 – Local Roads and Community Infrastructure Program Phase 2 Work Schedule Project Nomination completed and submitted – awaiting confirmation that work can proceed.</del></p>																												
18th December 2020 - Ordinary Council Meeting																																	
Resolution Number	Officer Action	Information:			Action Taken:																												
185/20	TM	<p><b>RESOLVED on MOTION by Councillor Pippos Seconded by Councillor Stanton;</b></p> <p><b>That Council approves including the following contractors on the panel for fencing installation on the Brewarrina - Goodooga – Hebel Rd.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Description</th> <th rowspan="2">Unit</th> <th colspan="3">Unit Rate \$ + GST</th> </tr> <tr> <th>MKD Fencing Pty Ltd Forest Grove - NSW</th> <th>Red Dog Rural Contracting Duramana - NSW</th> <th>GG &amp; SG Halls Hebel - QLD</th> </tr> </thead> <tbody> <tr> <td>Installing a 7 line 900 m Hinge Joint Roll</td> <td>m</td> <td>\$0.90</td> <td>\$1.26</td> <td>\$1.40</td> </tr> <tr> <td>Installing Steel Strainer</td> <td>Each</td> <td>\$20</td> <td>\$20</td> <td>\$50</td> </tr> <tr> <td>Installing end assemblies type “H”</td> <td>Each</td> <td>\$110</td> <td>\$100</td> <td>\$120</td> </tr> <tr> <td>Installing 14 foot Gate</td> <td>Each</td> <td>\$25</td> <td>\$30</td> <td>\$30</td> </tr> </tbody> </table>			Description	Unit	Unit Rate \$ + GST			MKD Fencing Pty Ltd Forest Grove - NSW	Red Dog Rural Contracting Duramana - NSW	GG & SG Halls Hebel - QLD	Installing a 7 line 900 m Hinge Joint Roll	m	\$0.90	\$1.26	\$1.40	Installing Steel Strainer	Each	\$20	\$20	\$50	Installing end assemblies type “H”	Each	\$110	\$100	\$120	Installing 14 foot Gate	Each	\$25	\$30	\$30	<p><b>5/09/2023 - Contract finalised &amp; completed.</b></p> <p><del>15/08/2023 – No Change</del></p> <p><del>11/07/2023 – No Change</del></p> <p><del>14/06/2023 – No Change</del></p> <p><del>17/05/2023 – No Change</del></p> <p><del>21/04/2023 – No Change</del></p> <p><del>21/03/2023 – No Change</del></p> <p><del>8/02/2023 – No Change</del></p> <p><del>15/02/2021 – New Contractor on-site MKD fencing.</del></p>
Description	Unit	Unit Rate \$ + GST																															
		MKD Fencing Pty Ltd Forest Grove - NSW	Red Dog Rural Contracting Duramana - NSW	GG & SG Halls Hebel - QLD																													
Installing a 7 line 900 m Hinge Joint Roll	m	\$0.90	\$1.26	\$1.40																													
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Installing 14 foot Gate	Each	\$25	\$30	\$30																													



		Installation Rate \$ per m	\$1.16	\$1.50	\$1.74	
<b>24th September 2021 – Ordinary Council Meeting</b>						
<b>Resolution Number</b>	<b>Officer Action</b>	<b>Information:</b>				<b>Action Taken:</b>
118/21	UM / CHB	RESOLVED on MOTION by Councillor Pippos, Seconded by Councillor Slack-Smith; that Council approve the conceptual design of the proposed Brewarrina Aboriginal Fishtraps Viewing Platform.				5/09/2023 – The final design is pending the main street master plan. 15/08/2023 – No Change 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – In final design phase 21/04/2023 – No change 21/03/2023 – Project to be combined with master plan redevelopment 8/02/2023 – No Change 11/10/2021 – For public consultation – November edition of Bre News.
<b>24th February 2022 – Ordinary Council Meeting</b>						
<b>Resolution Number</b>	<b>Officer Action</b>	<b>Information:</b>				<b>Action Taken:</b>
11/22	GM / FAM	RESOLVED on MOTION by Councillor Pippos, Seconded by Councillor Stanton; that Council note the report and approve the General Manager to continue to examine options to enable Council to comply with ARIC guidelines once the review is completed.				5/09/2023 Consultant has been engaged to finalise the committee. 15/08/2023 – No Change 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – No Change 21/04/2023 – No Change 21/03/2023 – No Change 8/02/2023 – No Change 12/10/2022 – No change
23/22	GM / HR	RESOLVED on MOTION by Councillor Jeffries, Seconded by Councillor Sheridan; that Brewarrina Shire Council work with the NSW Office of Local Government to enlist the services of an independent assessor to conduct a 360 review of all Management positions on Council. This motion is to be acted upon without delay.				5/09/2023 – The HR manager is coordinating with LG NSW. 15/08/2023 – Still awaiting for a response 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – No Change

			<p>21/04/2023 – No Change  21/03/2023 – No Change  08/02/2023 – No Change  6/12/2022 – No Change  14/11/2022 – No Change  12/10/2022 – No Change  06/09/2022 – Report going to Council  10/08/2022 – Referred to OLG email in agenda-  Awaiting response from LGNSW</p>
<b>22<sup>nd</sup> April 2022 – Ordinary Council Meeting</b>			
<b>Resolution Number</b>	<b>Officer Action</b>	<b>Information:</b>	<b>Action Taken:</b>
<b>57/22</b>	<b>CHB</b>	<p><b>RESOLVED on MOTION by Councillor JEFFRIES, Seconded by Councillor PIPPOS;</b>  <b>That;</b>  <b>1. Council accept the proposal to build a new facility</b>  <b>2. RFS to reconsider the location due to being a residential area and ongoing contamination issues</b>  <b>3. A further detailed proposal be provided to Council before a final decision is made</b></p>	<p><b>5/09/2023 – The topographical survey has been completed; awaiting the final design from RFS.</b>  15/08/2023 – Awaiting letter of consent  11/07/2023 – Awaiting response from RFS  14/06/2023 – No Change  17/05/2023 – Report going to Council this month  21/04/2023 – No Change  21/03/2023 – Finalising acquisition of land  8/02/2023 – No Change  6/12/2022 – No Change  14/11/2022 – RFS looking at detailed design  12/10/2022 – No Change  10/08/2022 – Report going to Council this month</p>
<b>25<sup>th</sup> November 2022 – Ordinary Council Meeting</b>			
<b>Resolution Number</b>	<b>Officer Action</b>	<b>Information:</b>	<b>Action Taken:</b>
<b>158/22</b>	<b>CHB</b>	<p><b>RESOLVED on MOTION by Councillor PIPPOS, Seconded by Councillor FRAIL;</b>  <b>That Council;</b>  <b>1. Council endorse community consultation process to commence on the re-establishment of existing Alcohol Free Zones in Brewarrina and Goodooga for the period up until 30 June 2025.</b></p>	<p><b>5/09/2023 - Awaiting feedback from the local area commander.</b>  15/08/2023 – No Change  11/07/2023 – No Change  14/06/2023 – No Change  17/05/2023 – No Change  21/04/2023 – No Change  21/03/2023 – CHB investigating  8/02/2023 – No Change  6/12/2022 – Community consultation form and survey to be created</p>

Resolution Number	Officer Action	Information:	Action Taken:
<b>24<sup>th</sup> February 2023 – Ordinary Council Meeting</b>			
<b>5/23</b>	<b>GM</b>	<b>RESOLVED on MOTION by Councillor FRAIL, Seconded by Councillor JEFFRIES; That Council; Write to the NSW Department of Fisheries to undertake an investigation to determine the functioning capacity of the Brewarrina Weir Fish way.</b>	<b>5/09/2023 - Action completed</b> 15/08/2023 – Correspondence Letter to Council this month 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – No Change 21/04/2023 – Response Letter going to Council in Correspondence – April meeting. 21/03/2023 – No Change 24/02/2023 – Letter to be sent to NSW DPI
<b>16/23</b>	<b>UM / EDM</b>	<b>RESOLVED on MOTION by Councillor BROWN, Seconded by Councillor D GORDON; That Council; Accept the preferred tender for the design and construction of Goodooga Splash Park be awarded to Beau Corp Projects for total \$713,260 ex GST.</b>	<b>5/09/2023 - Construction recommenced.</b> 15/08/2023 – Awaiting Development Consent 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – Finalising Design 21/04/2023 – No Change 21/03/2023 – Council staff finalising design 24/02/2023 – Successful letter & purchase order to be sent
<b>18/23</b>	<b>GM / TM</b>	<b>RESOLVED on MOTION by Councillor PIPPOS, Seconded by Councillor BROWN; That Council; 1. Receive and acknowledge the report 2. That Council award the Bourke Street Footpath Project to Lukas Building &amp; Excavation to the value of \$327,365.50 GST Included.</b>	<b>5/09/2023 - Project completed</b> 15/08/2023 – Particular completed 11/07/2023 – No Change 14/06/2023 – Works to commence in July 17/05/2023 – No Change 21/04/2023 – No Change 21/03/2023 – Finalising design with contractor 24/02/2023 – Successful letter & purchase order to be sent
<b>19/23</b>		<b>RESOLVED on MOTION by Councillor D GORDON, Seconded by Councillor</b>	<b>5/09/2023 - Awaiting commencement date.</b>

	<b>UM / EDM</b>	<b>PIPPOS;</b> <b>That Council;</b> <b>Approves the tender received from Grind Skate Parks Pty Ltd for constructing Goodooga Skate Park with a total cost of \$345,500 + GST.</b>	15/08/2023 – Awaiting construction commencement date 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – Finalising Design 21/04/2023 – No Change 21/03/2023 – Finalising design 24/02/2023 – Successful letter & purchase order to be sent
		<b>24<sup>th</sup> March 2023 – Ordinary Council Meeting</b>	
<b>Resolution Number</b>	<b>Officer Action</b>	<b>Information:</b>	<b>Action Taken:</b>
<b>38/23</b>	<b>UM / EA</b>	<b>RESOLVED on MOTION by Councillor FRAIL, Seconded by Councillor BROWN;</b> <b>1. That Council accept the proposal from Nucleus 3 and Telstra for the supply and installation of 500 Smart Water Meters for total \$224,970 Ex GST.</b> <b>2. The Council allocate \$240,000 from water reserves to complete this project</b>	<b>5/09/2023 - Just finalising installation confirmation</b> 15/08/2023 – In final stages 11/07/2023 – No Change 14/06/2023 – No Change 17/05/2023 – Finalising Designs & System 21/04/2023 – No Change 24/03/2023 – Successful Letter sent and meters ordered.
<b>39/23</b>	<b>GM / EA</b>	<b>RESOLVED on MOTION by Councillor FRAIL, Seconded by Councillor I GORDON;</b> <b>That Council receive the report;</b> <b>1. That all conforming tenders for Regional Procurement Plant Hire be awarded the contract as the panel source suppliers to Brewarrina Shire Council for the period 1 April 2023 to 31 March 2025 (24 Months)</b> <b>2. That a provision be allowed for a 12 – month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2026.</b>	<b>5/09/2023 - No change</b> 15/08/2023 – No Change 11/07/2023 – Following up missing agreements 14/06/2023 – No Change 17/05/2023 – All letters & agreements have been signed by Contractors 21/04/2023 – No Change 24/03/2023 – Successful letters sent
<b>40/23 / 91/23</b>		<b>RESOLVED on MOTION by Councillor D GORDON, Seconded by Councillor PIPPOS;</b> <b>That Council;</b>	<b>5/09/2023 - Contractor commenced.</b> 15/08/2023 – Acceptance Letter sent 11/07/2023 – Awarded to Kylie Gibson Pty Ltd – Acceptance Letter to be sent

	UM	<p>1. That Council approve the new Brewarrina Swimming Pool Contract No. 2023-04 for the new three (3) years swimming pool contract commencing 1<sup>st</sup> September 2023 to 31<sup>st</sup> August 2026.</p> <p>2. That Council authorise the tender be advertised from 3<sup>rd</sup> April through until 28<sup>th</sup> April 2023.</p>	<p>14/06/2023 – Re-advertised tender – Close end of June</p> <p>17/05/2023 – Report going to Council this month</p> <p>24/04/2023 – No Change</p> <p>24/03/2023 – Tender advertised</p>
		28 <sup>th</sup> April 2023 – Ordinary Council Meeting	
Resolution Number	Officer Action	Information:	Action Taken:
57/23	GM	<p>RESOLVED on MOTION by Councillor D GORDON, Seconded by Councillor BROWN;</p> <p>That Council;</p> <p>1. Authorise the General Manager to advertise for an Expression of Interest for the following two weeks; From Friday 28<sup>th</sup> April 2023 until Friday 12<sup>th</sup> of May 2023 for the lease of Yetta Dhinnakkal Farmland (Glenelg).</p> <p>2. Authorise the General Manager to finalise the lease agreement upon the acceptance of an expression of interest.</p>	<p>5/09/2023 – Completed.</p> <p>15/08/2023 – No Change</p> <p>11/07/2023 – Finalising lease with Scott Johnston</p> <p>14/06/2023 – Final discussions with winning EOI</p> <p>17/05/2023 – No Change</p> <p>28/04/2023 – EOI to be advertised into paper, social media pages &amp; website</p>
		21 <sup>st</sup> July 2023 – Ordinary Council Meeting	
Resolution Number	Officer Action	Information:	Action Taken:
95/23	GM	<p>RESOLVED on MOTION by Councillor BROWN, Seconded by Councillor D GORDON;</p> <p>That Council;</p> <p>1. The Plant Committee, receive this report as information and adopt the proposed Plant Replacement Program 2023/2024.</p> <p>2. Authorise the General Manager to undertake a full review of the Plant Replacement.</p>	<p>5/09/2023 – Completed.</p> <p>15/08/2023 – No Change</p> <p>21/07/2023 – GM to undertake review of plant replacement</p>
98/23	GM	RESOLVED on MOTION by Councillor FRAIL, Seconded by Councillor SHERIDAN;	5/09/2023 – Completed.

		<p>That;</p> <p>1. Council adopt 2022-23 RFS Red Fleet Assets</p> <p>2. Authorise the General Manager to write to the RFS stating that Council would like to be more involved in the management of these assets.</p>	<p>15/08/2023 – Letter sent to RFS</p> <p>21/07/2023 – GM to write letter to RFS</p>
104/23	GM	<p>RESOLVED on MOTION by Councillor PIPPOS, Seconded by Councillor FRAIL;</p> <p>That;</p> <p>Council Authorise the General Manager to negotiate the purchase of land Lot 22, Bridge Road Brewarrina (DP558119) in line with appropriate land values.</p>	<p>5/09/2023 – Completed.</p> <p>15/08/2023 – Letter sent to Andrews Family</p> <p>21/07/2023 – GM to negotiate appropriate land values</p>
		21 <sup>st</sup> July 2023 – Ordinary Council Meeting	
Resolution Number	Officer Action	Information:	Action Taken:
115/23	GM	<p>RESOLVED on MOTION by Councillor STANTON, Seconded by Councillor SHERIDAN;</p> <p>That;</p> <p>Council to not consider the report (Proposed renaming of the Goodooga Road) and the original motion still stands as it.</p>	<p>5/09/2023 – Completed.</p> <p>25/08/2023 – GM to draft letter to the Mason family on the outcome.</p>

## BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>GENERAL MANAGER - DIARY</b>	<b>DOC REF:</b> Item: a
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<b>REPORT BY:</b>	David Kirby <b>GENERAL MANAGER</b>	<b>DATE:</b> 6 <sup>th</sup> September 2023
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<b>IPR / MANAGEMENT PLAN REFERENCE:</b> Theme 4: A community with integrated leadership Governance.
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<b>PURPOSE:</b> The purpose of this report is to provide Council with a summary of meetings and functions attended during the reporting period.
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<b>GENERAL MANAGER ACTIVITY:</b>	
DATE	ACTIVITY
16/08/2023	Community Engagement Coordinator Interviews
17/08/2023	Brewarrina Master Plan Fortnightly Workshop
19/08/2023	Meeting with Tommie Lukas re: Quarry lease
22/08/2023	Discussion regarding Transport Manager – Projence Group
22/08/2023	Work and Stay – Recruitment Position
23/08/2023	Praful Consulting - Discussion on ongoing & upcoming projects
29/08/2023	Western NSW LHD and Brewarrina Shire Council
30/08/2023	Brewarrina Department Community & Justice
31/08/2023	Brewarrina Shire Council & TfNSW September 2023 Monthly Meeting
6/09/2023	Transport Manager Interview

<b>INFORMATION DISTRIBUTED TO COUNCILLORS</b>
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2/08/2023	EA	OLG's monthly newsletter – 2 August 2023
31/08/2023	EA	Hassell Meeting Invitation
2/09/2023	EA	Councillor Training Course Registration
7/09/2023	EA	Burrima Boardwalk Invitation

<b>GOVERNANCE IMPLICATIONS:</b> For Information.
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**CONCLUSION:**

For Council Information.

**CONSULTATION:**

Various Staff, Councillors & Agencies.

**RECOMMENDATION:**

That Council receive the General Manager Diary Report as information.

\_\_\_\_\_  
David Kirby  
**General Manager**

**ATTACHMENTS:**

Nil



# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>MAYOR - DIARY</b>	<b>DOC REF:</b> Item: a2
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<b>REPORT BY:</b>	David Kirby <b>GENERAL MANAGER</b>	<b>DATE:</b> 15 <sup>th</sup> September 2023
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**IPR / MANAGEMENT PLAN REFERENCE:**

**Theme 4:** A community with integrated leadership Governance.

**PURPOSE:**

The purpose of this report is to provide Council with a summary of meetings and functions attended during the reporting period.

**MAYOR ACTIVITY:**

- 30/8/2023 Hassell Mainstreet Designers to view plans
- 30/8/2023 – John Clements (Roy Butler) Brad Fitzmaurice (Tara Moriaty)
- Hamish Meldrum (Director of Ochre Health) re new doctor and housing
- Lavery Pathology (wanting to re-establish in Brewarrina)
- Meetings with David (GM) and Fran Carter re Mainstreet
- Regular meeting with General Manager.

**CONSULTATION:**

*Various Staff, Councillors & Agencies.*

**GOVERNANCE IMPLICATIONS:**

For Information.

**CONCLUSION:**

For Council Information.

**RECOMMENDATION:**

**That Council receive the Mayors Diary Report as Information.**

\_\_\_\_\_  
David Kirby  
**General Manager**

**ATTACHMENTS:**

Nil

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## BREWARRINA SHIRE COUNCIL

### Agenda Submission for Ordinary Meeting held on Friday 15 September 2023

<b>TITLE:</b>	<b>TRANSPORT INFORMATION REPORT</b>	<b>DOC REF:</b> Item:
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<b>REPORT BY:</b>	<b>David Kirby General Manager</b>	<b>DATE:</b>
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#### **IP&R REFERENCE:**

##### **Theme 1: A Growing Economy**

- E2.10 Set priorities to improve local roads

##### **Theme 2: A Healthy Natural Environment**

- H1.2.6.15 Provide services to manage and maintain rural roads.

##### **Theme 3: A Caring Community**

- C5.4.1 Support local residents ability to access Services available in regional centres.

#### **PURPOSE:**

The purpose of this report is to update Council on various road maintenance and construction activities in the previous month and provide a work program for the coming period.

#### **CONTENT:**

Following are works that have been carried out in the last month within the Shire by our Road Crew:

- \* New sealed road to the tip;
- \* Heavy patching of the remainder of the flood damage on the Bourke Road;
- \* Heavy patching of Charlton Road towards the Cemetery, created a new road into the Cemetery and created a Carpark at the Cemetery;
- \* Started flood damage on Narran Lake Road;
- \* Commenced work on repairs to Carcool Road;
- \* Repair works on Coola Bunnawanna Road;
- \* Repair of potholes on Goodooga Road;
- \* Replaced signs on Yarra Road;
- \* Replaced signs on all three State Highways;
- \* RMCC work continuing on MR70 which is now up to sealing.

#### **RMCC MAINTENANCE CONTRACT WORK**

The following jobs are in the planning stages under this contract:

- \* Culverts Replacements on MR70
- \* Shoulder Widening works on MR70
- \* Heavy Patching on all three state highways

#### **JOBS GATE ROAD SEAL EXTENSION (UPDATE)**

Crews are working on restarting this project with preliminary work commenced. It is planned that crews will commence work again this month. This project is all part of the Fixing Local Roads funding and is reported on a monthly basis.

**ATTACHMENTS:** Nil.

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David Kirby  
General Manager

# BREWARRINA SHIRE COUNCIL

## Agenda Submission for Ordinary Meeting held on 8 September

<b>TITLE:</b>	<b>PLANT REPORT</b>	<b>DOC REF:</b> Item: c
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<b>REPORT BY:</b>	<b>TBA</b> <b>Workshop Supervisor</b>	<b>DATE:</b> <b>06/09/23</b>
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**IP&R REFERENCE:**

Theme 2: A Healthy Natural Environment - H.1.2.6 Council Assets

**PURPOSE:**

The purpose of this report is to update Council on the status on the 2023 Fleet Performance for the period ending August/September 2023. This is a monthly plant report showing the current position of Council's Fleet.

Plant No	Plant Number Description	Work Performed
861 + 862	Kahmoo camp gensets	<ul style="list-style-type: none"> <li>• Carry out engine services every 10 days</li> <li>Service and valve adjustments</li> </ul>
732/733	RT side tippers (white)	<ul style="list-style-type: none"> <li>• Replace tyres</li> <li>• Replace airbags</li> </ul>
652	Toro mower	<ul style="list-style-type: none"> <li>• Replace blades</li> <li>• Replace deck belt</li> </ul>
654	Toro mower	<ul style="list-style-type: none"> <li>• Replace blades</li> <li>• Replace deck belt</li> </ul>
003	Pajero Sport	<ul style="list-style-type: none"> <li>• Wheel alignment</li> </ul>
004	Toyota Prado	<ul style="list-style-type: none"> <li>• Service</li> </ul>
096	Toyota Hilux	<ul style="list-style-type: none"> <li>• Replace injectors</li> <li>• Service</li> <li>• Rego</li> </ul>
075	Mitsubishi Triton	<ul style="list-style-type: none"> <li>• Service</li> <li>• Replace tyres</li> </ul>
088	Toyota hilux	<ul style="list-style-type: none"> <li>• Replace tyres</li> <li>• Wheel alignment</li> </ul>

200	John deer grader 770G	<ul style="list-style-type: none"> <li>• Service</li> <li>• Replace tandem oil</li> </ul>
774	Portable grandstand	<ul style="list-style-type: none"> <li>• Order new wheels and tyres</li> <li>• Maintenance and repairs for event</li> </ul>
734	RT – Dolly White trailers	<ul style="list-style-type: none"> <li>• Replace tyres</li> </ul>
042	Toyota Hilux	<ul style="list-style-type: none"> <li>• Wheel balance</li> <li>• Wheel alignment</li> </ul>
646	Case skid steer	<ul style="list-style-type: none"> <li>• Replace tyre</li> </ul>
810	CF moto	<ul style="list-style-type: none"> <li>• Repair tyre</li> </ul>
055	Toyota Hilux	<ul style="list-style-type: none"> <li>• Replace tyre</li> </ul>
137	Isuzu tipper	<ul style="list-style-type: none"> <li>• Rego</li> </ul>
766	Water jetter	<ul style="list-style-type: none"> <li>• Replace ignition</li> </ul>
139	Garbage truck	<ul style="list-style-type: none"> <li>• Service</li> </ul>
731	Water cart trailer (from Yetta)	<ul style="list-style-type: none"> <li>• rego</li> </ul>
		<ul style="list-style-type: none"> <li>•</li> </ul>
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# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 16<sup>th</sup> September 2023

<b>TITLE:</b>	<b>UTILITIES INFORMATION REPORT</b>	<b>DOC REF:</b> Item: d
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<b>REPORT BY:</b>	<b>Russell Holz Utilities Manager</b>	<b>DATE:</b> 6 <sup>th</sup> September 2023
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<b>IP&amp;R REFERENCE:</b> <b>Theme 1 - A Growing Economy</b> <b>Theme 2 - A Healthy Natural Environment</b> <b>Theme 3 - A Caring Community</b>
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<b>PURPOSE:</b> The purpose of this report is to update Council on the status, as at, 6 <sup>th</sup> September 2023 of all works in Utilities Section. The report is based on the 2023/ 2024 financial year.
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<p><b><u>PARKS, GARDENS &amp; WASTE:</u></b></p> <ul style="list-style-type: none"><li>• August comprised mostly of routine and scheduled maintenance.</li><li>• Council continues improving Geoff New Complex maintenance.</li><li>• Council continues the Racecourse and showground maintenance.</li><li>• Continuing improvements of Brewarrina Waste Disposal Facility.</li></ul> <p><b><u>WATER AND SEWER:</u></b></p> <ul style="list-style-type: none"><li>• Repairs to water system at Glenelg continuing.</li><li>• 3 x mains breaks on the raw water reticulation.</li><li>• Repaired 7 water service throughout month of August.</li><li>• Programmed and scheduled maintenance undertaken on sewer pumping stations including the cleaning and vacuuming.</li><li>• 6 sewer chokes cleared in mains service lines for month of August.</li><li>• Sewer work repairs finished at 3 King St.</li></ul> <p><b>Microbiological Water Sampling:</b></p> <ul style="list-style-type: none"><li>• 9 x allocated samples for Brewarrina, Weilmoringle and Goodooga were sent away for the month of August. Extra samples were taken from all supplies under NSW Health's pesticide monitoring program. This is completed once a month.</li></ul>
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**Brewarrina – Barwon River Raw Water Extraction and Filtered Water Supplied:**

	Filtered ML		Raw ML	
	Total	Daily	Total	Daily
September	16	0.5	60	2
October	18	0.5	65	2
November	19	0.5	70	2.1
December	16	0.5	65	2
January	12	0.4	52	1.8
February	16	0.5	70	2.1
March	12	0.4	50	1.8
April	11	0.4	48	1.8
May	12	0.4	50	1.8
June	11	0.4	48	1.8
July	12	0.4	50	1.8
August	12	0.5	50	1.8

**Projects**

- Skate Park Goodooga in final development stage.
- Smart Water Meters in the planning stage for rollout.
- Goodooga Splash Park final design been approved and construction to commence.
- Swimming Pool is in final stages of pre summer service.
- Works continuing on Evaporation ponds from Barwon Four sewer.
- Bourke St footpath has been completed.

**Regulatory Officer Activity:**

Council assets sprayed for the month of August include;

- **Town Streets & Laneways.**
- **Brewarrina Showground**
- **Brewarrina Cemetery**
- **Town Bridge Approaches and Welcome Signage.**
- **Sewerage Treatment Works**

Animal control for the month of August once again had a clear focus on nuisance dogs with a number of attacks recorded in Brewarrina. Councils Regulatory Officer has been instructed to focus on reported nuisance areas. .

	Total	Complaints	Re-homed	Released
Dogs	7	3	5	2
Cats	3	-	-	-

**AERODROMES:**

**Brewarrina & Goodooga:**

- General maintenance & inspections.
- Mowing and slashing completed around Terminal, Apron and Taxiway.

**ATTACHMENTS:** Nil.



## BREWARRINA SHIRE COUNCIL

### Agenda Submission for Ordinary Meeting held on Friday 15 September 2023

<b>TITLE:</b>	<b>ENVIRONMENT, PLANNING, HEALTH AND BUILDING INFORMATION REPORT</b>	<b>DOC REF:</b> Item: e
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<b>REPORT BY:</b>	<b>Phil Denniston Consultant Environment, Planning, Health and Building</b>	<b>DATE:</b> 5 September 2023
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**IP&R REFERENCE:**

*Theme deliverable and sustainable Shire infrastructure and services.*

**PURPOSE:**

For information on general issues.

**RECOMMENDATION:**

That Council note the report contents.

**CONTENT:**

Various issues.

Food premises.

I have inspected most food premises over the last few months and advise as follows:  
Some premises have significant improvements to make and while these will be phased in over time, the bottom line is that the Food premises Codes have been in force for over 20 years. While there is provision for progressive improvements, this has not been enforced by previous staff and I am of course seen as too strict, which is actually quite the opposite to how I operate.

Development Applications.

2.The following applications or consents have progressed:

- Goodooga Splash Pool has had some problems and steps have been taken to overcome these in future projects. The consent has been finalised and will be issued – probably before this meeting.
- Brewarrina Hospital University Staff accommodation (a relatively simple project involving prefabricated buildings) has been finalised and as soon as final site plans are receive the consent can be issued.

Fire.

A specialist Fire Consultant was engaged to assess a number of buildings in the Shire that raised some concern. This was aimed at avoiding hardship to the owners and to ensure both Council and some private buildings meet current requirements in terms of fire prevention/detection/fighting.

The main objective was to avoid some sort of disaster or loss of life and ensure Council avoids serious criticism for failure to address these essential issues.

This included

- The two/two story Hotels in Brewarrina (access was only available to one premises but similar issues will be required for the vacant one) and a notice will be serviced on the owner to address the same issues.  
These two building will need an agreed works schedule over some years, depending on the first review by their service provider of fire issue installation.
- Council's Works Depot in Brewarrina. There are some serious issues to be addressed and MANEX will follow this up.
- Council owned "Yetta" – which will have to have some upgrading once the final use is determined.
- Gongolgon Rehabilitation centre – because of its use and occupancy. This will be followed up with the next assessment of equipment by their service provider.
- Goodooga Store (bench top assessment) – which confirmed that conditions placed on the original consents was excessive and unjustified. This will enable me to process a request for a Building Information Certificate when requested.

**CONCLUSION:**

While there are some major issues for Council to deal with, these are being assed and will be followed up in a constructive and flexible strategy for progressive improvements where necessary. If urgent, they may have to be enforced more specifically, depending on the best outcome for all concerned, including business operators and Council.

**ATTACHMENTS:**

Nil

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Phil Denniston  
Consultant Environment, Planning,  
Health and Building

# BREWARRINA SHIRE COUNCIL

## Information Report Attachment for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	BREWARRINA LIBRARY	<b>DOC REF:</b> Item I
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<b>REPORT BY:</b>	CAROL NORTON LIBRARY OFFICER	<b>DATE</b> 5 <sup>th</sup> <b>September</b> <b>2023</b>
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**IPR REFERENCE:**  
Theme 3 – A Caring Community – C5.4.1.5

**PURPOSE:**  
To inform Council on the activities of the Brewarrina Shire Council Library. For December 2021-January 2022.

### **CONTENT:**

Brewarrina Shire Council is affiliated with North West Slopes and Plains Regional Library. This partnership includes Moree, Walgett, Lightning Ridge, Mungindi and Brewarrina. Brewarrina contributes to the regional partnership by way of a subscription each year which enables Brewarrina to have access to the regional Library Management system for management of books and also regular book exchanges. The reasonable small amount this does cost the council out weighs the cost of council buying new books ourselves and managing and maintaining a Library Management system.

#### **Saturday Morning Program**

NSW State library increased funding which has given Council the opportunity to increase service delivery for community to access and utilise the wonderfully new renovated library space and technologies.

#### **Book Club**

The Book Club will meet Saturday 9<sup>th</sup> September to review “Canticle Creek” by Adrian Highland also to give out our next month Book which is “The Fossil Hunter” by Tea Cooper.

In October we have author Patsy Kemp visiting our Library on the 26<sup>th</sup> October at 1.30pm. She is presenting her new book “The Drovers Daughter Rides Again”. Everyone is welcome to come along and see Patsy.

**Local History Project** will be starting to catalogue local history objects and documents.

**Professional Development**

Spydus 10.5 upgrade went live on the 11<sup>th</sup> November 2020.

**Big Sky Library (BSL) Strategic Planning**

BSL has contracted a consultant to review, gather and interpret all necessary information from stakeholders during this month using online platforms. This information will be collated to form the new BSL strategic plan for the next 3-5 years. A copy will be attached when it is complete.

**Monthly Activity Statistics:**

<b>ACTIVITY</b>	<b>CUSTOMER VOLUME-per month</b>
Number of books renewed	79
Number of books returned	89
Number of books requested from other libraries	1
Library Computer Bookings	62
Library books through kiosk	0
Library visits	499
Number of new members signed up or re-registered	8

<b>Library Use</b>	<b>Total</b>
Borrowing	79
Public PC	62
iPad table	5
WiFi	10
Play	11
Reading (eg. newspapers)	1
Reading (eg. books)	1
VR	0
Relaxing	30
Other:	34
Membership	545

## BREWARRINA SHIRE COUNCIL

### Information Report Attachment for Ordinary Meeting held Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>BREWARRINA SERVICES AUSTRALIA</b>	<b>DOC REF:</b> Item j
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<b>REPORT BY:</b>	Carol Norton Services Australia	<b>DATE:</b> 5 <sup>th</sup> <b>September</b> <b>2023</b>
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**IPR REFERENCE:**

**Theme 3 – A Caring Community – C5.4.1.2 and C5.4.1.1 Provision SERVICES AUSTRALIA, Services**

**PURPOSE:**

To inform Council on the activities of the Brewarrina Shire Council Services Australia Agent. For December 2021-January 2022.

**CONTENT:**

Brewarrina Shire Council has entered into an Agreement with Services Australia for the provision of services to Brewarrina. This agreement provides council with payment to cover 25 hours per week.

With the changes with Centrelink we now provide all Federal Government services on the Centrelink computers such as:

• Centrelink	• Medicare	• Child Support
	• Australian tax Office	

**Monthly Activity Statistics:**

Below is the breakdown of the monthly statistics that we send to Centrelink:

MyGov	127
Centrelink	160
Medicare	0
Child Support	0
Trial	0
Other (ATO)	0
<b>Assistance Provided</b>	
Register customer for MYGov	0
Register Customer for Agency Linking Codes	2
Assist Customer with MyGov website	1
Assist Customer with MyGov App	0
Assist Customer with own Device	4
Assist Customer on computer (sst)	92
Assist Customer with document upload	14

(Scan)	
Assist customer using Silver Service	8
Assist customer with faxing	6
Assist with Identity confirmation	1
Assist with form completion	6
Assist providing forms/publications	7
Refer Customer to Service Australia phones(Smart call centre)	30
<b>Time Taken</b>	
Less than 5 minutes	99
5 to 15 Minutes	47
15 to 30 Minutes	22
30 to 60 minutes	4
Over 60 minutes	7

As part of the Centrelink response to Coronavirus, Brewarrina Agency has been asking clients to sign in, and for those from out of town, to provide contact details, in the advent of an outbreak, which would be passed to health authorities to assist with tracing.

Counts of service	Residency
92	Brewarrina

# BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on Friday 15<sup>th</sup> September 2023

<b>TITLE:</b>	<b>HUMAN RESOURCES INFORMATION REPORT</b>	<b>DOC REF:</b> Item: m
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<b>REPORT BY:</b>	Tara Byrnes <b>HUMAN RESOURCES MANAGER</b>	<b>DATE:</b> 5 <sup>th</sup> September 2023
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## IP&R REFERENCE:

Objective 1.1: Improve social well-being to offer a competitive lifestyle to attract and retain working families.

- 1.1.1: Local access to essential services
- 1.1.4: Ensure high standard of education for Shire residents
- 1.1.5: Retain and develop housing for skilled people

Objective 1.2: Support young people and encourage their development

- 1.2.3 – Development of traineeship programs to retain youth and provide with new skills.

## PURPOSE:

The purpose of this report is to inform Council on Human Resources current positions vacant and training that will be ongoing throughout 2023.

## CONTENT:

The below table outlines training and conferences that have been attended and/or scheduled during the reporting period.

### TRAINING & CONFERENCES:

DATE	TITLE	DESCRIPTION OF TRAINING / CONFERENCE
25-26 Sept 2023	Mental First Aid Training	Face to Face – all of Council Management (Brewarrina)
10-11 Oct 2023	Mental Health Awareness training	Block groups delivered onsite – All staff
27-1 Sep 2023	TAFE NSW Plumbing Apprenticeship	Water and Sewer Employee – (block training commenced)

### RECRUITMENT & ADVERTISING:

Position	Reason	Filled or Readvertised
Transport Manager	Resignation	<del>Advertised – closes April 18</del> <del>Interviews conducted 5 May 23</del> <del>Re-advertising</del> <del>Acting consultant placement.</del> Re-advertising; Council interviewing and reviewing external consultant support
Environmental Health and Building Manager	Resignation	<del>Filled – to start 3 April 2023</del> <del>Position – interviewing stage</del> Council interviewing Acting consultant placement.
Executive Assistant	Maternity Leave	Casual appointment commenced 28 August 2023
Community Engagement Coordination	Resignation	<del>Advertising – closes 23 June</del>

		Positions closed and applicants currently being reviewed. Re-advertised and Int 16 Aug 23 FT appointment commenced 4 September 2023
Customer Service Officer – Service NSW / Records	Resignation	Appointment made with applicant to commencement on 18 September 2023. Applicant withdrew on 4 September 2023. Re-advertising – closes 22 September 2023

**EMPLOYEE STATISTICS:**

	Number
Male	56
Female	25
Indoor	33
Outdoor	48
Indigenous	52
Non-Indigenous	30
Full-Time	44
Part-Time	2
Casual	26
Term of Contract	8
Manager	6
Supervisor	4

<b>TOTAL EMPLOYEES</b>	81
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**APPOINTMENTS/RESIGNATIONS FOR REPORTING MONTH:**

**APPOINTMENTS:**

- Executive Assistant (Casual)
- Community Engagement Coordinator

**RESIGNATIONS:**

- Customer Services Officer – Services NSW Records

**BUILDING REPAIR & MAINTENANCE UPDATE:**

- King Street Property; undergoing repair work, yard and pipe replacement, ceiling rectification works – ongoing
- Bourke Street Property; undergoing repair work, floor replacements Carpet scheduled for 19 September, ceiling rectification works, bathroom plumbing – ongoing.
- Pool – tile rectification and sealing activities, replacement lock security
- Worksite Safety Inspections– Transport Work Crews.

**INCIDENT REPORT UPDATE:**

IR#	Date- Details	Investigation & Action	Personnel Responsible	Status
23.10	29.8.23 Vehicle Incident – collision with animal 35kms from Brewarrina	Human error driving at night. Employee advised not to travel during dusk.	Transport Manager – Workshop rectification works	Rectification works – Bulbar, LH Front guard and LH front door.

**FINANCIAL IMPLICATIONS:**

Budget variations to housing repair works, King Street property..

**CONCLUSION:**

To inform Council of the monthly activities.



**ATTACHMENTS:**

Nil

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David Kirby  
**General Manager**

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# ***ITEMS FOR CORRESPONDENCE***

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# Post-election guide

for councils, county councils and  
joint organisations

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2021



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# Post-election guide for councils, county councils and joint organisations

## At the first meeting after the election

It is a matter for each council and joint organisation to set the agenda for their first meeting following the elections.

There are a range of matters that councils and joint organisations may wish to include in the agenda for consideration at the first meeting.

However, there are several key items of business that must be dealt with at the first meeting.

For councils, these include the following:

- the administration of councillors' oath or affirmation of office
- a resolution declaring that casual vacancies in the office of councillors will be filled using a countback in the first 18 months following the election where the council wants to fill vacancies this way instead of a by-election, and
- the election of the mayor where the mayor is elected by councillors and a deputy mayor where the council has one.

For county councils, these include the following:

- the administration of members' oath or affirmation of office, and
- the election of a chairperson.

Joint organisations must elect a chairperson at their first meeting after the elections.

## Oaths and affirmations of office

Under the *Local Government Act 1993*<sup>1</sup> (the Act) councillors (including mayors) are required to take an oath or make an affirmation of office.

The prescribed words of the oath and affirmation are provided below.

### Oath

"I **[name of councillor]** swear that I will undertake the duties of the office of councillor in the best interests of the people of **[name of council area]** and the **[name of council]** and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment."

### Affirmation

"I **[name of councillor]** solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of **[name of council area]** and the **[name of council]** and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment."

<sup>1</sup> section 233A

Oaths or affirmations of office must be taken or made by each councillor at or before the first meeting of the council after being elected.

The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner, or a justice of the peace.

Councillors need to be physically present before the general manager, legal practitioner or justice of the peace when taking their oath or making their affirmation of office.

Councils will need to make arrangements for the oath or affirmation to be taken or made by each councillor at the first meeting.

Councillors should be made aware of this requirement prior to the first meeting.

An oath or affirmation should be taken or made by each councillor as the first item of business for the first meeting.

The general manager must ensure that a record is kept of the taking of the oath or making of the affirmation.

This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or making of the affirmation by each councillor in the minutes of the council meeting.

If a councillor is not able to attend the first council meeting, they may take the oath or affirmation of office at another location in front of the general manager.

As noted above, the oath or affirmation of office may also be taken before an Australian legal practitioner or a justice of the peace.

The taking of the oath or making an affirmation of office outside a council meeting must be publicly recorded by the council.

Where an oath or affirmation is taken or made outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

A councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election or countback must be held.

These requirements also apply to members and chairpersons of county councils.

## **Decision on using countbacks to fill casual vacancies**

Following the 2021 local government elections, councils will, for the first time, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If councils do not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.



It is recommended that councils use the following resolution to exercise the option to use a countback to fill casual vacancies:

"Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) **[name of council]** declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on **[insert date of election]** are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the general manager to notify **[insert name of election manager]** of the Council's decision within 7 days of the decision."

Where councils resolve<sup>2</sup> to fill casual vacancies using a countback in the first 18 months of their terms, the general manager is required under the *Local Government (General) Regulation 2005*<sup>3</sup> (the Regulation) to notify the election manager of the council's ordinary election of the council's resolution within 7 days of the resolution.

For all councils other than Fairfield and Penrith City Councils, the election manager is the NSW Electoral Commissioner.

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

## Mayoral elections

Under the Act<sup>4</sup>, the civic offices of mayors elected by councillors expire on the day of the council's ordinary election.

Councils that elect councillors must hold a mayoral election at a council meeting within three weeks of the declaration of the election<sup>5</sup>.

Councillors may also elect a deputy mayor.

The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with Schedule 7 of the Regulation.

Schedule 7 prescribes three methods of election of mayors:

- open ballot (eg a show of hands)
- ordinary ballot, or
- preferential ballot.

The Office of Local Government has prepared guidance to assist councils to conduct mayoral and deputy mayoral elections which is available [here](#).

Councillors need to be present at the meeting in person to participate in voting by means other than an open ballot.

Mayors elected by councillors hold their office for two years (unless a casual vacancy occurs)<sup>6</sup>.

Deputy Mayors hold their office for the term specified in the council's resolution.

<sup>2</sup> section 291A(1)(b)

<sup>3</sup> clause 393C(3)

<sup>4</sup> sections 234(5) and 233(2)(b)

<sup>5</sup> section 290

<sup>6</sup> section 230(1)

## Elections of chairpersons of county councils

Under the Act<sup>7</sup>, the civic office of chairpersons of county councils expire on the election day for the constituent council they are a councillor on.

County councils will need to elect a chairperson at their first meeting after the ordinary local government elections<sup>8</sup>.

The election of the chairperson of a county council must be conducted in accordance with Schedule 9 of the Regulation.

The process for electing chairpersons of county councils is the same as the process for electing mayors of councils, and county councils can adapt the Office of Local Government's guidance on mayoral elections for this purpose.

That guidance is available [here](#).

County council members need to be present at the meeting in person to participate in voting by means other than open voting.

As with mayors elected by councillors, chairpersons of county councils hold their office for two years (unless a casual vacancy occurs)<sup>9</sup>.

## Elections of chairpersons of joint organisations

Under the Act<sup>10</sup>, the civic office of chairpersons of joint organisations also expire on the election day for the member council they are a councillor on.

Joint organisations will need to elect a chairperson at their first meeting after the ordinary local government elections<sup>11</sup>.

The election of the chairperson of a joint organisation must be conducted in accordance with Schedule 7A of the Regulation.

The Office of Local Government has provided guidance to assist joint organisations to conduct elections for the chairperson in part 2.3 of the *Joint Organisation Implementation Guidelines*.

The Guidelines are available [here](#).

Voting representatives of the board need to be present at the meeting in person to participate in voting by means other than open voting.

As with mayors elected by councillors, chairpersons of joint organisations hold their office for two years (unless a casual vacancy occurs)<sup>12</sup>.

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<sup>7</sup> section 391(3)(b)(iii)

<sup>8</sup> clause 1(b) of Schedule 9

<sup>9</sup> section 391(2)

<sup>10</sup> section 400V(4)(b)(iii)

<sup>11</sup> clause 1(b) of Schedule 7A

<sup>12</sup> section 400V(2)

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# Within three months of the election

## Lodgement of written returns of interest

Under the *Model Code of Conduct for Local Councils in NSW*<sup>13</sup> (Model Code of Conduct) all councillors, members of county councils and voting representatives of the boards of joint organisations must lodge a written return of interests with the general manager (or the executive officer in the case of joint organisations) within three months of their election or appointment unless they have submitted a return within the previous three months.

Returns of interests are an important accountability mechanism for promoting community confidence in decision making by councillors and others and for ensuring that they disclose and appropriately manage conflicts of interest they may have in matters dealt with by the council or joint organisation.

Among other things, councillors and others who are required to complete returns of interests must disclose the following types of interests in their returns:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether they are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income, and
- debts.

It is important that councillors and others complete their returns of interests correctly and disclose all relevant interests.

The Office of Local Government has issued a *Guide to Completing Returns of Interest* to assist in the completion of returns.

The Guide is available [here](#).

Under the Model Code of Conduct<sup>14</sup>, general managers and executive officers must maintain a register of returns of interests and returns must be tabled at the first meeting of the council or board of the joint organisation after they are required to be lodged.

Returns of interests must also be made publicly available free of charge on councils', county councils' and joint organisations' websites, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on the council or joint organisation.

For more information, see the Information and Privacy Commission's *Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons* which is available [here](#).

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<sup>13</sup> clause 4.21(a)

<sup>14</sup> clauses 4.24 and 4.25

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## Within six months of the election

### Completion of induction and refresher training for mayors and councillors

Under the Regulation<sup>15</sup>, the general manager must ensure that induction training is delivered to each councillor who has been elected to the council for the first time and refresher training to each councillor who is re-elected to the council, within 6 months of their election.

The general manager must also ensure that supplementary induction training is delivered to the mayor in addition to the training they receive as a councillor within 6 months of their election<sup>16</sup>.

Councillors and the mayor must make all reasonable efforts to participate in any induction, refresher or supplementary training offered to them.

Councils will be required to report in their 2021-22 annual reports the names of the mayor and councillors who completed induction, refresher and, in the case of mayor, supplementary training during the year<sup>17</sup>.

The general manager must also ensure that an ongoing professional development program is delivered to the mayor and each other councillor over the course of their terms on council.

Ongoing professional development programs delivered to the mayor and councillors must provide support and assistance to them in the development of the skills necessary to perform

their roles and ensure that they maintain those skills over the course of their terms of office<sup>18</sup>.

The content of the ongoing professional development program delivered to the mayor and each councillor must be developed in consultation with them, having regard to the specific skills required by the mayor and each individual councillor and the governing body as a whole to perform their roles effectively.

As with induction, refresher and supplementary training, the mayor and each councillor must make all reasonable efforts to participate in any ongoing professional development program delivered to them.

Councils must report the names of the mayor and councillors who participated in any ongoing professional development program in their annual reports and the number of seminars, circulars and other activities delivered as part of the ongoing professional development program<sup>19</sup>.

The Office of Local Government has issued *Councillor Induction and Professional Development Guidelines* to assist councils to deliver induction, refresher and supplementary training for the mayor and councillors and to design and deliver an ongoing professional development program for them. The Guidelines are available [here](#).

These requirements also apply to county councils but not to joint organisations.

The Office of Local Government's Guidelines provide specific guidance to county councils on how they can comply with these requirements.

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<sup>15</sup> clause 183

<sup>16</sup> clause 184

<sup>17</sup> clause 186

<sup>18</sup> clause 185

<sup>19</sup> clause 186

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## Before 30 June 2022

### Review of the community strategic plan

Councils must review the community strategic plan before 30 June 2022.

Under the Act<sup>20</sup>, councils may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan.

The community strategic plan must identify the main priorities and aspirations for the future of the local government area for the next 10 years from when the plan is endorsed and establish strategic objectives together with strategies for achieving those objectives.

Councils must ensure that the community strategic plan:

- addresses civic leadership, social, environmental and economic issues in an integrated manner
- is based on social justice principles of equity, access, participation and rights
- is adequately informed by relevant information relating to civic leadership, social, environmental and economic issues, and
- is developed having due regard to the State government's State Plan and other relevant State and regional plans of the State government.

A draft community strategic plan or amendment of the community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered before the plan or amendment is endorsed by the council.

Within 28 days after a community strategic plan being endorsed, the council must post a copy of the plan on the council's website and provide a copy or a link to the plan on the council's website to the Office of Local Government.

Further guidance on reviewing and endorsing community strategic plans is available [here](#).

### Adoption of the delivery program

Under the Act<sup>21</sup>, councils must establish a new delivery program to cover their principal activities for the 4-year period commencing on 1 July 2022.

Councils' delivery programs must detail the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the council's resourcing strategy.

The delivery program must include a method of assessment to determine the effectiveness of each principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.

Before the delivery program is adopted by the council, the draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by it.

Further guidance on developing and adopting a new delivery program is available [here](#).

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<sup>20</sup> section 402

<sup>21</sup> section 404

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## Within twelve months of the election

### Review and adoption of local approvals and orders policies

Under the Act<sup>22</sup>, councils' and county councils' local approvals and orders policies are automatically revoked 12 months after each ordinary election unless adopted after the election.

Councils and county councils should review their existing local approvals and orders policies after the election to ensure they are current and fit for purpose.

If the policies are still required and the council proposes to adopt them with or without amendment, it must first exhibit the draft policy for at least 28 days and invite submissions for a period of at least 42 days<sup>23</sup>.

After considering submissions, councils may decide to amend the policy, adopt the policy without amendment or not to adopt the policy.

If the council decides to amend the draft policy, it may publicly exhibit the amended draft local policy or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft policy without further public exhibition.

### Adoption of councillors' expenses and facilities policy

Under the Act<sup>24</sup>, councils, county councils and joint organisations must adopt a new policy on the payment of expenses and the provision of facilities to the mayor (or chairperson) and councillors (a section 252 policy) within 12 months of the election.

Before adopting a new section 252 policy, councils and joint organisations should review their existing policy to ensure it continues to be appropriate.

Recent amendments to the Regulation<sup>25</sup> now require policies adopted under section 252 to provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.

Councils should ensure when reviewing their policies that the policy makes adequate provision for meeting councillors' carer expenses.

Before adopting a new section 252 policy, councils must give public notice of their intention to adopt the policy and allow at least 28 days for the making of public submissions.

Councils must comply with this requirement even if they propose to adopt the same policy as the existing policy.

Under the Act, before adopting the policy, councils must consider any submissions and make any appropriate changes to the draft policy<sup>26</sup>.

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<sup>22</sup> section 165

<sup>23</sup> section 160

<sup>24</sup> section 252

<sup>25</sup> clause 403

<sup>26</sup> section 253

Joint organisations must consult with their member councils about the content of their section 252 policy before adopting it.

To assist councils and joint organisations in reviewing and adopting a section 252 policy, the Office of Local Government has issued *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW* under section 23A of the Act.

The Guidelines are available [here](#).

Councils' policies must comply with the Guidelines<sup>27</sup>.

The Office of Local Government has also issued a model expenses and facilities policy that councils may wish to use or adapt for their own purposes.

The model policy is available [here](#).

Specific guidance for joint organisations on the adoption of a section 252 policy is provided in part 2.6 of the *Joint Organisation Implementation Guidelines*.

The Guidelines are available [here](#).

## Review of organisation structure

Under the Act<sup>28</sup>, councils, county councils and joint organisations must review their organisation structure within 12 months of the election.

When reviewing the organisation structure, councils and joint organisations may re-determine the organisation structure but are not required to do so.

In determining the organisation structure, the governing body of the council or joint organisation must, after consulting the general manager (or the executive officer), determine:

- the senior staff positions within the organisation structure of the council or joint organisation
- the roles and reporting lines of holders of senior staff positions, and
- the resources to be allocated towards the employment of staff.

A council or joint organisation cannot determine a position to be a "senior staff" position unless:

- the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the *Local Government (State) Award*, and
- the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*. As of 2020-21 this is \$192,600.

The general manager (or the executive officer in the case of a joint organisation), must, after consulting the governing body of the council or joint organisation, determine the positions (other than the senior staff positions) within the organisation structure of the council or joint organisation.

The positions within the organisation structure of a council must be determined to give effect to the priorities set out in the community strategic plan and the council's delivery program.

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<sup>27</sup> section 252(5)

<sup>28</sup> section 333

Specific guidance for joint organisations on the determination of their organisation structure is provided in part 2.11 of the *Joint Organisation Implementation Guidelines*.

The Guidelines are available [here](#).

## Adoption of a code of meeting practice

Under the Act<sup>29</sup>, councils, county councils and joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) prescribed by the Regulation within 12 months of the election.

Councils' and joint organisations' adopted codes of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Councils' and joint organisations' adopted codes may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions.

Councils and joint organisations are not required to adopt the non-mandatory provisions of the Model Meeting Code and can adapt them to meet their own needs.

Before adopting a code of meeting practice, councils must prepare a draft code and exhibit it for at least 28 days and invite submissions for a period of at least 42 days<sup>30</sup>.

Councils must consider all submissions received and may, after considering submissions, decide to amend the non-mandatory provisions of its draft code, or to adopt the draft code.

If the council decides to amend its draft code, it may re-exhibit the amended draft or, if the council considers that the amendments are not substantial, it may adopt the amended draft code without public exhibition<sup>31</sup>.

The Regulation<sup>32</sup> prescribes that a joint organisation must consult with its member councils about the content of its proposed code of meeting practice before adopting it.

A new Model Meeting Code will be prescribed before the local government elections that will include non-mandatory provisions governing attendance at meetings by audio visual link.

This will allow councils and joint organisations to adopt the new provisions when they adopt their new codes of meeting after the election.

Further information about the Model Meeting Code is available [here](#).

Specific guidance for joint organisations on the adoption of a code of meeting practice is provided in part 2.8 of the *Joint Organisation Implementation Guidelines*.

The Guidelines are available [here](#).

## Review of delegations

Under the Act<sup>33</sup>, councils and county councils must review all their delegations within 12 months of election.

Councils may, by resolution, delegate to the general manager or any other person or body (but not an employee of the council other than the general manager) any of the functions of the council other than those referred to in section 377 of the Act<sup>34</sup>.

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<sup>29</sup> section 360

<sup>30</sup> section 361

<sup>31</sup> section 362

<sup>32</sup> clause 397C

<sup>33</sup> section 380

<sup>34</sup> section 377



The general manager may, in turn, sub-delegate a function delegated to them by the council to any person or body (including another employee of the council)<sup>35</sup>.

## Review of the code of conduct

Under the Act<sup>36</sup>, councils, county councils and joint organisations must review their adopted codes of conduct within 12 months of the election and make such adjustments as they consider appropriate.

Councils, county councils and joint organisations must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.

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 (e.g. 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.

In other words, councils and joint organisations can strengthen but cannot dilute the provisions of the Model Code of Conduct in their adopted codes of conduct.

The Minister for Local Government has announced a review of the regulatory framework for dealing with councillor misconduct and councils and joint organisations may wish to consider deferring the review of their codes of conduct until the review has been completed and any outcomes of the review are implemented, provided this occurs within 12 months of the elections.

Further information on the Model Code of Conduct is available [here](#).

Specific guidance for joint organisations on the code of conduct is provided in part 2.5 of the *Joint Organisation Implementation Guidelines*.

The Guidelines are available [here](#).

## Adoption of a statement of strategic regional priorities

Joint organisations must adopt a statement of strategic regional priorities within 12 months of the elections for their member councils<sup>37</sup>.

The statement of regional priorities must set out the strategic regional priorities for the joint organisation's area and the strategies and plans for delivering them.

Joint organisations must consult with their member councils about the content of the proposed statement of strategic regional priorities.

Once adopted, the statement of regional priorities must be published on the joint organisation's website.

Specific guidance for joint organisations on the preparation of a statement of strategic regional priorities is provided in part 2.9 of the *Joint Organisation Implementation Guidelines*. The Guidelines are available [here](#).

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<sup>35</sup> section 378

<sup>36</sup> section 440(7)

<sup>37</sup> clause 397H



# MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

## A GUIDE TO COMPLETING RETURNS OF INTEREST

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### Introduction

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Under the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct), certain council officials are required to disclose their personal interests in publicly available returns of interests.

These operate as a key transparency mechanism for promoting community confidence in council decision making, whether by councillors or by staff or others under delegation.

You must complete and lodge your return of interests in accordance with the requirements in the Model Code of Conduct.

You must not lodge a return that you know or ought 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 (OLG) and may result in disciplinary action by the council, the Departmental Chief Executive, or the NSW Civil and Administrative Tribunal.

### Important information

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#### Who must submit a return of interests?

You must complete and lodge a return of interests if you are a councillor or designated person.

Designated persons include:

- the general manager
- senior staff, and
- staff, delegates of councils or members of committees who the council identify as

exercising functions that could give rise to a conflict of interest.

#### When must I submit a written return of interests?

You must submit a return of interests within three months of being elected or becoming a designated person and submit a new return annually (within three months of the start of each financial year).

You do not need to submit a return of interests if you have already submitted a return in the three months preceding 30 June, or if you ceased to be a councillor or designated person in the three months preceding 30 June.

If, at any time, you become aware of any new interests that need to be disclosed, you must submit a new return within three months of becoming aware of the interests.

#### Who must I lodge my return of interests with?

All returns of interests are to be lodged with the council's general manager.

A return lodged within 3 months of 30 June must be tabled at the first council meeting after the last day the return was required to be lodged.

A return lodged at any other time must be tabled at the first council meeting after the return was lodged.

## Must my return of interests be made publicly available?

Yes. Councils must make all returns of interests 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 NSW Information Commissioner.

The Information Commissioner has issued Information Access Guideline 1 in relation to the publication of information contained in returns of interests. Guideline 1 states that councillors' and designated persons' returns of interests must be made publicly available free of charge on councils' websites, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on the council.

It is open to councils to redact information from returns of interests (eg a person's signature and residential address) when publishing returns on their websites where there is an overriding public interest against the disclosure that information.

For more information, see Guideline 1 which is available [here](#) and OLG's guidance on the implementation of Guideline 1 which is available [here](#).

## Is there a standard form for submitting a return of interests?

Yes. Written returns of interests are to be in the form set out in Schedule 2 of the Model Code of Conduct.

A copy is attached to this Guide.

## How do I complete a return of interests?

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### For those who are lodging their first return

If you are lodging a return for the first time, you do not need to complete Parts C, D and I of the return.

All other parts should be completed with information based on your circumstances at the date when you became a councillor or designated person.

#### Note:

→ **If you are lodging your first return:**

- **the 'return date' is the date you became a councillor or designated person, and**
- **leave the return 'period' at the top of the form blank**

If you have acquired any new interests that need to be disclosed in the return in the period between the return date and the date on which you are completing a return for the first time, you should also disclose these in the return to avoid the need to complete a further return disclosing the new interests.

### For those who are lodging their annual return

Complete all parts of the return if you are lodging a new return for the new financial year.

The return should be completed with information based on your circumstances for the 12-month period beginning on 30 June of the previous year to 30 June of this year.

#### Note:

→ **If you are lodging your annual return:**

- **the 'return date' is 30 June of the calendar year in which the return is made, and**
- **the return 'period' is from 30 June of the previous year to 30 June of the current year.**

## For those who are disclosing new interests

Complete all parts of the return if you are disclosing a new interest that was not disclosed in the last return you lodged with the general manager.

The form should be completed with information based on your circumstances from either 30 June of the previous financial year **or** the date you became a councillor or designated person (**whichever is later**), to the date you became aware of the new interest you are disclosing.

### Note:

- **If you are disclosing new interests:**
- **the 'return date' is the date you became aware of the interest(s), and**
  - **the return 'period' is from 30 June of the previous financial year, or the date on which you became a councillor or designated person (whichever is later) to the date you became aware of the interest(s).**

## What interests do I need to disclose?

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You must not lodge a return that you know or ought to know is false or misleading in a material particular.

In completing your return, you must disclose all relevant interests whether or not they are acquired or held in NSW or Australia.

In the case of interests in real property, you must disclose all interests in real property you hold in Australia.

### Part A – Real property

In this section, you must disclose the:

- street address of each parcel of real property you had an interest in:
  - on the return date, and
  - since 30 June of the previous financial year, and
- nature of the interest (eg freehold, lease, option to purchase etc).

You do not need to disclose an interest in a parcel of real property if you ceased to have the interest prior to becoming a councillor or designated person.

You also do not need to disclose an interest in a parcel of real property if your interest was:

- as executor of a will, or administrator of an estate, of a deceased person, **and** you were not a beneficiary under the will or intestacy, or
- as a trustee, if the interest was acquired in the course of an occupation that was not related to your duties as a councillor or designated person.

### Note:

- **'Address' is defined in clause 1 of schedule 1 of the Model Code of Conduct**
- **'Real property' refers to any real property in Australia.**

### Part B – Sources of income

In this section you must disclose each source of income you:

- reasonably expect to receive from the first day after the return date to 30 June, and
- received in the period since 30 June of the previous financial year.

In disclosing sources of income from your occupation, you must disclose:

- a description of your occupation, and
- if you are employed or the holder of an office, the name and address of your employer, or a description of the office, and
- if you have entered into a partnership with other persons, the name (if any) of the partnership.

In disclosing sources of income from a trust, you must disclose the name and address of the settlor and trustee.

In disclosing the sources of any other income, you must provide a description that identifies the person you received or reasonably expect to receive the income from, or the circumstances in which you received or reasonably expect to receive the income.

You do not need to disclose a source of income if:

- it did not exceed, or you do not reasonably expect it to exceed, \$500
- you ceased to receive income from that source prior to becoming a councillor or designated person, or
- it is your fee as a councillor.

### Part C – Gifts

In this section, you must disclose all gifts you have received since 30 June of the previous financial year.

Gifts include any item, property or money you have been given without consideration or with inadequate consideration, unless it was received under a will.

You must provide a description of the gift and the name and address of the person/organisation that gave you the gift.

You do not need to disclose gifts if:

- they did not exceed \$500 in value, unless it was among gifts totalling more than \$500 from the same person/organisation within the last 12 months
- it was given to you by a relative (see below for a definition of “relative”)
- it was a political donation that has been disclosed or is required to be disclosed under the *Electoral Funding Act 2018*, or
- it was received prior to you becoming a councillor or designated person (unless you have received a subsequent gift from the same person/organisation since becoming a councillor/designated person and within a 12-month period and the gifts total more than \$500).

#### Note:

→ **The amount of a gift (other than money) is equal to the monetary value of the gift**

→ **‘Relative’ is defined in clause 1 of schedule 1 of the Model Code of Conduct. Relatives include your:**

- **spouse or de facto partner**
- **parents, grandparents, brothers, sisters, uncles, aunts, nephews, nieces, lineal descendants or adopted children and any of those persons’ spouses or de facto partners, and**
- **spouse’s or de facto partner’s parents, grandparents, brothers, sisters, uncles,**

**aunts, nephews, nieces, lineal descendants or adopted children and any of those persons’ spouses or de facto partners.**

### Part D – Contributions to travel

In this section you must disclose the:

- name and address of any person who has made a financial or other contribution to the expenses of any travel you have undertaken since 30 June of the previous financial year
- dates on which you undertook the travel, and
- names of the states and territories and of the overseas countries where the travel was undertaken.

You do not need to disclose a contribution to travel if:

- it was made from public funds
- it was made by a relative (see above for a definition of “relative”)
- it was made in the ordinary course of your occupation that was not related to your functions as a councillor or designated person
- it was under \$250, unless it was among gifts totalling more than \$250 from the same person/organisation within the last 12 months
- it was a political donation that has been disclosed or is required to be disclosed under the *Electoral Funding Act 2018*
- it was made by a political party you are a member of and you undertook the travel for the purpose of political activity of the party in NSW, or to represent the party within Australia, or
- you received the contribution prior to becoming a councillor or designated person (unless you have received a subsequent gift or contribution from the same person/organisation since becoming a councillor/designated person and within a 12 month period and the gifts/contributions total more than \$250).

#### Note:

→ **The amount of a contribution (other than money) is equal to the monetary value of the contribution.**

## Part E – Interests and positions in corporations

In this section, you must disclose:

- the name and address of each corporation in which you held an interest or position (whether remunerated or not) on the return date and since 30 June of the previous financial year
- the nature of the interests or positions held in each corporation, and
- a description of the principal objects (if any) of each corporation, except if it is a listed company.

You do not need to disclose an interest or position in a corporation if the corporation:

- is 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**
- it is required to apply its profits or other income for the purpose of promoting its objects, **and**
- it is prohibited from paying any dividend to its members.

You also do not need to disclose an interest in a corporation if it is a beneficial interest in shares in the corporation that does not exceed 10 per cent of the voting rights in the corporation.

You also do not need to disclose an interest or position in a corporation if you ceased to hold the interest or position prior to becoming a councillor or designated person.

## Part F – Are you a property developer or close associate of a property developer?

In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*.

A person or a corporation is a 'property developer' if they carry out a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, **and** in the course of that business:

- one 'relevant planning application' has been made by or on behalf of the individual or corporation and is pending, or
- three or more 'relevant planning applications' made by or on behalf of the individual or corporation have been determined within the preceding seven years.

You will be a close associate of a person who is a property developer if:

- you are the spouse of the person, or
- where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

You will be a close associate of a corporation that is a property developer if:

- you or your spouse are a director or officer of the corporation
- you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20%
- where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or
- where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

### Note:

→ **'Relevant planning application' is defined in section 10.4 (Disclosure of political donations and gifts) of the *Environmental Planning and Assessment Act 1979*.**

## Part G – Positions in trade unions and professional or business associations

In this section, you must disclose:

- the name of each trade union and of each professional or business association in which you held any position (whether remunerated

or not) on the return date and since 30 June of the previous financial year, and

- a description of the position.

You do not need to disclose a position in a trade union or a professional or business association if you ceased to hold that position prior to becoming a councillor or designated person.

## Part H – Debts

In this section, you must disclose the name and address of each person you are/were liable to pay a debt to on the return date, and at any time since 30 June of the previous financial year.

You must disclose a liability to pay a debt 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.

You do not need to disclose a liability to pay a debt if:

- the debt arose from a loan you have with a deposit taking institution (eg a bank) or other authorised deposit taking institution which lends money, and the loan was part of the institution's ordinary course of business
- the amount to be paid did not exceed \$500, **unless** the debt was one of two or more debts owed to the same person, and the combined value of the debts exceed \$500.
- the debt was owed to a relative (see above for a definition of "relative")
- in the case of a debt for the supply of goods or services:
  - the goods or services were supplied to you within the 12 months before the return date, or at any time since 30 June of the previous financial year, or
  - the goods or services were supplied to you in the ordinary course your occupation that is not related to your duties as a councillor or designated person, or
- the debt was discharged prior to you becoming a councillor or designated person, unless the debt was one of two or more debts you owe to the same person, and the value of the combine debts exceeds \$500.

## Part I – Dispositions of real property

In this section you must disclose details of each disposition of real property by you (including the street address of the property) since 30 June of the previous financial year if you wholly or partly retained the use and benefit of the property, or the right to re-acquire it.

You must also disclose details of each disposition of real property to another person under an arrangement with you (including the street address of the property), since 30 June of the previous financial year under which you obtained wholly or partly the use of the property.

You do not need to disclose a disposition of real property if it was made prior to you becoming a councillor or designated person.

## Part J – Discretionary disclosures

In this section, you may voluntarily disclose any other interests, benefits, advantages or liabilities you may have, whether or not they are pecuniary, which you have not been required to disclose elsewhere in the return.



# DISCLOSURE OF INTERESTS FORM

REQUIRED TO BE LODGED UNDER CLAUSE 4.21  
OF THE MODEL CODE OF CONDUCT FOR  
LOCAL COUNCILS IN NSW



Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*  
as at *[return date]* in respect to the period from *[date]* to *[date]*.

Signed: *[councillor's or designated person's signature]*

Date: *[date]*

## A. Real Property

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

## 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, and
- 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)
<i>[description]</i>	<i>[name and address]</i>	<i>[name]</i>

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, and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
<i>[name and address]</i>	<i>[name and address]</i>

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, and
- received at any time since 30 June:

Sources of other income
<i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>

### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
<i>[details]</i>	<i>[name and address]</i>

### 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	Names of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
<i>[name and address]</i>	<i>[dates]</i>	<i>[names]</i>

## 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)
<i>[name and address]</i>	<i>[details]</i>	<i>[details]</i>	<i>[details]</i>

## F. Property development

Were you a property developer or a close associate of a property developer on the return date?

*[Yes/No]*

## 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
<i>[name]</i>	<i>[details]</i>

## H. Debts

Name and address of each person to whom I was liable to pay any debts at the return date/at any time since 30 June
<i>[name]</i>

## I. Disposition 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 |
|--|

<i>[details]</i>

- |   |
|---|
| 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 |
|---|

<i>[details]</i>

## J. Discretionary disclosures

*[details]*

***CONFIDENTIAL MATTERS***

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