



AGENDA FOR ORDINARY COUNCIL MEETING

Monday, 19th December 2022

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Council Meeting of Castlereagh Macquarie County Council will be held at the Coonamble Shire Council Chambers on **19th December 2022** commencing at **10:30am** to discuss the items listed in the Agenda.

Michael Urquhart
GENERAL MANAGER

Table of Contents

1. OPENING OF MEETING.....	3
2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	3
3. LEAVE OF ABSENCE	3
4. DECLARATION OF INTERESTS	4
5. CONFIRMATION OF MINUTES/MATTERS ARISING	5
5.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 7 th November 2022	5
6. REPORT OF THE GENERAL MANAGER	10
ITEM 6.1 COUNCIL'S DECISION ACTION REPORT – DECEMBER 2022.....	10
ITEM 6.2 CIRCULARS RECEIVED FROM THE NSW OFFICE OF LOCAL GOVERNMENT	14
ITEM 6.3 CASH ON HAND AND INVESTMENT REPORT AS AT 31 st OCTOBER 2022 and 30 th NOVEMBER 2022	29
ITEM 6.4 2021-2022 AUDITED FINANCIAL STATEMENTS AND AUDIT REPORT	31
ITEM 6.5 ADOPTING OF CASTLEREAGH MACQUARIE COUNTY COUNCIL ANNUAL REPORT 2021- 2022	34
ITEM 6.6 ADOPTION OF MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES (2020)	35
ITEM 6.7 CODE OF MEETING PRACTICE POLICY - REVIEW	36
ITEM 6.8 ADOPTION OF ORGANISATION STRUCTURE	37
ITEM 6.9 COUNCIL POLICY AND PROCEDURE REVIEW.....	39
ITEM 6.10 MINISTER FOR AGRICULTURE ANNOUNCES FUNDING FOR HUDSON PEAR CONTROL	41
ITEM 6.11 IMPORTANT DATES – UPCOMING MEETINGS AND EVENTS.....	43
7. BIOSECURITY REPORT	45
ITEM 7.1 QUARTERLY BIOSECURITY REPORT	45
8. QUESTIONS FOR NEXT MEETING	62
9. CONFIRM DATE OF NEXT MEETING	63
10. CLOSE OF MEETING	63

1. OPENING OF MEETING

Time: _____ am

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We acknowledge the Traditional Owners of the land we gather upon today and pay respect to the Elders both past, present and emerging.

3. LEAVE OF ABSENCE

Leave of Absence
<p>Recommendation:</p> <p>That the leave of absence received from _____ are accepted and a leave of absence granted.</p> <p>Moved:</p> <p>Seconded:</p>

4. DECLARATION OF INTERESTS

Councillors and senior staff are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

Councillor	Item No.	Pecuniary/ Non-Pecuniary	Reason

5. CONFIRMATION OF MINUTES/MATTERS ARISING

5.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 7th November 2022

Minutes of Ordinary Council Meeting – 7 th November 2022
<p>Recommendation:</p> <p>That the minutes of the ordinary Council meeting held 7th November 2022, having been circulated be confirmed as a true and accurate record of that meeting.</p> <p>Moved: Seconded:</p>

Attachments:

Meeting Minutes – 7th November 2022.

CASTLEREAGH MACQUARIE COUNTY COUNCIL MINUTES

**MINUTES OF THE MEETING OF THE CASTLEREAGH MACQUARIE COUNTY COUNCIL
HELD VIA ONLINE TEAMS MEETING ON MONDAY 7th NOVEMBER 2022 AT 10:35AM.**

PRESENT: Cirs D. Batten, B. Fisher, Z Holcombe, Clr D Todd, Clr G Peart, Clr I Woodcock and Clr G Whiteley

ABSENT: Cirs M Cooke, N Kinsey, P Cullen

STAFF MEMBERS: M. Urquhart (General Manager), A. Fletcher (Senior Biosecurity Officer), and B Petersens (Teams Coordinator) and R Wilson (Minute Secretary).

WELCOME: Meeting was opened at 10:35am and Chairman Clr D Batten welcomed all councillors and staff to the meeting.

11/22/01 Leave of Absence

Resolved:

That the leave of absence received from Councillors M. Cooke, N. Kinsey, P Cullen is accepted and a leave of absence granted.

Moved: Clr Holcombe

Seconded: Clr Woodcock

Carried

DECLARATIONS OF INTEREST- Nil

11/22/02 Minutes of Ordinary Council Meeting – 29th August 2022

Resolved:

That the minutes of the ordinary Council meeting held 29th August 2022, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Peart

Seconded: Clr Holcombe

Carried

11/22/03 Council's Decision Action Report – September 2022

Resolved:

That the Resolution Register for September 2022 be received and noted

Moved: Cllr Woodcock

Seconded: Cllr Holcombe

Carried

11/22/04 Circulars Received From the NSW Office of Local Government

Resolved:

That the information contained in the following Departmental circulars 22-23 to 22-29 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Cllr Peart

Seconded: Cllr Fisher

Carried

11/22/05 Cash and Investment Report - 31st August 2022 & 30th September 2022

Resolved:

That the investment report for 31st August 2022 and 30th September 2022 be received and noted.

Moved: Cllr Fisher

Seconded: Cllr Whiteley

Carried

11/22/06 Closedown of Council Administration Offices over the 2022/2023 Festive Season

Resolved:

1. Council operations close from Friday 23rd December 2022 to Friday 6th January 2023, inclusive, and the General Manager make satisfactory arrangements for the maintenance of essential services and provision of emergency call out services.
2. The closedown be effectively notified to residents along with details of essential service and emergency call out arrangements.
3. Note a separate shutdown period will be put in place for all outdoor staff to coincide with the commencement of the skeleton crews in accordance with the Award.

Moved: Cllr Peart

Seconded: Cllr Fisher

Carried

11/22/07 First Quarter Operational Plan 2022/2023

Resolved:

That: Council accept the progress made on the 2022/2023 Operational Plan as at 30th September 2023, with a policy in regards to prosecutions against non-compliant landholders being considered.

Moved: Cllr Holcombe

Seconded: Cllr Peart

Carried

11/22/08 Quarterly Budget Review Statement – September 2022

Resolved:

That: Council accept the progress made on the 2022/2023 Quarterly Budget Review Statement as at 30th September 2023, with an investigation into the spraying at the Lightning Ridge Cemetery and Grawin Reserve.

Moved: Cllr Woodcock

Seconded: Cllr Holcombe

Carried

10:50am Councillor D Todd and Senior Bio Security Officer Andrea Fletcher- Dawson joined the meeting.

11/22/09 Important Dates for Councillors – Upcoming Meetings & Events

Resolved:

That Council receive and note the list of upcoming meetings and events, in particular the Hudson Pear Taskforce Meeting on 13th December and CMCC Council Meeting on 19th December 2022.

Moved: Cllr Todd

Seconded: Cllr Holcombe

Carried

11/22/10 Senior Biosecurity Officer's Report

Resolved:

That the report be received and noted with the presentation following the Australasian Weeds Conference and an update on the African Boxthorn Bio Control release program to be held over until the December Council meeting.

Moved: Cllr Woodcock

Seconded: Cllr Peart

Carried

Date of the next CMCC Council Meeting to be Monday 19th November 2022 at Coonamble.

Close of Meeting

The meeting closed at 11:05am

Chairman

General Manager

6. REPORT OF THE GENERAL MANAGER

ITEM 6.1 COUNCIL'S DECISION ACTION REPORT – DECEMBER 2022

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This schedule summarises the current position of action taken in respect of matters considered at the previous meetings of Council when the outcomes have not been finalised.

Background:

Attached is the Resolution Register which summaries outstanding action in respect of all resolutions which required action and are still outstanding. The exception is for the last meeting where items that have been completed are included. Councillors are reminded that any queries should be raised with the General Manager prior to the meeting.

Current Position:

Details of actions taken/being taken are flagged for each motion. Over time the register may grow in size because, whilst resolutions are actioned after the meeting, it is not always possible to resolve issues quickly, especially if other government agencies are involved or Council's own in-house resources are stretched, Council has to prioritise work commitments.

In these circumstances the register becomes the simple tool of keeping track of matters awaiting attention.

Again, Councillors are reminded that any queries should be raised with the General Manager prior to the meeting as this would streamline the meeting process and also resolve minor issues more expediently.

Relevant Reference Documents/Policies:

Resolution Register.

Governance Issues:

Standard Procedure dictates that Council resolutions should be implemented as soon as practicably be achieved.

Environmental Issues:

Nil.

Stakeholders:

CMCC Council

Alternative Solutions/Options:

Nil.

Conclusion:

That the Resolution Register be received and noted. It is requested that any queries be raised with the General Manager prior to meeting day to facilitate proceedings at the meeting.

Council's Decision Action Report – December 2022
<p>Recommendation:</p> <p>That the Resolution Register December 2022 be received and noted.</p> <p>Moved:</p> <p>Seconded:</p>

Attachment:

Action Resolution Register.



CMCC ACTION RESOLUTION REGISTER

27.06.22	06/22/09	<p>That:</p> <ol style="list-style-type: none"> 1. Council join with the Far North West Joint Organisation and its member Councils in establishing a Shared Audit Risk and Improvement Committee in accordance with Section 428B of the Local Government Act 1993. 2. That Council delegate authority to the Far North West Joint Organisation to appoint the chair and two (2) independent members from the Shared Audit Risk and Improvement Committee to serve the Far North West Joint Organisation, all three (3) members Council's and Castlereagh Macquarie County Council. 3. That Council appoint Cllr Bill Fisher to serve as the non-voting board members on the ARIC for this Council only. <ol style="list-style-type: none"> 1. That Council adopt the Drafts Terms of Reference developed for the operation of the Audit Risk and Improvement Committee noting the initial term to cater to the shorter period to be served by the current Council and the fact there is no current need for the Chair to be pre-qualified at this stage 	GM	Far North West JO will be advertising in early 2023 for a Committee Chairperson and two (2) Committee Members.	In Progress
29.08.22	08/22/03	<ol style="list-style-type: none"> 1. The Draft Annual Financial Reports for 2021/2022 be referred to Council's Auditor. 2. The Chairperson, Deputy Chairperson and General Manager be authorised to sign the necessary Financial Statements. 3. On receipt of the Audit Report, a copy be forwarded to the Office of Local Government and any other relevant statutory body. 	GM	Councils 21/22 Financials have been audited and will be tabled for Council adoption at December 2022 meeting.	Completed

Castlereagh Macquarie County Council Agenda – 19th December 2022 – Ordinary Council Meeting

		4. Council delegate to the General Manager the authority to set the date at which the Auditor's report and Financial Statements be presented to the public, additionally be reviewed/adopted by Council formally as required, subject to Section 418 of the Local Government Act 1993 and it's requirements.			
29.08.22	08/22/11	<p>1. That CMCC Staff be delegated the authority to select the most appropriate five (5) sites for the introduction of the African Boxthorn Bio Control trial.</p> <p>2. That a report on the African Boxthorn Bio Control trials be included in the next Council business paper.</p>	GM	Releases made in (1) Warren, (1) Gilgandra, Coonamble and Coonabarabran. Staff to now monitor.	In progress
07.11.2022	11/22/07	That Council accept the progress made on the 2022/2023 Operational Plan as at 30 th September 2023, with a policy in regards to prosecutions against non-compliant landholders being considered.	GM	General Manager will issue s draft policy in early 2023 for council consideration	In progress
11/22/08	11/22/08	That Council accept the progress made on the 2022/2023 on the Quarterly Budget Review Statement as at 30 th September 2023, with an investigation into the spraying at the Lightning Ridge Cemetery and Grawin Reserve.	GM	The GM has established Council staff conducted spraying in the cemetery and the vegetable dye used is not hazardous and will wash off surfaces. GM has made further enquiry and effected headstones are no longer stained.	Completed

ITEM 6.2 CIRCULARS RECEIVED FROM THE NSW OFFICE OF LOCAL GOVERNMENT

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

Copies of circulars received from the Local Government Office Department of Premier and Cabinet are attached for Councillors information. Circulars are emailed to Councillors when published from LGNSW.

Background:

The General Manager has listed the following circulars issued by the Office of Local Government:

- 22-31 Commencement of the Public Spaces (Unattended Property) Act 2021
- 22-32 Update to Your Council website to include housing, employment and population projection data
- 22-33 Misuse of Council Resources – March 2023 State Election
- 22-34 Consultation on review of the Local Government Boundaries Commission
- 22-35 Councils' decisions on the administration of their September 2024 ordinary elections
- 22-36 Local Government Code of Accounting Practice and Financial Reporting 2022-23 and related guidance material
- 22-37 Model Media Policy
- 22-38 Consultation on the outcomes of the review of the councillor misconduct framework

Governance Issues:

All circulars have Governance implications. Where necessary the subject of particular circulars will be raised in following reports.

Stakeholders:

Councillors
Castlereagh Macquarie County Council staff

Financial Implications:

Obviously some circulars will have a financial impact and where this is the case, Councillors particular attention will be drawn to them.

Conclusion:

Council will need to comply with the various requirements set out in the circulars.

Circulars Received From the NSW Office of Local Government

Recommendation:

That the information contained in the following Departmental circulars 22-31 to 22-38 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved:

Seconded:

Attachments:

Circulars 22-31 to 22-38



Office of
Local Government

Circular to Councils

Circular Details	22-31 / 28 October 2022 / A836458
Previous Circulars	22-19 Consultation on regulatory proposals for a new Public Spaces (Unattended Property) (PSUP) Regulation 2022 and to commence the PSUP Act 21-39 The NSW Government's <i>Public Spaces (Unattended Property) Act 2021</i> 19-30 Review of the Impounding Act 1993 and Release of Discussion Paper
Who should read this	Councillors/General Managers/All council staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Commencement of the *Public Spaces (Unattended Property) Act 2021*

What's new or changing

- The *Public Spaces (Unattended Property) Act 2021* (the PSUP Act) commences on 1 November 2022.
- The PSUP Act repeals the *Impounding Act 1993*.
- Also commencing on 1 November 2022 are the supporting *Public Spaces (Unattended Property) Regulation 2022* (the Regulation) and *Code of Practice for Sharing Services* (the Code) for operators of shopping trolleys and other sharing services.
- The new laws and supporting guidance materials were developed by the NSW Government through comprehensive consultation with the sector and other stakeholders.
- The new Act will better address the needs of communities, councils and other authorised officers across NSW when managing unattended animals and items in public places.
- The new laws will significantly reduce costs to councils and communities by an estimated \$10.1 million per year in dealing with unattended property.

What this will mean for your council

- Authorised officers will need to familiarise themselves with the new laws, regulations and guidelines for authorities.
- The *Public Spaces (Unattended Property) Guideline for Councils and Other Authorities*, issued under section 23A of the *Local Government Act 1993*, provides information to support councils and other public land managers to interpret and implement the new laws.
- The PSUP Act repeals the *Impounding Act 1993*. Appropriate transitional arrangements are in place to carry over important matters.
- A grace period will be applied until 1 May 2023 where warnings, rather than fines, may be issued for certain items to which new rules apply if they are left unattended in public places (e.g. personal items such as kayaks, and shopping trolleys). This provides time to enable the public and businesses to become familiar and comply with the new laws.
- Detailed guidance is under development to support the future commencement of Section 19 of the Act which sets out special arrangements for emergencies

Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541

Locked Bag 3015 NOWRA NSW 2541

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209

E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

involving stock animals to balance public safety and biosecurity considerations. This section will be commenced by the Minister for Local Government by proclamation once the supporting guidance is in place.

Key points

- The Government is committed to keeping public places safe and accessible for all members of the community.
- The new Act is outcomes focused and puts the onus on those responsible to manage their items and animals within risk-based timeframes or face strong regulatory action. The new laws:
 - require a broader range of people to take responsibility for leaving items or animals unattended;
 - provide clearer expectations and grounds for compliance action, including by enabling specific, risk-based timeframes for action;
 - provide for the efficient and effective management of different classes of items, including shared devices (such as share bikes and shopping trolleys), unattended motor vehicles (including boat trailers) and animals;
 - provide more flexible, modern arrangements for the storage of items and places of care of animals;
 - provide for stronger regulatory action to be taken, including through higher penalties for certain offences and bodies corporate;
 - provide more flexible, modern compliance and enforcement arrangements, including to enable better collaboration between councils and other authorities;
 - prescribe further duties, standards, and offences within the Regulation and a Code of Practice for sharing service items, and
 - include amendments to road transport laws in relation to unregistered vehicles parked on public roads.
- Feedback received from authorised officers and key stakeholders during the extensive consultation process was instrumental in shaping the new Act and Regulation.

Where to go for further information

- The *Public Spaces (Unattended Property) Act 2021* and *Public Spaces (Unattended Property) Regulation 2022* are available on the Legislation Register at <https://legislation.nsw.gov.au/>
- Further information about the *Public Spaces (Unattended Property) Act 2021* is available on the OLG website [here](#).

Melanie Hawyes

Deputy Secretary, Crown Lands and Local Government



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-32 / 1 November 2022 / A823088
Previous Circular	N/A
Who should read this	General Managers / All council staff
Contact	Performance Team / 4428 4100 / olg@nsw.gov.au
Action required	Information

Subject

Update to Your Council website to include housing, employment and population projection data.

What's new or changing

- Following consultation between the Office of Local Government (OLG) and the Department of Planning and Environment (DPE), councils will have efficient access to its data on housing, employment, and population through the Your Council website.
- DPE Digital Services (previous Strategy and Innovation) will no longer distribute hard-copy data packs, and this information will now be easily obtained from the Your Council website.
- New tabs have been added to the portal for population, housing, and employment data.
- The Your Council platform has consolidated this information for councils to be able to view, analyse and print.

What this will mean for your council

- DPE uses the same data and makes it publicly available through different mediums. This initiative is to improve the ease of use, transparency and consistency through this one platform.
- Each of the new tabs will include links to relevant data and information for improved efficiency.
- Further improvement and updates are planned for Your Council which will be released over coming months.

Key points

- Council hard-copy data packs have been replaced by a flexible online access point where users can interrogate and use links to source data.
- The Your Council website will become a one-stop shop for all council data.
- The data will be more readily accessible and available to community and council staff.

Where to go for further information

- For further information, contact OLG on (02) 4428 4100
- Access Your Council website at <https://www.yourcouncil.nsw.gov.au/>

Mel Hawyes

Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-33 / 2 November 2022 / A839741
Previous Circular	18/41 <i>Misuse of Council resources – 2019 State Election</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team/ 02 4428 4201/ olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Misuse of Council Resources – March 2023 State Election

What's new or changing?

- In the lead up to the 25 March 2023 State election, councillors, council staff and other council officials need to be aware of their obligations under the *Model Code of Conduct for Local Councils in NSW* (the Model Code) in relation to the use of council resources.

What this will mean for your council

- It is important that the community has confidence that council property and resources are only used for official purposes.
- Councils are encouraged to ensure that councillors, council staff and other council officials are aware of their obligations regarding the use of council resources.

Key points

- The Model Code provides that council officials must not:
 - use council resources (including council staff), property or facilities for the purpose of assisting their election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for the use of the resources, property or facility
 - use council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material for the purpose of assisting their election campaign or the election campaign of others.
- These obligations apply to all election campaigns including council, State and Federal election campaigns.
- Councils should also ensure that they exercise any regulatory powers in relation to election activities such as election signage in an impartial and even-handed way and in accordance with established procedures and practices.
- Failure to comply with these requirements may result in disciplinary action under the code of conduct.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

Where to go for further information

- For more information, contact OLG's Council Governance Team by telephone on 4428 4100, or by email to olg@olg.nsw.gov.au.

Melanie Hawyes

Deputy Secretary Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-34 / 10 November 2022 / A833081
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Response to OLG

Consultation on review of the Local Government Boundaries Commission

What's new or changing

- The Minister for Local Government has initiated an independent review of the New South Wales Local Government Boundaries Commission (Boundaries Commission).
- Dr Juliet Lucy has been appointed to carry out the review. Dr Juliet Lucy has legal experience with a strong focus on administrative and public law.
- A discussion paper has been released to outline the current composition, function and processes of the Boundaries Commission and to invite submissions seeking suggestions for improvement. The discussion paper is available [here](#).
- The independent reviewer's findings and recommendations will be provided to the Minister at the end of March 2023.

What this will mean for your council

- Anyone, including councils, individual councillors, council staff and members of the public, can make submissions in response to the discussion paper.
- Information on how to make submissions is contained in the discussion paper.
- Submissions close 5.00 pm 16 December 2022.

Key points

- The Boundaries Commission's role is to examine and report on any matter referred to it in relation to the boundaries of local government areas in NSW. These matters include proposals for the constitution, amalgamation, de-amalgamation and alteration of boundaries of local government areas.
- The review's terms of reference are available [here](#).

Where to go for further information

- Further information about the review of the Boundaries Commission is available on the OLG website [here](#).
- For more information, contact the Office of Local Government's Policy Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-35/ Date 11 November 2022/ A839620
Previous Circular	18-43 – Council decisions on the administration of the September 2020 elections
Who should read this	Councillors / General Managers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Councils' decisions on the administration of their September 2024 ordinary elections

What's new or changing

- Under section 296AA of the *Local Government Act 1993* (the Act), councils are required to make a decision on how their ordinary elections in September 2024 are to be administered by **13 March 2023**.
- Each council must resolve either:
 - to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
 - that the council's elections are to be administered by another electoral services provider engaged by the council.
- If a council does not resolve to engage the NSWEC to administer its elections by **13 March 2023**, it must engage another electoral services provider to do so.

What this will mean for your council

- Councils are required to make a decision under section 296AA by 13 March 2023 on the administration of their next ordinary election. Information to assist councils in making that decision is provided in the attached FAQ.
- If a council is proposing to engage the NSWEC to administer its elections, it should resolve to do so as soon as possible and notify the NSWEC.

Key points

- Where councils resolve to engage the NSWEC to administer their elections, polls and referenda, a model resolution is suggested in the attached FAQ.
- If a council resolves to adopt an electoral services provider other than the NSWEC, the resolution must state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- Further information to assist councils' decisions on the administration of their September 2024 ordinary elections is contained in the FAQ attached to this circular.
- Contact the Office of Local Government's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.
- Contact Steve Robb at the NSW Electoral Commission by telephone on 1300 135 736.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-36 / 6 December 2022 / A839669
Previous Circular	22-01 / 24 January 2022 / A796990
Who should read this	General Managers / Financial accounting business areas
Contact	Policy Team / (02) 4428 4100 / code@olg.nsw.gov.au
Action required	Council/Joint Organisations to implement

Local Government Code of Accounting Practice and Financial Reporting 2022-23 and related guidance material

What's new or changing

- The final Code of Accounting Practice and Financial Reporting (Code) is available to guide the preparation of councils' 2022-23 financial statements.
- A Joint Organisation (JO) Supplement to the Code is also available for preparing JO 2022-23 financial statements.
- The Office of Local Government (OLG) has consolidated guidance in relation to mandates of options and major policy decisions for NSW local government entities under Australian Accounting Standards.

What this will mean for your council/JO

- The Code must be used by councils and JOs to prepare their annual financial statements in accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005.

Key points

- The Code has been prepared in accordance with the *Local Government Act 1993*, the Australian Accounting Standards and other requirements.
- Changes highlighted in yellow are new for 2022-23.
- Councils and JOs should carefully review the key changes in this year's Code, which are also detailed within the Summary of key changes to the Code 2022-23.
- The JO Supplement to the Code supports the preparation of JO financial statements.
- The introduction and overview of the Code provides guidance to JOs on the application of the JO Supplement.
- The Code has been developed in consultation with the Code Working Group, which involves key stakeholders, including the NSW Audit Office, council and JO representatives, external auditors and Local Government NSW.
- OLG has consolidated guidance in relation to mandates of options and major policy decisions for NSW Local Government entities under Australian Accounting Standards. This guidance supersedes Guidance to councils on transitioning to Australian Accounting Standards Board 9, 16, 15 and 1058 previously issued by OLG.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- OLG's website has the:
 - Code, comprising of five documents:
 1. General Purpose Financial Statements (Section 1)
 2. Joint Organisations Supplement (Section 2)
 3. Special Purpose Financial Statements (Section 3)
 4. Special Schedules (section 4)
 5. Appendices (Section 5)
 - Summary of key changes to the Code 2022-23
 - Mandates of options and major policy decisions for NSW Local Government entities under Australian Accounting Standards.

OLG's Accounting Practice page can be found here:

<https://www.olg.nsw.gov.au/councils/council-finances/financial-reporting/local-government-code-of-accounting-practice-and-financial-reporting/>

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-37 / 12 December 2022 / A842728
Previous Circular	22-24: <i>Consultation on draft Model Media Policy</i>
Who should read this	Councillors / General Managers / Council governance and communications staff
Contact	Council Governance/ (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Model Media Policy

What's new or changing

- The Office of Local Government (OLG) has finalised the Model Media Policy (the model policy).
- The model policy has been developed following two rounds of consultation with the local government sector and reflects best practice in the local government sector.

What this will mean for your council

- The model policy is not mandatory, and councils are free to choose whether to use or to adapt it for their own purposes. If adopted, the policy will operate to supplement the provisions of councils' adopted codes of conduct.

Key points

- OLG has previously issued a Model Social Media Policy, Councillor and Staff Interaction Policy and Councillor Expenses and Facilities Policy for use by councils.
- The Model Media Policy, Model Social Media Policy, Councillor and Staff Interaction Policy and Councillor Expenses and Facilities Policy are available on OLG's website - <https://www.olg.nsw.gov.au/councils/governance/best-practice-governance-policies-consulations/>.

Where to go for further information

- For further information, contact OLG's Council Governance Team on (02) 4428 4100.

Melanie Hawyes

Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	Circular No 22-38 / 13 December 2022 / A844528
Previous Circular	21-38 <i>Consultation on review of the councillor misconduct framework</i>
Who should read this	Councillors / General Managers / All council staff / conduct reviewers
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Response to OLG

Consultation on the outcomes of the review of the councillor misconduct framework

What's new or changing

- Mr Gary Kellar PSM has completed his review of the councillor misconduct framework and has provided his report to the Minister.
- Mr Kellar's report, *Focus on Civic Responsibility: Councillor Conduct Accountability in New South Wales*, is available on the Office of Local Government's website [here](#).
- A consultation guide has been developed to focus attention on some of the key recommendations contained in the report. The consultation guide should be read in conjunction with the Mr Kellar's report.
- The Government is seeking the views of the public, local government sector and others on Mr Kellar's findings and recommendations to inform its response to them.

What this will mean for your council

- Anyone, including the general public, councils, individual councillors and council staff, can make written submissions in response to the consultation paper.
- Councils' complaints coordinators should also provide a copy of Mr Kellar's report to their conduct reviewers and advise them of the opportunity to make written submissions in response to the report.
- The consultation guide provides information about how to make a submission.
- Submissions should be made by **COB 3 February 2023**.

Key points

- Mr Kellar was appointed to undertake an independent review of the framework for dealing with councillor misconduct in New South Wales.
- Mr Kellar was a member of the expert panel which conducted a review of the local government misconduct framework in Queensland in 2017 and was general manager of Logan City Council for 26 years.
- Mr Kellar's review has examined the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying areas for improvement. The review has included an examination of similar frameworks used in other jurisdictions.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- Mr Kellar has made 49 recommendations.
- Among other things, Mr Kellar has recommended the establishment of a new framework for dealing with councillor misconduct in which code of conduct complaints about councillors are managed by regionally based Independent Councillor Conduct Review Panels under the regulatory oversight of an independent Councillor Conduct Commissioner. Panels will have stronger disciplinary powers than those currently available to councils including the ability to impose monetary penalties. Councils will be required to meet the panels' and the Commissioner's costs in dealing with complaints about their councillors.
- Other recommendations include:
 - requiring candidates at local government elections to participate in training before they can nominate
 - mandating training for councillors
 - allowing councillors to be prosecuted for breaches of their oaths of office
 - empowering mayors to expel councillors from meetings for disorder, and
 - placing a positive duty on mayors to deal with disorder at meetings – a failure by mayors to do so will constitute serious misconduct.

Where to go for further information

- Mr Kellar's report and the consultation guide is available on OLG's website [here](#).
- For further information, please contact OLG's Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Melanie Hawyes
Deputy Secretary Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

ITEM 6.3 CASH ON HAND AND INVESTMENT REPORT AS AT 31st OCTOBER 2022 and 30th NOVEMBER 2022

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report provides a summary and analysis of Council's cash and investments for the period ending 31st October 2022 and 30th November 2022

Background:

The investment portfolio consists of bank accounts and fixed rate interest bearing deposits. The portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio is not subject to share market volatility.

Comparisons are regularly made between existing investments with available products that are not part of Council's portfolio, but that meet Council's policy guidelines.

All investments at 31st October 2022 and 30th November 2022 are compliant with the Relevant Reference Documents and Policies listed later in this report.

Current Position:

Council at 30th November 2022 held a total of \$831,442.31 in on-call and interest bearing deposits with financial institutions within Australia. All investments are held with approved deposit taking institutions with a short term rating A-2(A2)/BBB or higher. Council does not have any exposure to unrated institutions.

31st October 2022

Investment Number	Date invested	Amount \$	Lodged With	Rate % per annum	Term	Due Date
TD902448851	30/08/2022	\$500,000.00	AMP	3.05	114 days	22/12/2022
General Fund Bank Account Balance		\$219,566.49	CBA			N/A
TOTAL		\$719,566.49				

30th November 2022

Investment Number	Date invested	Amount \$	Lodged With	Rate % per annum	Term	Due Date
TD902448851	30/08/2022	\$500,000.00	AMP	3.05	114 days	22/12/2022
General Fund Bank Account Balance		\$331,442.31	CBA			N/A
TOTAL		\$831,442.31				

Relevant Reference Documents/Policies:

Local Government Act (NSW), 1993
 Local Government (General) Regulation 2005
 Ministerial Investment Order 5th January 2016
 Investment Policy

Governance issues:

Nil

Environmental issues:

Nil

Financial Implications:

As per report

Alternative Solutions/Options:

Nil

Stakeholders:

Castlereagh Macquarie County Council

Constituent Councils

Residents of Constituent Councils

Financial Institutions

Certification – Responsible Accounting Officer

1. I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005*, the *Investment Order (of the Minister) 5th January 2016* and Council's Investments Policy.
2. I hereby certify that Council's cash book and ledger have been reconciled to the bank statement as at the end of month.

Michael J Urquhart

General Manager – Responsible Accounting Officer

Conclusion:

As at 30th November 2022, Council's available cash and invested funds totalled \$831,442.31

Cash and Investment Reports – 31 st October 2022 and 30 th November 2022
<p>Recommendation:</p> <p>That the investment report for 31st October 2022 and 30th November 2022 be received and noted.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Nil

ITEM 6.4 2021-2022 AUDITED FINANCIAL STATEMENTS AND AUDIT REPORT

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report is to recommend that Council formally receives the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2021 to 30 June 2022.

Background:

Council in accordance with Section 419 (1) of the Local Government Act 1993 must present its audited financial accounts together with the auditor's report at a meeting of Council.

Current Position:

Copies of Council's Audited Financial Reports and Auditor's Report are provided under separate cover.

NET OPERATING RESULT

For the year ended 30th June 2022 Council's operating result was a deficit of \$29,000 before capital grants and contributions. The original budget forecast was an operating surplus of \$18,000.

WORKING CAPITAL

The "Working Capital" approach is another financial indicator that identifies Council's liquidity or capacity to fund the day to day general purpose operations and delivery of services to the Constituent Councils and community in the short to medium term. It's also a measure of an organisations operational efficiency and short-term health. For the year ended 30th June 2022 Council's operations posted a working capital deficit of \$51,000 which decreased the accumulation account leaving a year-end balance of \$825,000.

At years end the "working capital" consisted of cash, inventories (stores) and net sundry creditors/debtors.

Stores	\$49,000
Unrestricted Cash	\$768,000
Net creditor/debtor	\$8,000
Total	\$825,000

CASH AND INVESTMENTS

Council's overall cash position has decreased by \$126,000 throughout the year with a year-end closing balance of \$1,132,000. The cash and investments are held for the following purposes.

Internal Restrictions

Plant Reserve	48,000
Building Reserve	20,000
Employees Leave Reserve	111,000
Unrestricted Cash	768,000
Total	\$947,000

External Restrictions

Government grants	185,000
-------------------	---------

Local Government Industry Financial Performance Indicators

1. Operating Performance Ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

Benchmark $\geq 0.00\%$. Council result 7.32%. The positive result has occurred due to carryover grant works to 21-22.

2. Unrestricted Current Ratio

This ratio assesses the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Benchmark ≥ 1.5 times Council result 5.84times

3. Cash Expense Cover Ratio

This ratio measures the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Benchmark ≥ 3.00 months. Council result 12.37 months.

Council is in a very sound financial position having met three of the three above performance indicators in 2021-2022.

Relevant Reference Documents/Policies:

Local Government Act (1993)

Financial Reports and Auditors Report to 30 June 2022

Governance issues:

Presentation to Council of the Annual Financial Statements is a key governance requirement and forms part of Council's reporting to the community.

Environmental issues:

There are no identified environmental issues in relation to this matter.

Alternative Solutions/Options:

There are no alternative solutions / options.

Stakeholders:

Office of Local Government

NSW Audit Office

Nexia Sydney

Castlereagh Macquarie County Council

Financial Implications:

The Financial implications for Council are detailed in the auditor's report and the supporting ratios. It should be noted Council at its October 2021 Ordinary meeting resolved to increase the roadside control program by \$79,500 to better service the roadside control program.

The sound financial position provides the flexibility for Council to further increase control programs in the coming years. Council at its June 2022 meeting increased the roadside operations for the term of the delivery program 22/23 to 24/25.

Conclusion.

Council's overall working capital position has improved with the accumulation account at a healthy \$825,000. This level of working capital when considered in conjunction with the long term internal reserves is an excellent financial position.

2021-2022 Audited Financial Statements and Audit Report
--

<p>Recommendation:</p>

<p>That Council receive the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2021 to 30 June 2022.</p>

<p>Moved:</p>

<p>Seconded:</p>

Attachments:

Audited Primary Financial Statements for year ended 30 June 2022 – See Attachment A – Annual Report

ITEM 6.5 ADOPTING OF CASTLEREAGH MACQUARIE COUNTY COUNCIL ANNUAL REPORT 2021-2022

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report provides tables the Annual Report highlighting Council's achievements for 2021/2022.

Background:

In accordance Section 428 of the Local Government Act 1993 Council must within five (5) months after the end of year prepare a report on achievements and the effectiveness of the principal activities undertaken in achieving the objectives.

Current Position:

The Annual Report is attached for Council's information.

2021/2022 has been an exceptional year in terms of Council attaining its many strategic objectives.

Governance issues:

Local Government Act 1993

Local Government Regulation (2021)

Environmental issues:

N/A

Stakeholders:

Castlereagh Macquarie County Council

Constituent Councils

Financial Implications:

NIL

Alternative Solutions/Options:

NIL

Conclusion:

Council should note the progress made during the 2021/2022 year.

Castlereagh Macquarie County Council – Annual Report 2021/2022
<p>Recommendation:</p> <p>Council formally adopts its Annual Report for 2021/2022.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Annual Report 2021/2022– See Attachment A

ITEM 6.6 ADOPTION OF MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES (2020)

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report is to present the *Model Code of Conduct for Local Councils in NSW* and Procedures for adoption.

Background:

This Code of Conduct is made under section 440 of the Local Government Act 1993 and the Local Government Regulation 2005.

Current Position:

The Code of Conduct is currently in operation after adoption in 2020 and is due for adoption by the new Council in 2022.

Relevant Documents/Policies:

Local Government Act 1993

Model Code of Conduct for Local Councils in NSW

Model Code of Meeting Practice for Local Councils in NSW

NSW Office of LG Circular 20-32 14th August 2020

Stakeholders:

NSW Government

Federal Government

Castlereagh Macquarie County Council

Governance issues:

Council compliance with the above legislation.

Environmental issues:

NIL.

Financial Implications:

NIL

:

Legal issues:

NIL.

Alternative solutions:

NIL.

Conclusion:

The Model Code of Conduct is presented to the new Council for adoption.

Model Code of Conduct for Local Councils in NSW and Procedures (2020)
<p>Recommendation:</p> <p>That Council receives and adopts the <i>Model Code of Conduct for Local Councils in NSW and Procedures</i>.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Model Code of Conduct – 2020 - See Attachment B

ITEM 6.7 CODE OF MEETING PRACTICE POLICY - REVIEW

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

The report is submitted to Council for consideration of a number of amendments to mandatory provisions.

Background:

Councils must formally adopt a Code of Meeting Practice which now includes provision for audio visual link attendance.

Current Position:

The major change in the code reflect Council's requirements to Clause 5.19 "Webcasting of Meetings" and attendance by audio visual link.

Governance issues:

Council must adopt the Model Code of Meeting Practice in accordance with Section 360 of the Local Government Act 1993.

Environmental issues:

NIL

Stakeholders:

Castlereagh Macquarie County Council
Castlereagh Macquarie County Council Staff
NSW Office of Local Government
Members of the public

Financial Implications:

NIL

Alternative Solutions/Options:

NIL

Conclusion:

The revised Model Code of Meeting Practice reflects a number of cosmetic changes and a number of changes to non-mandatory provisions. Other changes related to the introduction of audio visual meeting attendance.

Code of Meeting Practice Policy Review
<p>Recommendation:</p> <p>That Council adopt the revised Model Code of Meeting Practice for Local Councils in NSW.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Amended Model Code of Meeting Practice Policy - See Attachment C

ITEM 6.8 ADOPTION OF ORGANISATION STRUCTURE

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report is presented to Council for consideration and adoption of the revised organisational structure.

Background:

The General Manager presents the reviewed organisational structure to Council in accordance with Section 333 of the Local Government Act 1993.

Current Position:

Council's workforce will have a full complement when the vacancy based in Walgett Shire is filled in early 2023.

Relevant Documents/Policies:

Local Government Act 1993

Model Code of Conduct for Local Councils in NSW

Local Government State Award 2021

Stakeholders:

Castlereagh Macquarie County Council

Constituent Councils

Governance issues:

Council compliance with the above legislation.

Environmental issues:

NIL.

Financial Implications:

Provision is made in the current operational plan and Long-Term Financial Plan for the proposed organisational structure.

Legal issues:

NIL.

Alternative solutions:

Council does not adopt the organisational structure.

Conclusion:

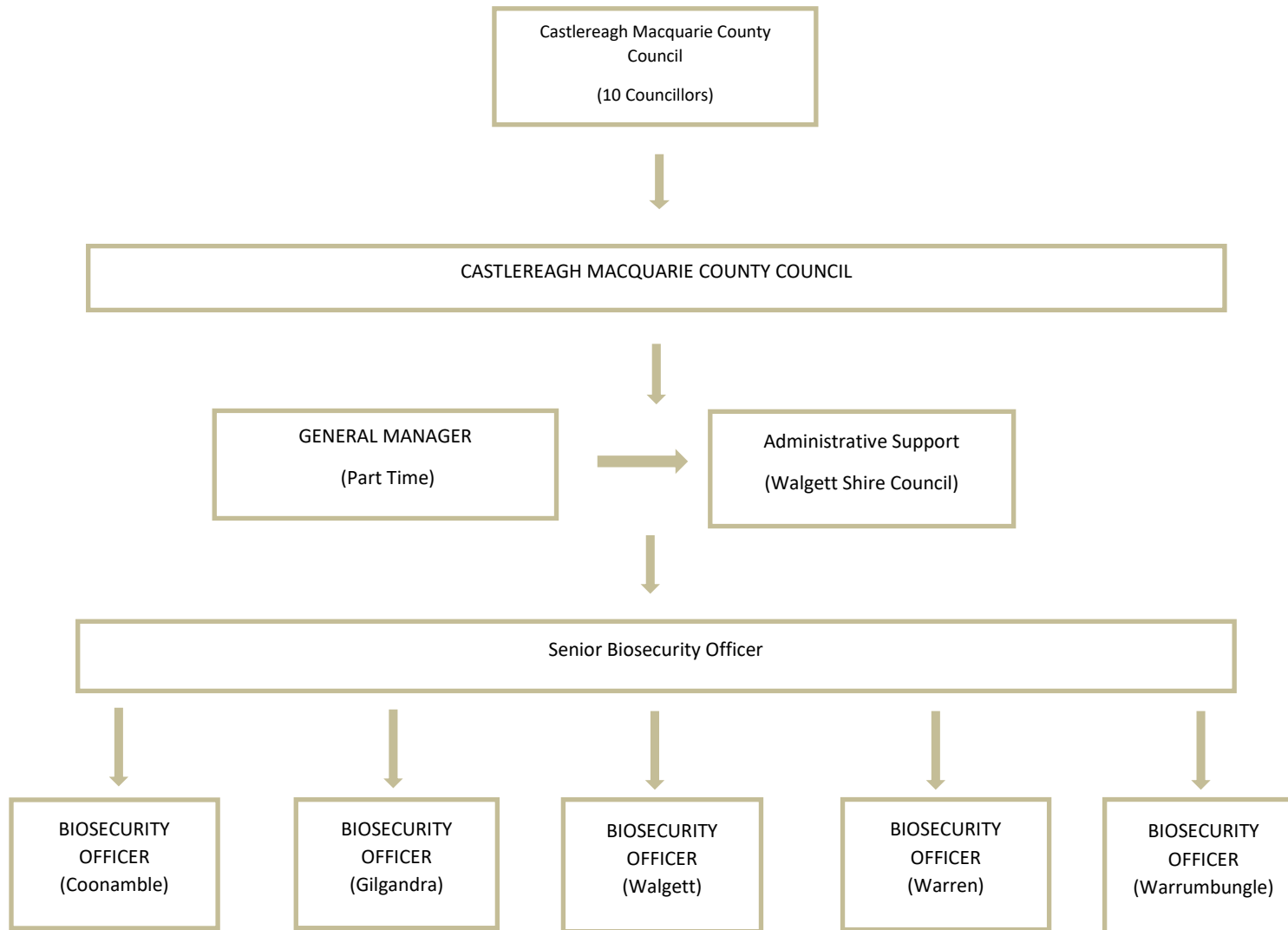
The writer recommends to Council the organisation structure as presented, be adopted.

Adoption of Organisation Structure
<p>Recommendation:</p> <p>That Council receives and adopts the Organisation Structure as presented.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Nil

Current Organisational Structure



ITEM 6.9 COUNCIL POLICY AND PROCEDURE REVIEW

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

The attached policies are presented to Council for consideration and adoption.

1. Financial Management and Control Policy
2. Related Parties AASB Policy and Forms
3. Purchase Card Policy
4. Work Health and Safety Policy
5. Leave Policy and Procedure

Background:

Council must regularly review its various policies and procedures to ensure compliance with current legislation and relevant procedures applying at the time.

Current Position:

The following policies have been reviewed and a number of cosmetic changes have been made to the documents.

Governance Issues:

As per the various policies
Local Government Act 1993
Local Government (General) Regulation 2021

Stakeholders:

Castlereagh Macquarie County Council
Constituent Councils
Castlereagh Macquarie County Council Staff

Financial Implications:

The revised policies do not present any financial issues for Council.

Alternative Solutions/Options:

N/A

Conclusion:

That Council adopts the revised policies as presented.

Council Policy and Procedure Review

Recommendation:

That Council receive the General Managers report and adopts the revised policies and procedures as presented:

1. Financial Management and Control Policy
2. Related Parties AASB Policy and Forms
3. Purchase Card Policy
4. Work Health and Safety Policy
5. Leave Policy
6. Pesticide Use Notification Plan

Moved:

Seconded:

Attachments:

Policies – See Attachment D

ITEM 6.10 MINISTER FOR AGRICULTURE ANNOUNCES FUNDING FOR HUDSON PEAR CONTROL

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

This report is presented to Council for information concerning the Minister for Agriculture's announcement on additional funding to fight Hudson Pear.

Background:

Council and landholder groups from the Lightning Ridge have been lobbying for some time for additional resources to fight the spread of Hudson Pear. The County Council received funding to construct and manage the bio control centre in Lightning Ridge with the breeding and distribution of the cochineal insect. The bio program has been working effectively up until recently when the prolonged wet conditions have seen a reduction in the cochineal insects effectiveness.

Current Position:

Council and landholder groups from the Lightning Ridge have been lobbying for some time for additional resources to fight the spread of Hudson Pear.

On Monday 12th December at Lightning Ridge the Minister for Agriculture the Hon Dugald Saunders announced the NSW State Government were serious about combating the spread of Hudson Pear and they are going to commit \$2.6 million to stop the increasing infestations of Hudson Pear.

The \$2.6 million will fund two (2) full-time positions to lead the states Hudson Pear response with spraying, surveillance, cochineal insect releases, community education and training to be rolled out in a co-ordinated effort across multiple levels of government departments. This initiative will be led by Local Land Services, NSW Department of Primary Industries and Castlereagh Macquarie County Council with the support of local landholders.

Castlereagh Macquarie County Council Chairmans comment:

Castlereagh Macquarie County Council Chairman Councillor Doug Batten said he was delighted to hear of the NSW Governments new strategy to assist the local landowners with a program of select spraying to further support the highly effective bio control activity currently managed by the County Council . The County Council have for some time been advocating for additional resources to assist in the fight against Hudson Pear and this package will definitely go a long way to reduce numbers in the immediate Lightning Ridge area and contain the spread of this sinister pest onto adjoining lands. The County Council looks forward to working closely with the LLS, and landowners in delivering this important program.

Relevant Documents/Policies:

Bio Security Act 2015

Local Government Act 1993

Stakeholders:

NSW Department of Primary industries

Local Land Services

Castlereagh Macquarie County Council

Constituent Councils

Governance issues:

Council compliance with the above legislation.

Environmental issues:

The Hudson pear problem has been exacerbated by prolonged wet seasons with the cochineal insect not working as effectively as it should.

Financial Implications:

Until a plan is established with all three parties its not known what this initiative means for Council in terms of additional resources (expenditures) or offset funding streams. A further report will be tabled when more information is to hand in the new year.

Legal issues:

NIL.

Alternative solutions:

Council not participate.

Conclusion:

The writer recommends Council participate in this program to facilitate the early implementation of measures to stop the spread of Hudson Pear in the Lightning Ridge area.

Minister For Agriculture Announces Funding for Hudson Pear Control

Recommendation:

That;

(a) Council receive the General Managers report

(b) The General Manager liaise with the LLS and DPI in the development of a control plan for the area, and the Castlereagh Macquarie County Council actively participate in the roll out of all elements of the control program.

Moved:

Seconded:

Attachments:

Picture - Present James Hutchison-Smith, Walgett Mayor Jane Keir OAM, Minister for Agriculture Hon Dugald Saunders, Castlereagh Macquarie County Council Chairman Doug Batten and NSW Nationals Candidate for Barwon Annette Turner



ITEM 6.11 IMPORTANT DATES – UPCOMING MEETINGS AND EVENTS

REPORTING SECTION: General Manager
AUTHOR: Michael Urquhart

Summary:

A list of upcoming meetings and events is provided for Councillors information.

Background:

This report provides Councillors with an overview of upcoming meetings and events that Castlereagh Macquarie County Council staff are involved in.

Current Position:

Councillors are requested to raise any queries prior to the meetings listed.

Conclusion:

Provided there are no changes it is appropriate to receive and note the information.

Important Dates For Councillors - Upcoming Meetings & Events
<p>Recommendation:</p> <p>That Council receive and note the list of upcoming meetings and events.</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Calendar of events 2022

IMPORTANT DATES - Upcoming Meetings and Events - 2022

DATE	MEETING/FUNCTION	LOCATION	NOTES
6 th December	Central West Regional meeting	Nyngan at the Engineering Depot Bogan Shire	
12 th December	Minister Dugal Saunders Visit	Don McKenzie Mass Rearing Facility Lighting Ridge 10.30- 12:30pm	
13 th December	Hudson Pear Taskforce Meeting	Lightning Ridge Bowling Club 9:30am to 1:00pm	
19 th December	CMCC Council Meeting	Coonamble Shire Council Chambers	All Councillors, GM & Senior Biosecurity Officer
22 nd December	Last working day for 2022		All field staff
9 th January 2023	Resume from Christmas leave		All field staff
27 th February 2023	CMCC Council Meeting	Coonamble Shire Council Chambers	
23 rd March 2023	Central West Hudson Pear Taskforce	Quanda field trip followed by a meeting at Coonamble Bowling Club	
29 th March 2023	Parthenium and Prickle Bush Meeting	Wollongbar	

7. BIOSECURITY REPORT

ITEM 7.1 QUARTERLY BIOSECURITY REPORT

REPORTING SECTION: Biosecurity Control Works
AUTHOR: Andrea Fletcher

Summary:

The attached report provides an update of biosecurity matters in the County Council area.

Background:

Council has an obligation in accordance with the Biosecurity Act 2015 to prevent, eliminate, minimise and manage biosecurity risks in the County Council local government area.

Current Position:

Castlereagh Macquarie County Council provides funding to resource its obligation in accordance with the Biosecurity Act 2015, and the adopted Delivery Program and Operational Plan set out the activities, objectives and performance measures necessary for compliance.

Governance issues:

Biosecurity Act 2015

Local Government Act 1993

Environmental issues:

Any environmental issues are detailed in the attached update.

Stakeholders:

Castlereagh Macquarie County Council

Constituent Councils

County Council LGA Ratepayers

Financial Implications:

Control and compliance operational expenditure matters are funded from the annual operational budget.

Alternative Solutions/Options:

There are no alternate options.

Conclusion:

The Senior Biosecurity Officer submits the attached report for Councils information.

Quarterly Biosecurity Report
<p>Recommendation:</p> <p>That the report be received and noted</p> <p>Moved:</p> <p>Seconded:</p>

Attachments:

Senior Biosecurity Officer Information on control activities.

Senior Biosecurity Report September 2022

Castlereagh Macquarie County Council Senior Biosecurity Weeds Officer Report December 2022

Australasian Weeds Conference screen presentation

African Box Thorn Biocontrol release

African boxthorn (*Lycium ferocissimum*) is a widespread and significant environmental and agricultural weed in regional Australia. African boxthorn is difficult to control due to its establishment as dense, impenetrable, thorny thickets present across a broad range of landscapes. Current physical and chemical control measures can be prohibitively expensive for land managers and are also destructive, which makes them unsuitable in some culturally valuable and ecologically sensitive areas. Biological control offers a safe, non-destructive, cost effective and sustainable method of weed control that complements other control methods.

What is the biocontrol agent for boxthorn?

The biocontrol agent is a rust fungus, *Puccinia rapipes*, that infects the leaves of African boxthorn. It was originally isolated from diseased boxthorn plants in South Africa. Through extensive host-specificity studies undertaken by the CSIRO, the fungus was shown to be highly specific to African boxthorn and poses no danger to native Australian vegetation. In 2021, the fungus was approved for release into the Australian environment as a biocontrol agent to assist with the control of African boxthorn.

The rust fungus infects young leaves of African boxthorn, causing yellowing of the leaves followed by the development of pustules. The pustules produce spores which are dispersed via wind. The spores land on the leaves of nearby African boxthorn plants and, under humid conditions, the spores will germinate and infect new leaves. Infected leaves will die back over time. This may result in extensive defoliation of an individual plant if the fungus establishes widely and causes severe disease. Infection by the rust fungus can also disrupt the photosynthetic capacity of the plant, reducing overall plant growth and reproductive output.

Biocontrol agent release kit

- A vial containing dried spores of the rust fungus (Tube A).
- A 50 ml plastic screwed-cap tube containing a few droplets of the surfactant TWEEN 80 (Tube B). Due to the hydrophobic nature of African boxthorn leaves, the surfactant is necessary to ensure that the fungal spores adhere to the leaves. TWEEN 80 is non-hazardous and safe to use.
- A 250 ml spray bottle and spray nozzle.
- 8 plastic bags

You will need to obtain:

- Approx. 250 ml tap water, if low in chlorine, or bottled water.
- Tags or bright flagging tape to mark the branches that have been treated with the biocontrol agent.
- Gloves to provide protection against the thorns of African boxthorn.
- Extra plastic bags should you chose to treat more than one African boxthorn stem.

Preparing to release the biocontrol agent

- Once you have received the release kit, ensure Tube A (containing the spores) is stored in the freezer until ready for use.
- Plan to use the biocontrol agent late in the afternoon, preferably close to dusk. Allow at least one hour to complete the release. Making the release in the late afternoon will reduce the time that the agent is exposed to sunlight and increase the humidity at the leaf surface, increasing the likelihood of successful spore germination and infection of the African boxthorn plants.
- The biocontrol agent should be released in areas with the following attributes and conditions:
 - o Dense infestations of African boxthorn, to increase the opportunities for other leaves and plants to become infected by the fungus. One biocontrol kit will be enough to spray up to eight branches of African Boxthorn. If you intend to release the fungus multiple times with multiple kits, ensure that each kit released is separated by at least 200 m to enable broadscale distribution of the fungus.
 - o On healthy, juvenile plants or mature plants with fresh growth. The fungus has a strong preference for new growth over old growth.
 - o In areas where the African boxthorn population will not be managed by the application of chemical herbicides, slashing or other control methods. The fungus can only infect healthy plants that are green and actively growing.
 - o It is your responsibility to ensure that you have obtained permission from the relevant landowner/land manager to release the African boxthorn biocontrol agent at the desired location.

releasing the biocontrol agent:

1. Fill Tube B with water up to the 50 ml mark, close with the lid provided, and gently swirl the tube to mix the TWEEN and water. Then, pour Tube B into the spray bottle and fill up the spray bottle with water to the top mark (250 ml total).
2. Add the spores from Tube A into the spray bottle and gently shake or swirl the bottle until the spores are mixed into the TWEEN solution (Figure 2). Do not shake the bottle too vigorously as this can cause the TWEEN to bubble, making it harder to mix in the spores. You can swirl the solution if this happens. Please use the spore and Tween/water solution within 2 hours of mixing together.



3. Decide which branches you would like to spray.

Remember that actively growing branches with fresh leaves are optimal for infection with the biocontrol agent. Each 250 ml bottle will be enough to spray up to 8 branches – but if you have excess solution, you can spray additional stems. Aim to spray around 4 stems per boxthorn plant. Tag each

stem with flagging tape or any other markers/tags you wish to use. This will aid in identifying the fungus when monitoring for infection success in the future.

4. Spray the tagged African boxthorn branches (Figure 3a) with the spore solution until droplets form on the leaves (Figure 3a inset). Ensure to spray both the top and underside of leaves and the branch. Ideally, aim to inoculate young stems/leaves as the rust prefers newer growth over old growth.

5. Once a branch has been sprayed, cover with a white (preferred) or clear plastic bag, and tie the ends of the bag to hold it fast to the branch (Figure 3b). Avoid using black bags for this step as this can cause excess heat to build up within the bag, causing heat stress to the biocontrol agent and the plant itself. Wearing gloves at this step is recommended to avoid injury from the thorn.

6. Complete the baseline monitoring datasheet (see next section) and send it back to the CSIRO African boxthorn biocontrol team via email at your earliest convenience (boxthornbiocontrol@csiro.au).

7. Leave each treated branch covered overnight (or 24 hrs if it is a cloudy day).

8. Revisit the field site the following morning to remove each bag and to take the following photos in the bright morning light (see Figure 4, below, for examples of the different types of photos requested):

a. Each sprayed stem – a close-up photo of the tagged stems that were infected, as a record of the quality of the leaves prior to applying the biocontrol agent. Please take a photo showing the leaves and flowers and fruiting heads, if present.

b. Individual plant – a close-up photo of the African boxthorn plant(s) that were infected, as a record of plant health condition.

c. Habitat or landscape – a general landscape photo depicting the condition of the African boxthorn habitat at the time of releasing the biocontrol agent.

2. Follow-up monitoring
We also request that you return to the release site after **approximately 6-8 weeks** and take a photo of each stem to which the biocontrol agent was applied. This will help us to identify the presence or absence of the biocontrol agent, which produces characteristic dark brown pustules.

Castlereagh Macquarie County Council received 6 release kits. 3 kits released in Warrumbungle Shire 8/11/2022, 1 Gilgandra 3/11/2022, 1 Coonamble 7/11/2022, 1 Warren Shire 7/11/2022.

Heavy rain was consistent when the kits arrived. The rust can be stored in the freezer for up to one month after receiving. This time flood waters engulfed Walgett Shire and unfortunately releases were not conducted in the Walgett Shire however more release kits have been requested.



Release Warrumbungle Shire 8/11/2022



Monitoring Warrumbungle release site 21/11/2022. Within 13 days leaves are already evident of defoliation.

St Johns Wort



Hillsides are blanketed with St Johns Wort in Warrumbungle and Gilgandra Shires. The majority of landowners have been compliant controlling St Johns Wort however there are a lot of properties have no other option for control than considering aerial spraying. Castleragh Macquarie County Council have been consistent with roadside spraying for St Johns Wort and external agencies, Crown lands, Local Land Services, UGL and ARTC have been proactive in the field after receiving notification from Castlereagh Macquarie County Council.



Castlereagh Macquarie County Council have released Chrysolina beetles (photo above) in Warrumbungle and Gilgandra Shire. Approximately 5000 beetles were released at each site and consist of the 2 Chyysolina species released in Australia. Chrysolina metallic bronze hyperici and metallic green Chysolina quadrigemina.



New Incursions - There have been no new incursion weeds to report however 2 reports were received for suspected Fireweed infestations. Inspecting these sites I was relieved to identify these infestations as *Macranthus*, can be similar looking to Fireweed. *Macranthus* is an erect perennial and grows in moist gullies mainly in the ranges from Wollomombi Falls to Tallong and inland to the Warrumbungle Mountains. The 2 areas reported were on a LLS reserve Cnr Warrumbungle Way / Black Stump Way and Vinegory / Tungy Lane Golden Highway.



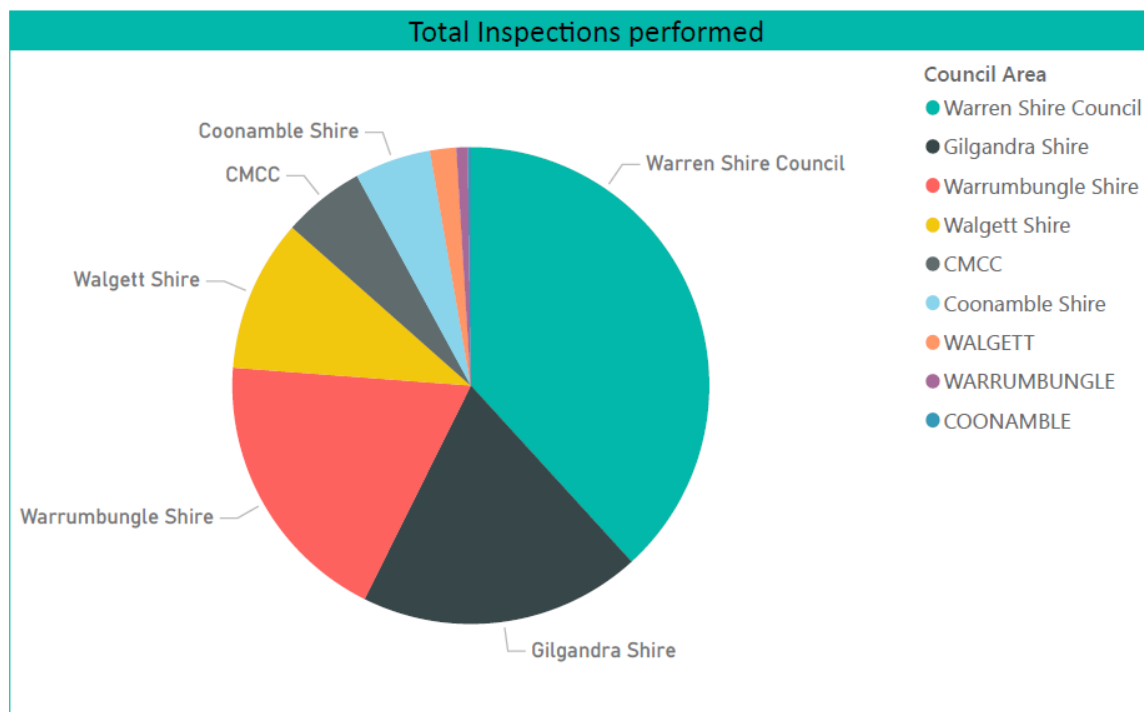
Roadside Spraying - Castlereagh Macquarie County Council are continuing with roadside control spraying. The main current target weeds are; St Johns Wort, African Box Thorn, Blackberry, Green Cestrum, Blue Heliotrope, Golden Thistle and Hudson Pear.

North West and Central West Regional Strategic Weed Management Plan 20223-2027 has been reviewed with **Hudson Pear as a Regional priority** weed category still being _ Eradication (whole of region) excluding core infestations within Walgett Shire. To date we have maintained this exclusion zone.



CMCC Report Oct - Nov 2022

Total Inspections performed	
Council Area	Total Inspections
CMCC	103
COONAMBLE	4
Coonamble Shire	96
Gilgandra Shire	355
WALGETT	33
Walgett Shire	192
Warren Shire Council	710
WARRUMBUNGLE	14
Warrumbungle Shire	350
Total	1857



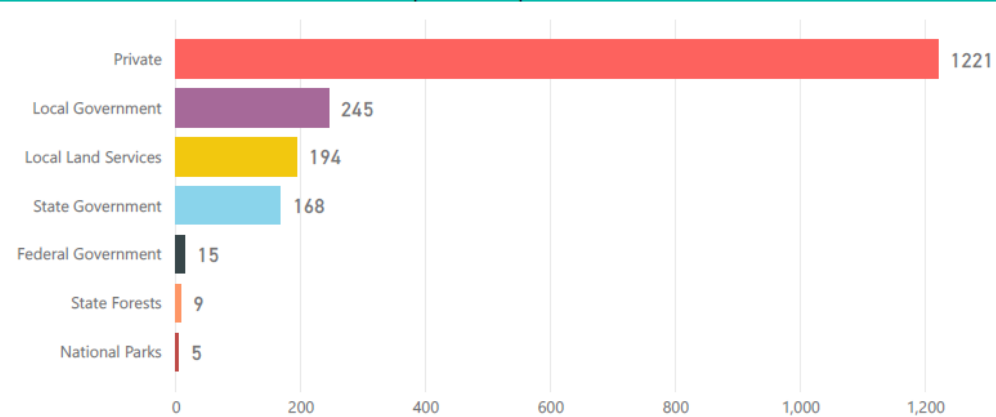


CMCC Report Oct - Nov 2022

Total Inspections per Land Tenure in each Council Area

Council Area	Land Tenure	Count of Inspections
CMCC	Federal Government	5
CMCC	Local Government	60
CMCC	Local Land Services	20
CMCC	Private	9
CMCC	State Government	9
COONAMBLE	Local Government	2
COONAMBLE	State Government	2
Coonamble Shire	Local Land Services	17
Coonamble Shire	National Parks	4
Coonamble Shire	Private	75
Gilgandra Shire	Local Government	118
Gilgandra Shire	Local Land Services	31
Gilgandra Shire	National Parks	1
Gilgandra Shire	Private	152
Gilgandra Shire	State Forests	9
Gilgandra Shire	State Government	44
WALGETT	Federal Government	4
WALGETT	Local Government	12
WALGETT	Private	8
WALGETT	State Government	9
Walgett Shire	Federal Government	2
Walgett Shire	Local Government	6
Walgett Shire	Local Land Services	2
Total		1857

Total Inspections per Land Tenure



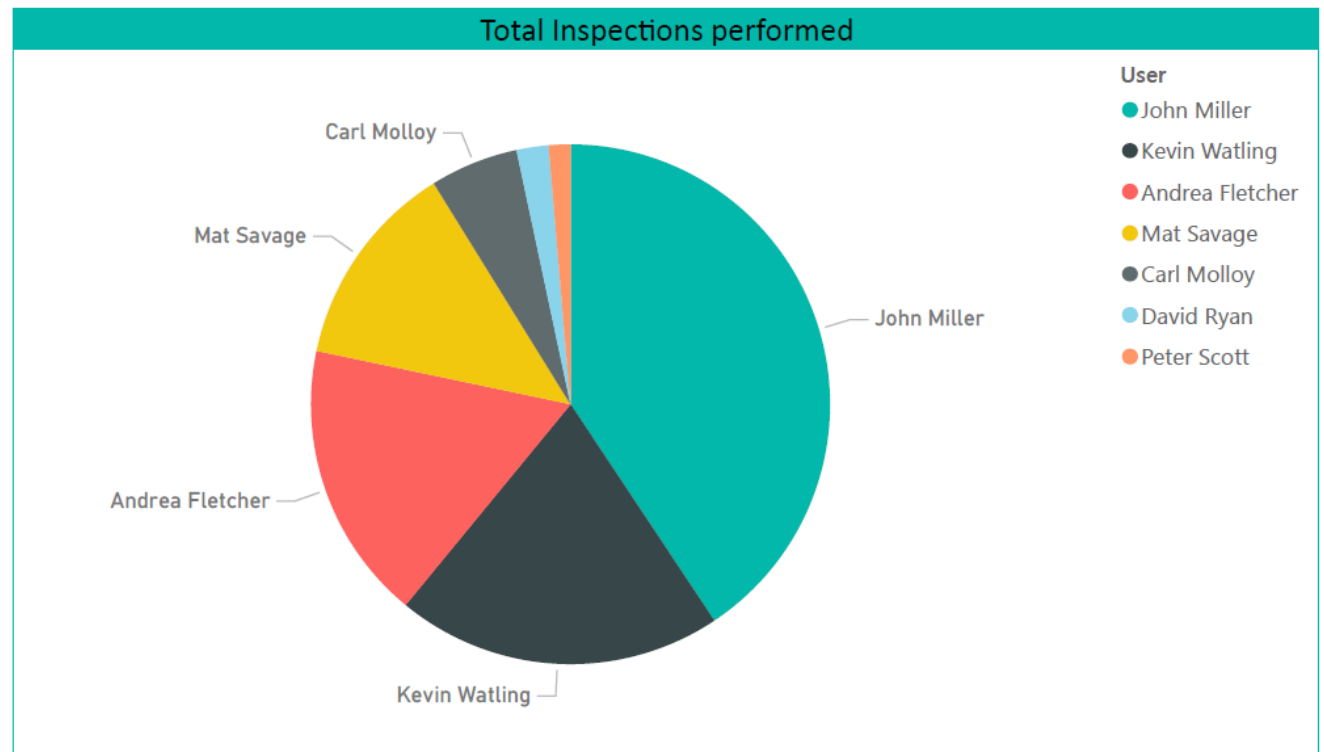
Total Inspections per Land Tenure

Land Tenure	Count of Inspections
Federal Government	15
Local Government	245
Local Land Services	194
National Parks	5
Private	1221
State Forests	9
State Government	168
Total	1857



CMCC Report OCT - Nov 2022

Total Inspections performed	
User	Total Inspections
Andrea Fletcher	322
Carl Molloy	102
David Ryan	37
John Miller	755
Kevin Watling	377
Mat Savage	239
Total	1857





CMCC Report Oct - Nov 2022

Andy's Inspection Stats					
User	Reportable Codes	Land Tenure	Total Inspections	Area Inspected	Area Infested (hectares)^
Andrea Fletcher	ARTC Rail Corridor Inspections	State Government	1		50.00
Andrea Fletcher	Department Of Lands	Local Government	1	0.20	0.01
Andrea Fletcher	Gravel Quarries	Private	2	19.29	10.00
Andrea Fletcher	High Risk Council owned land	Local Government	1	0.19	0.00
Andrea Fletcher	High risk water courses	State Government	3	0.00	85.00
Andrea Fletcher	Inspection of TSRs	Local Land Services	1	181.78	50.00
Andrea Fletcher	Inspection of TSRs	State Government	1	93.41	30.00
Andrea Fletcher	Inspections of council owned land	Federal Government	1	0.23	0.10
Andrea Fletcher	Inspections of council owned land	Local Government	5	26.42	8.01
Andrea Fletcher	Inspections of land owned / managed by State bodies	National Parks	2	40.00	25.00
Andrea Fletcher	Inspections of land owned / managed by State bodies	State Government	58	2,470.03	801.82
Andrea Fletcher	Inspections of rail corridors	State Government	2	40.00	40.00
Total			329	24,407.67	6,947.37



CMCC Report Oct - Nov 2022

Carl's Inspection Stats					
User	Reportable Codes	Land Tenure	Total Inspections	Area Inspected	Area Infested (hectares)
Carl Molloy	Inspections of nurseries, pet shops and sale yards	Private	1	7.93	0.10
Carl Molloy	LLS TSR Reserves	Local Land Services	13	3,717.43	27.10
Carl Molloy	Local Land Services Reserves	Local Land Services	1	356.18	0.50
Carl Molloy	Private Property Inspections	Local Government	1		0.50
Carl Molloy	Private Property Inspections	Local Land Services	3	129.79	0.30
Carl Molloy	Private Property Inspections	National Parks	4	315.35	5.00
Carl Molloy	Private Property Inspections	Private	62	5,487.13	61.70
Carl Molloy	Re-inspections	Private	11	175.95	5.50
Carl Molloy	Roadside Inspections High Risk Inspections	Local Government	5		1.60
Carl Molloy	Roadside Inspections High Risk Inspections	State Government	1		0.10
Total			102	10,189.76	102.40



CMCC Report Oct - Nov 2022

John's Inspection Stats					
User	Reportable Codes	Land Tenure	Total Inspections	Area Inspected	Area Infested (hectare)
John Miller	ARTC	Local Land Services	2	28.49	1.0
John Miller	ARTC	Private	15	3,416.76	12.0
John Miller	ARTC Rail Corridor Inspections	Private	1	175.00	0.0
John Miller	Council Lands Inspections - Infrastructure / depots	Local Government	2	36.69	1.0
John Miller	High Risk Council owned land	Local Government	2	245.46	10.0
John Miller	High risk rail corridors	Private	1	1.00	0.0
John Miller	High risk TSRs	Local Land Services	11	1,418.90	36.0
John Miller	High risk water courses	Local Land Services	3	589.57	16.0
John Miller	High risk water courses	Private	1	38.02	0.0
John Miller	Inspection of TSRs	Local Land Services	40	3,512.77	77.0
John Miller	Inspection of TSRs	Private	2	1,551.12	0.0
John Miller	Inspections of council owned land	Local Government	5	353.55	4.0
John Miller	Inspections of rail corridors	Private	13	2,990.90	13.0
John Miller	LLS TSR Reserves	Local Land Services	32	4,473.55	82.0
John Miller	Local Land Services Reserves	Local Land Services	49	11,320.04	83.0
John Miller	National Parks/Nature Reserves	Local Land Services	1	100.00	20.0
John Miller	National Parks/Nature Reserves	State Forests	2	0.00	30.0
John Miller	Other Council lands	Local Government	2	81.75	0.0
John Miller	Other Private Properties	Private	2	453.89	2.0
John Miller	Other_1	Local Government	1	57.72	0.0
John Miller	Other_1	Local Land Services	6	816.40	13.0
Total			761	157,379.61	6,857.0



CMCC Report Oct - Nov 2022

Kevin's Inspection Stats					
User	Reportable Codes	Land Tenure	Total Inspections	Area Inspected	Area Infested (ha)
Kevin Watling	-----##-----Private Property Sites-----##-----	Local Land Services	2	5.78	
Kevin Watling	-----##-----Private Property Sites-----##-----	Private	1	0.26	
Kevin Watling	Council Lands Inspections - Infrastructure / depots	Private	3	5.95	
Kevin Watling	High Risk Council owned land	Local Government	2	28.22	
Kevin Watling	High Risk Crown Lands	State Government	2	25.50	
Kevin Watling	High Risk Pathways Inspection	Local Government	6	0.00	
Kevin Watling	High Risk Pathways Inspection	Local Land Services	4	678.04	
Kevin Watling	High Risk Pathways Inspection	Private	3	41.11	
Kevin Watling	High Risk Pathways Inspection	State Forests	7	484.03	
Kevin Watling	High Risk Pathways Inspection	State Government	20	25.00	
Kevin Watling	High risk TSRs	Local Land Services	1	21.08	
Kevin Watling	High risk water courses	Private	1	0.00	
Kevin Watling	Inspection of TSRs	Local Land Services	2	89.97	
Kevin Watling	Inspection of TSRs	State Government	3	0.00	
Kevin Watling	Inspections of land owned / managed by State bodies	Private	2	40.60	
Kevin Watling	Inspections of land owned / managed by State bodies	State Government	6	25.47	
Kevin Watling	Inspections of rail corridors	State Government	2	9.52	
Kevin Watling	LLS TSR Reserves	State Government	2	193.24	
Kevin Watling	Local Land Services Reserves	Local Land Services	16	887.25	
Kevin Watling	Other_1	Private	1	78.29	
Kevin Watling	Private Property High Risk Area	Private	1	0.07	
Kevin Watling	Private Property High Risk Area	State Forests	2	131.13	
Kevin Watling	Private Property High Risk Re-Inspections	Private	1	0.10	
Kevin Watling	Private Property Inspections	Local Government	3	47.17	
Kevin Watling	Private Property Inspections	Local Land Services	1	64.73	
Kevin Watling	Private Property Inspections	Private	150	13,322.19	
Kevin Watling	Private Property Inspections	State Government	2	12.73	
Kevin Watling	Private Property Re-Inspections	Private	1	0.25	
Kevin Watling	Roadside Inspection(s)	Local Government	1	0.00	
Kevin Watling	Roadside Inspections High Risk Inspections	Local Government	111	414.86	
Kevin Watling	Roadside Inspections High Risk Inspections	Private	5	14.69	
Kevin Watling	Roadside Inspections High Risk Inspections	State Government	12	0.00	
Total			378	16,647.22	1,111.11



CMCC Report Oct - November 2022

Mat's Inspection Stats					
User	Reportable Codes	Land Tenure	Total Inspections	Area Inspected	Area Infested (hectares)
Mat Savage	Department Of Lands	Federal Government	1	469.96	100.00
Mat Savage	Department Of Lands	Private	4	2,474.25	1,018.10
Mat Savage	Department Of Lands	State Government	21	14,903.73	572.00
Mat Savage	Grain Handling Sites	Private	1	193.21	1.00
Mat Savage	Inspections of rail corridors	Local Government	1		1.00
Mat Savage	LLS TSR Reserves	Local Land Services	1	48.49	10.00
Mat Savage	Other Council lands	Local Government	3	25.34	4.00
Mat Savage	Other Council lands	Local Land Services	1	7.15	7.00
Mat Savage	Private Property High Risk Area	Private	29	48,403.37	2,320.44
Mat Savage	Private Property High Risk Area	State Government	5	8,600.79	10.00
Mat Savage	Private Property High Risk Re-Inspections	Private	30	61,783.52	11,452.12
Mat Savage	Private Property High Risk Re-Inspections	State Government	2	746.13	15.00
Mat Savage	Private Property Inspections	Local Government	1	0.24	0.10
Mat Savage	Private Property Inspections	Private	81	23,504.11	1,847.41
Mat Savage	Private Property Inspections	State Government	1	121.52	20.00
Mat Savage	Private Property Re-Inspections	Private	3	65.27	30.00
Mat Savage	Re-inspections	Private	3	11.67	3.00
Mat Savage	Roadside Inspection(s)	Local Government	2		1.10
Mat Savage	Roadside Inspections High Risk Inspections	Federal Government	5		1.40
Mat Savage	Roadside Inspections High Risk Inspections	Local Government	25	36.00	1,137.20
Mat Savage	Roadside Inspections High Risk Inspections	Private	4		105.00
Mat Savage	Roadside Inspections High Risk Inspections	State Government	15	1.95	951.20
Mat Savage	Waterways High Risk Pathways	Private	7	7,482.98	
Total			246	168,879.68	19,607.07

8. QUESTIONS FOR NEXT MEETING

9. CONFIRM DATE OF NEXT MEETING

Date: 27th February 2023

10. CLOSE OF MEETING

Time:



Castlereagh Macquarie County Council

ANNUAL REPORT 2021/2022

www.cmcc.nsw.gov.au



Disclaimer and Copyright

The information contained in this Annual Report including opinions, advice and representations ('the Content') has been formulated in good faith and with all due care, and is considered true and accurate at the time of publication. Castlereagh Macquarie County Council does not warrant or represent that the Content is free from errors or omissions or that it is exhaustive. Council does not accept any liability in relation to the quality or accuracy of the Content.

Council, its respective servants and agents accept no responsibility for any person acting on, or relying on, or upon the Content. To the extent permitted by law Council disclaims all liability for any loss, damage, cost or expense incurred or arising by reason of any person of any person using or relying on the Content or by reason or by any error, omission, defect or mis-statement (whether such error, omission or mis-statement is caused by or arises from negligence, lack of care or otherwise). Users of this Annual Report are reminded of the need to ensure that all information upon which they rely is up to date. Clarification regarding the currency of the Content can be obtained from Council.

You are permitted to copy, distribute, display and otherwise freely deal with the Content for any purpose, on the condition that you acknowledge Castlereagh Macquarie County Council as the source of the Content and attach the following statement to all uses of the Content © Castlereagh Macquarie County Council 2018. If you are seeking to use any Content for a commercial purpose, you must obtain permission from Council to do so.

This Annual Report is available electronically online at Castlereagh Macquarie County Council's website at: www.cmcc.nsw.gov.au
© Castlereagh Macquarie County Council

Table of Contents

Contact Details.....	4
A MESSAGE FROM THE CHAIRPERSON.....	5
OUR VISION AND MISSION STATEMENT	6
Vision	6
Mission.....	6
REASON FOR OUR ANNUAL REPORT	7
WHO WE ARE.....	9
Elected Council	9
Administrative Support.....	9
Location	9
Core Business Activities	10
OUR AREA OF OPERATION.....	11
OUR COUNCILLORS.....	12
OUR ORGANISATIONAL STRUCTURE	13
Current Organisational Structure	13
COUNTY COUNCIL'S ROLE IN WEED CONTROL.....	14
INTEGRATED PLANNING AND REPORTING SUMMARY	15
Business Activity Strategic Plan	15
Four Year Delivery Programme	15
Annual Operational Plan and Budget	15
STATUTORY REPORTING INFORMATION	16
WEEDS ACTION PROGRAM 2020 - 2025.....	20
EDUCATION AND COMMUNITY AWARENESS	21
ATTACHMENTS	26
Attachment A – Review of Functional Objectives – Outcomes for 2021/2022.....	27
Attachment B – Financial Information	46

Contact Details

Castlereagh Macquarie County Council

77 Fox Street
WALGETT NSW 2832

Postal Address:

PO Box 664
WALGETT NSW 2832

**Please address all correspondence to the General Manager.*

Telephone: (02) 6828 6100

Office Hours

8:30am to 4:30pm weekdays

Chairperson:

Clr Doug Batten

General Manager:

Mr Michael Urquhart

Email:

cmcc@walgett.nsw.gov.au

Website:

www.cmcc.nsw.gov.au

A MESSAGE FROM THE CHAIRPERSON



The Castlereagh Macquarie County Council continues to operate as a lean effective amalgam of five General Purpose Councils providing a cost-effective way of meeting the weeds biosecurity obligations of our members.

Our Part Time General Manager, Senior Biosecurity Officer and five Biosecurity Officers have proven to be both capable and effective in discharging our legislated obligations, at the same time as building and strengthening our relationships with the Department of Primary Industries and the North West and Central West Local Land Service groups.

Hudson Pear infestations within the Walgett Shire continue to absorb considerable resources. The success of the biological control has been adversely impacted by the extreme rainfall events throughout the year however an anticipated change back to a weather norm will bring a resurgence of the cochineal insects. Our faith in the effectiveness of the biological control is reflected in the County signing up for trials of a similar control for blackberry in the forthcoming financial year. I should acknowledge the contribution of the Hudson Pear Taskforce, its Chair, Mr Geoff Wise and its members.

Council continues to work on a strict enforcement, collaborative approach with landholders. The viability of our agricultural sector, the quality of agricultural production and the conservation of our natural environment depends upon all landholders meeting their biosecurity duty.

Council finds itself in a sound financial position to the point that in a number of instances it has been able to supplement the work of our staff with duly certified contractors in addressing various incursions or outbreaks across the region. In addition, it is pleasing to see a number of constituent councils utilising spraying in conjunction with slashing as part of their roadside vegetation control.

I would like to offer my thanks to our constituent councils for their ongoing support, the council delegates that make up the County Council, and to the General Manager and staff of the organisation for their hard work and dedication to weed biosecurity during the year. It would be remiss of me not to acknowledge the contribution of Local Land Service staff and the Department staff located at Orange who have significantly contributed to the establishment and ongoing success of the bio control unit at Lightning Ridge.

Doug Batten
Chairperson

OUR VISION AND MISSION STATEMENT

Vision

The prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds within the County District so that it does not become a significant factor limiting:

- agricultural productivity and
- the quality of the rural environment and
- the economic viability of rural communities within the County District.

Mission

Castlereagh Macquarie County Council's mission is to ensure all private and public landholders manage their holdings in such a way as to reach and maintain a sustainably low level of weed biosecurity risk.

This mission is to be shared by all those agencies striving to reduce biosecurity risks across the country, throughout the regions and locally with the constituent councils, landholders and the whole of the community living and residing within the County District.

To provide effective integrated weed management systems utilizing the latest technology to all constituent council areas fairly and equitably in accordance with the Biosecurity Act, 2015.

REASON FOR OUR ANNUAL REPORT

Our Annual Report is one of the key points of accountability between Council and our community. It is not a report that is submitted to the Office of Local Government or the State Government; rather it is a report to inform and update our community.

This report focuses on Council's implementation of the CMCC Delivery Programme 2017/2018 – 2020/2021 and Operational Programme 2021/2022. The CMCC Financial Statements for 2021/2022 and Audit Report are included in this report at **Attachment C – Financial Statements**.

This report also includes some information that is prescribed by the Local Government (General) Regulation 2021. This information has been included in the Regulation because we believe that it is important for the community members to obtain knowledge about it – to help them gain a better understanding of how the Council has been performing both as a business entity and a community leader.

Below is the additional legislative basis for the development of our Annual Report:

LOCAL GOVERNMENT ACT 1993

The following is a summary of the requirements of Section 428 of the Act:

- Council must prepare an annual report within five months after the end of a financial year. The report will outline the Council's achievements in implementing its Delivery Program and the effectiveness of the principle activities undertaken in achieving the objectives at which those principle activities are directed.
- The annual report must contain Council's audited financial statements and notes and any information required by the Regulation or the Guidelines.
- A copy of the report must be posted on Council's website (www.cmcc.nsw.gov.au) and provided to the Minister and such other persons and bodies as the regulations may require.

LOCAL GOVERNMENT (GENERAL) REGULATION 2021

Clause 217 of the Regulation requires the following information to be included in the annual report:

- Details (including the purpose) of overseas visits during the year by Councillors and staff
- Details of Chairman and Councillor fees, expenses and facilities
- Details of contracts awarded by the Council
- Amounts incurred in relation to legal proceedings
- Works carried out on private lands and financial assistance
- Details of external bodies, companies and partnerships

-
- A statement of the activities undertaken by the council during that year to implement its equal employment opportunity management plan
 - Details of the General Manager's total remuneration
 - Details of the total remuneration of all senior staff members employed during the year

WHO WE ARE

The Castlereagh Macquarie County Council is comprised of two distinct parts: the governing body and the administration.

Elected Council

As a County Council under the LGA 1993, CMCC is required to have a governing body made up of elected representatives of its Constituent Councils. Part 5 of the Local Government Act 1993 (*see note 1) outlines the formation and operation of County Councils. The application of LGA 1993 to CMCC is outlined in Section 400, LGA 1993.

Ten councillors including a Chairperson and Deputy Chairperson make up the governing body of Castlereagh Macquarie County Council. Each Constituent Council is represented by two councillors who are elected as representatives for a four year term.

Under the *Local Government Act 1993*, Councillors have a responsibility to:

- Participate in the determination of the budget
- Play a key role in the creation and review of Council policies, objectives and criteria relating to the regulatory functions, and
- Review Council's performance and the delivery of services management plans and revenue policies.

A councillor represents residents and ratepayers, provides leadership and guidance to the community, and facilitates communication between the community and Council. Council would meet bi-monthly (even months) on the third Monday of each month commencing at 10:30am.

Administrative Support

Administrative support is provided on an annual contract basis by Walgett Shire Council and an Administrative Officer employed by Walgett Shire Council is located within the Walgett Shire Council Offices at Walgett. The Administrative Officer performs a range of clerical and accounting functions as required by the General Manager.

The General Manager, who is also the General Manager of Walgett Shire Council, leads the administrative arm of Castlereagh Macquarie County Council and is responsible for the efficient and effective operation of the business and ensuring that the decisions of Council are implemented.

The General Manager reports to the fully elected Council.

Location

Castlereagh Macquarie County Council is a single purpose Council which is responsible for the fulfillment of its Constituent Councils obligations under the NSW Biosecurity Act 2015.

The County Councils governance is in accordance with the Local Government Act 1993 (LGA 1993) with the County Council being first proclaimed in 1947.

The present area of operation of CMCC is the local government areas of Coonamble, Gilgandra,

Warren, Walgett and Warrumbungle. These Councils are located in the Orana Region of Western New South Wales.

***Note 1:** *Part 5, Local Government Act 1993 contained in Appendix A*

Core Business Activities

The core role of the County Council is the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds on both private and council controlled lands.

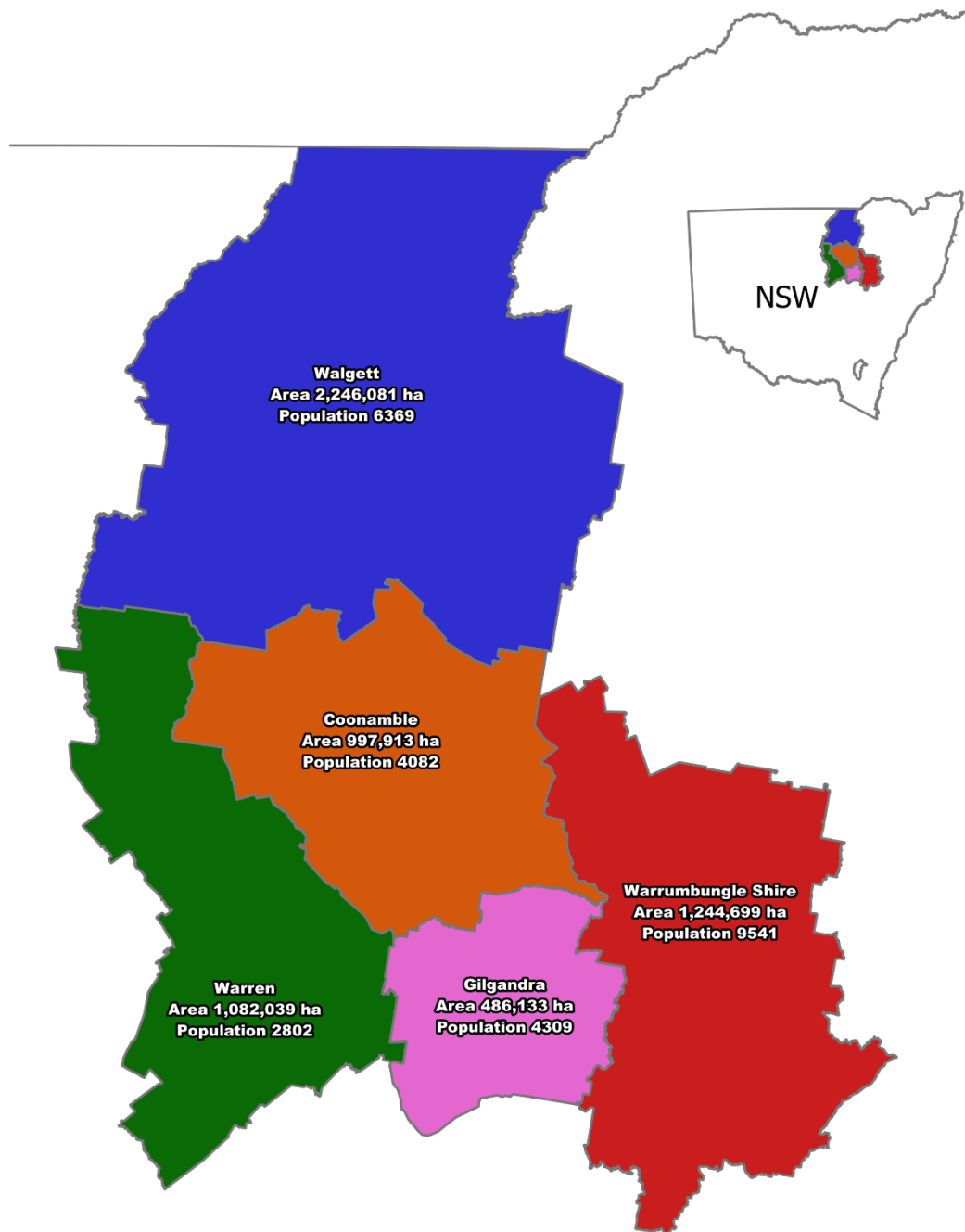
The diverse range of climatic conditions within the region exposes it to a large range of invasive plants which have the potential of establishing themselves within the region.

In NSW all plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimized.

Government Grants

Council receives very limited Federal Government Grant Funding. However approximately one half of Council's income is sourced from State Government Grants which are administered jointly by the North West and Central West Local Land Services. Various other grants are accessed through NSW Department of Primary Industries and other government agencies.

OUR AREA OF OPERATION



Castlereagh Macquarie County Council's area of operation comprises an area of approximately 6,056,865 hectares with a population of around 27,000 people. The region has a diverse topographical range, from the Warrumbungle Range to the semi-arid regions of Lightning Ridge and contains an extensive area of National Parks and Nature Reserves.

OUR COUNCILLORS



Chairperson
Doug Batten
Gilgandra



Deputy Chairperson
Bill Fisher
Coonamble



Councillor
Greg Peart
Gilgandra



Councillor
Pat Cullen
Coonamble



Councillor
Michael Cooke
Walgett



Councillor
Ian Woodcock
Walgett



Councillor
Greg Whiteley
Warren



Councillor
Noel Kinsey
Warren



Councillor
Zoe Holcombe
Warrumbungle



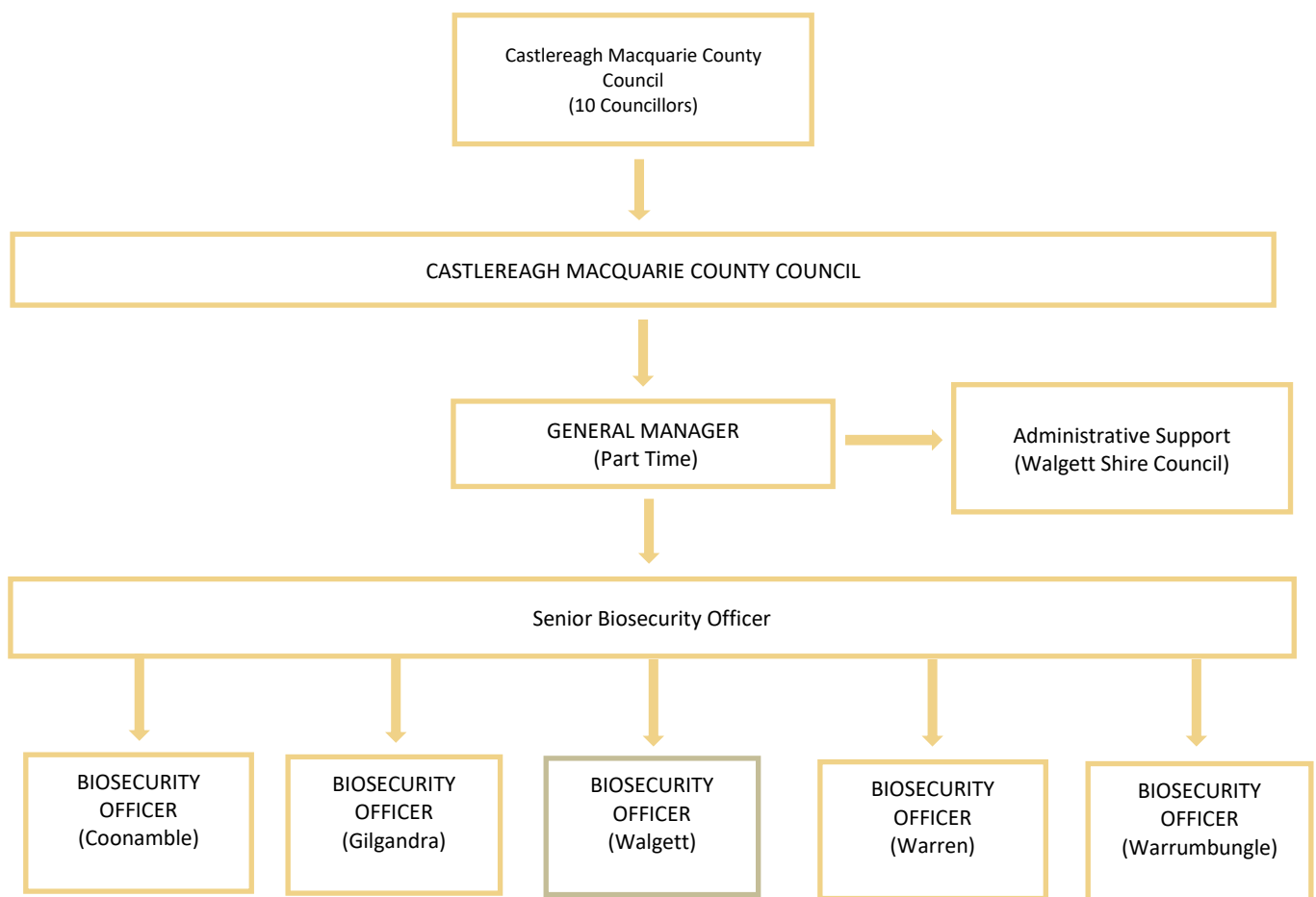
Councillor
Denis Todd
Warrumbungle

OUR ORGANISATIONAL STRUCTURE

The current staff structure of the Council consists of a part time General Manager, a Senior Biosecurity Officer, Five District Biosecurity Officers with administrative support provided on a contract basis by Walgett Shire Council.

The Council's current structure is outlined in the following table. Council resolved that its governance and organisational structure be reduced to six permanent staff through natural attrition in 2013-2014.

Current Organisational Structure



General Manager:

This position is part time and currently held by the General Manager of Walgett Shire Council Michael Urquhart. The General Manager is responsible for the management of CMCC in accordance with the **LGA 1993**.

Senior Biosecurity Officer:

This position is a full time position with the Senior Biosecurity Officer being responsible for the day to day management of CMCC and supervision of District Biosecurity Officers. The position is based at our Coonabarabran Depot.

Biosecurity Officers:

These positions are on a full time/casual/contract basis with duties including but not limited to property inspections for the presence of invasive plants on private lands and Council controlled lands, raising community awareness through public awareness programs in their designated Shires.

COUNTY COUNCIL'S ROLE IN WEED CONTROL

The County Council is constituted under the Local Government Act 1993 and is specified as a Local Control Authority under the NSW Biosecurity Act 2015. It is a special (single) purpose authority formed to carry out the following functions, in relation to the land for which it is the local control authority.

- the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- to develop, implement, co-ordinate and review weed control programs,
- to inspect land in connection with its weed control functions,
- to keep records about the exercise of the local control authority's functions under this Act,
- to report to the Secretary about the exercise of the local control authority's functions under this Act.

INTEGRATED PLANNING AND REPORTING SUMMARY

Business Activity Strategic Plan

Council's Business Activity Strategic Plan (Plan) identifies Council's interpretation of its community's main priorities and aspirations for the future, addressing strategies for achieving the objectives in relation to invasive weeds management and control across our constituent council areas. This enables Council to improve agricultural sustainability, primary industry productivity and to deliver broad environmental outcomes for the County area for over the next ten years.

Council, as a small single purpose organization, has been mindful of its resource capacity and continues to act prudently to deliver the outcomes identified in its Plan.

The Plan is the foundation for the Annual Operational Plan and Budget, Four Year Delivery Programme and Resourcing Strategy comprising the Ten Year Financial Plan, Workforce Strategy and Asset Management Plan.

Four Year Delivery Programme

The Four Year Delivery Programme is a living, breathing document through which Council addresses the dynamic nature of invasive weed species and it's constantly evolving approach to weed management and control.

It is Council's aim to continue to improve the services it provides to the Constituent Council communities through the strategic objectives and principle activities identified in the Programme in a range of ways including effective governance, strategic planning, environmental management and economic sustainability.

Annual Operational Plan and Budget

The Annual Operational Plan and Budget provides the framework for Council's day to day operations and the ability to have funding available for them.

Key aspects include the undertaking of activities in relation to the Weeds Action Plan, private property inspections and routine administrative functions and staff supervision.

STATUTORY REPORTING INFORMATION

The following information is provided in order to comply with NSW legislation and associated regulatory requirements that a Council's annual report will address certain prescribed matters.

A. Performance of Principal Activities:

For the purposes of section 428 (1) of the Local Government Act (1993), and clause 397J of the Local Government Regulations (2021) Council's annual performance statement setting out achievements in implementing the delivery program and effectiveness of principal activities for the 2021/22 reporting period are outlined. Please refer to **Attachment A**.

B. Audited Financial Reports

For the purposes of section 428 (4) (a) of the Local Government Act (1993), Council's financial position as at 30th June 2022 for the financial year 2021/22 is attached and includes the Audit Reports prepared by the NSW Auditor General. Please refer to **Attachment B**.

C. State of the Environment

For the purposes of section 428A of the Local Government Act (1993), Council does not have a State of the Environment Report as such a report is produced by the constituent councils in connection with their respective community strategic plans. Please refer to the relevant Local Council Website for such reports.

D. Miscellaneous Item - Members Fees, Expenses & Facilities

For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a) & (a1) of the Local Government Regulations (2021) Council's position in relation to the payment of fees and expenses or provision of facilities for the 2021/22 reporting period are set out below. Please refer to **www.cmcc.nsw.gov.au** for Council's Policy.

- a. There were no overseas visits undertaken during the year by Councillors, Council staff or any other persons representing the Council (including no visits sponsored by other organisations).
- b. The total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the council, reimbursed to the Councillor or reconciled with the Councillor) was **\$22,621.67**.
- c. The detailed breakdown for prescribed elements of the total cost is as follows:
 - i. The payment of meeting fees to Council Members as required under section 248 of the Local Government Act was **\$15,295.56**.
 - ii. The payment of meeting fees to the Council Chairman as required under section 249 of the Local Government Act was **\$3,043.36**.
 - iii. The payment of meeting attendance travel expenses to Council Members and the Council Chairman as per section 252 of the Local Government Act was **\$4,282.75**
 - iv. The provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillor's homes (including equipment and line rental costs and internet access costs but not including call costs) was **NIL**.

- v. Telephone calls made by Councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in a Councillors home was **NIL**.
- vi. The attendance of Councillors at conferences and seminars was **NIL**.
- vii. The training of Councillors and the provision of skill development for Councillors was **NIL**.
- viii. Interstate visits undertaken during the year by Councillors while representing the council, including the cost of transport, the cost of accommodation and other out of pocket travelling expenses was **NIL**.
- ix. Overseas visits undertaken during the year by Councillors while representing the council, including the cost of transport, the cost of accommodation and other out of pocket travelling expenses was **NIL**.
- x. The expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time was **NIL**.
- xi. Expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions was **NIL**.

E. Miscellaneous Item – AWARDING OF CONTRACTS

For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a2) of the Local Government Regulations (2021) Council did not award any contracts for work of value greater than \$250,000 for the 2021/22 reporting period.

F. Miscellaneous Item – LEGAL PROCEEDINGS For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a3) of the Local Government Regulations (2021) Council was not involved in any legal proceedings being taken by or against the Council.

G. Miscellaneous Item – PRIVATE WORKS - For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a4) of the Local Government Regulations (2021) Council's position in relation to undertaking private works for the 2021/22 reporting period is as follows: Council undertook various private works in relation to weed control on both public and private land during the year, on a cost-plus basis paid by the relevant agency/property owner. Council sets out the applicable rates and charges for private works in Council's fees and charges schedules. These rates are generally similar to the rates of contractors, as Council does not wish to unfairly compete with private enterprise. Council has not made any resolutions pursuant to Section 67 2(b), accordingly no public works have been subsidised by Council.

H. Miscellaneous Item – CONTRIBUTIONS TO OTHERS For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a5) of the Local Government Regulations (2021) Council did not make any contributions under section 356 of the Local Government Act to financially assist others during the 2021/22 reporting period.

I. Miscellaneous Item – CONTRIBUTIONS TO OTHERS For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a6) of the Local Government Regulations (2021) Council did not delegate to any external body the power to exercise functions on behalf of the Council during the 2021/22 reporting period.

J. Miscellaneous Item – CONTROL OF OTHER ENTITIES - For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a7) of the Local Government Regulations (2021) Council did not hold a controlling interest in any corporations, partnerships, trusts, joint ventures, syndicates or other bodies during the 2021/22 reporting period.

K. Miscellaneous Item – PARTICIPATING IN OTHER ENTITIES For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a8) of the Local Government Regulations (2021) Council participated in other corporations, partnerships, trusts, joint ventures, syndicates or other bodies during the 2021/22 reporting period as follows:

- Macquarie Valley Weeds Committee
- Local Government NSW (LGNSW)
- Hudson pear Taskforce
- North West and Central West Local Land Services Regional Weeds Advisory Committees

L. Miscellaneous Item – EQUAL OPPORTUNITY EMPLOYMENT - For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (a9) of the Local Government Regulations (2021) Council undertook limited activities, consistent with its small size, to implement its equal employment opportunity management plan during the 2021/22 reporting period as follows:

- Recruited to vacant positions through an open public process.

M. Miscellaneous Item – GENERAL MANAGER REMUNERATION - For the purposes of section 428 (4) (b) of the Local Government Act (1993), and clause 217 (1) (b) & (c) of the Local Government Regulations (2021) Council provided total remuneration package to the Part-time General Manager of **\$57,200.00** during the 2021/22 reporting period. This remuneration included salary, and any non-cash benefits and associated taxes as applicable. Council's organisation structure provides for the employment of the General Manager as the only Senior Staff position. The part-time General Manager was engaged under the Office of Local Government Standard Contract of Employment.

N. Miscellaneous Item – Rates & Charges For the purposes of clause 132 of the Local Government Regulations (2021) Council did not write-off any rates or charges during the 2021/22 reporting period.

O. GOVERNMENT INFORMATION - For the purposes of section 125 (1) of the Government Information (Public Access) Act (2009) and Clause 7 Schedule 2 of the Government Information (Public Access) Regulation (2018) the following report is provided about Government Information Public Access activity for the 2021/22 reporting year. *Council did not receive any requests for the release of information under the Government Information (Public Access) Act 2009 (GIPA) during the 2020-2021 reporting period.*

P. DISCLOSURE OF PUBLIC INTERESTS For the purposes of section 31 of the Public Interests Disclosure Act (1994), the following report is provided about public interests disclosed by Councillors and / or designated persons. *The six monthly and annual reports were provided to the*

NSW Ombudsman in accordance with the Public Interest Disclosures Act (1994). There were no public interest disclosures either made or received during the reporting period 2021-2022.

Q. COMPLIANCE WITH CODE OF CONDUCT - For the purposes of the reporting requirements under the model Code of Conduct the following report is provided regarding complaints about noncompliance with the Council code of conduct. *Council adopted a Code of Conduct and Procedures in June 2019 based on the Division of Local Government's then new Model Code of Conduct. There were no Code of Conduct complaints made about Councillors or the General Manager during the reporting period 2021-2022.*

R. PRIVACY & PERSONAL INFORMATION For the purposes of the reporting requirements relating to complaints about non-compliance with the privacy laws. *There were no complaints or other requirement for review of the conduct of Council under Part 5 of the Privacy & Personal Protection Act (1998) during the reporting period 2021-2022.*

WEEDS ACTION PROGRAM 2020 - 2025

The NSW Weeds Action Program 2020-2025 (WAP2025) follows, and builds on, the successful implementation of the NSW Weeds Action Program 2015-2020.

It is a NSW Government initiative to reduce the impact of weeds and is guided by the NSW Biosecurity Strategy 2013-2021 (the Biosecurity Strategy) and the NSW Invasive Species Plan 2018-2021 (the ISP).

During the 2013-14 review of weed management in NSW, the Natural Resources Commission investigated several issues of community concern resulting in eight key recommendations. The Government response to the review was endorsed by Cabinet in September 2014. Implementation of the recommendations has required changes to the then existing regional delivery models.

The key recommendation relevant to WAP2025 was:

Recommendation 3: Ensure consistent and coordinated regional planning and local delivery:

3B - Replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members as subcommittees to LLS, and aligned with LLS borders

3C - Provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for weeds and surveillance.

The NSW Government has been committed to implementing this recommendation and identified WAP2025 as a key driver to deliver these changes. The establishment of the new committees has been a high priority as they assist regional planning requirements under the NSW Biosecurity Act. CMCC crosses two LLS regions – North West and Central West. To reduce administrative duplication, the county was originally a partner only in the Central West WAP2025 project with Orange City Council as the lead agency for the CW WAP 2025 project, coordinated by the Macquarie Valley Weeds Committee. This has now changed and Council receives separate funding allocations from both the North West and Central West LLSs in respect of the constituent councils in their respective regions.

The WAP 15/20 targets the highest risk weeds, including:

- Through inspections and monitoring the prevention of new weeds becoming established,
- Through monitoring and control eliminating or preventing the spread of new weeds,
- Through targeted control programmes the protection of significant natural assets (endangered ecological communities, wetlands and major waterways),
- By targeting the weeds workforce and community improving capacity through awareness and education.

The County Council, along with all WAP partners and additional stakeholders with interests in weed management, is also working with the newly established Regional Weed Committees for both the North West and Central West regions. Both committees have now produced new Regional Strategic Weed Management Plans for each of their regions and these are detailed in this report.

EDUCATION AND COMMUNITY AWARENESS

The constituent councils being the councils from the local government areas of Walgett, Warrumbungle, Coonamble, Gilgandra and Warren are the primary funding agencies. The constituent council communities are the direct beneficiaries of the County Council's work and accordingly have a keen interest in the County Council's activities and in particular the impacts of weed biosecurity in relation to farmland productivity, local economic impacts and more generally the quality of life in rural communities. Beyond landholders and residents in the County area, the effectiveness of local weed biosecurity impacts on all Australians in different ways, as efforts to control weeds in our district, is part of a national effort to control serious invasive pest plants that unchecked will cause insurmountable damage to the productivity of agricultural land, country landscapes, and waterway environments.

Castlereagh Macquarie County Council Biosecurity Officers control roadside weeds and on a daily basis conduct property inspections. Education and awareness is ongoing to landowner and managers along with distribution of the New South Wales Weed Control Handbook, North West & Central West Regional Strategic Weed Management Plan and the North West & Central West Glove box weed booklet. Land owner/managers are also encouraged to use the NSW WeedWise app that has regular updates of weed profiles, biosecurity duties and control information. Awareness and understanding of the importance of biosecurity to protect and enhance the healthy and productive landscapes of the County Councils regions has never been higher. This Plan is critical to ensure the combined efforts of landholders, agencies and other stakeholders are effective in meeting the current and future threats posed by weeds to our natural, social and economic assets.

The County Council area of operations includes parts of the NSW Central West and NSW North West that are highly productive agricultural land, high ecological value national parks, and vast areas of quality forest operations. Climatically the area is susceptible to rapid weed invasion of the farmland, the parks, and the forests, escaping from properties where landholders historically do not properly control weeds on their land on an ongoing basis. The primary weed risk at present Hudson Pear white spine (*Cylindropuntia pallida*), Hudson Pear Brown Spine (*Cylindropuntia Tunicata*), Tiger Pear, Harrisia Cactus, St Johns Wort, African Box Thorn, Blue Heliotrope, Spiny Burr Grass, Green Cestrum, Blackberry, Parkinsonia and Mother of Millions.

HUDSON PEAR PROGRAMMES

Castlereagh Macquarie County Council continues with dedication to target the prevention, elimination, minimisation and management of the spread of Hudson Pear. Bio security inspections are carried out on private properties, residential land, Crown Lands, TSRs, roadsides and Council controlled lands.

Properties with a high density infestations of Hudson Pear have been managing their properties by spraying a buffer zone around their boundaries to minimize spread to neighboring land and releasing a biological control called *Dactylopius tomentosus* (californica var, parkeri lineage) into the core infestations. Results from these releases have had successful results, however ongoing rain has had an impacted slowing the biological control down. Castlereagh Macquarie County

Council continues to mass rear the lineage at the Don McKenzie Mass Rearing Facility in Lightning Ridge.

In a collaborative approach the Cacti Control Coordinator program commenced in July 2018, when the North West Local Land Services partnered with Northern Slopes Landcare Association.

Prior to the Cacti Control Coordinator position being created in October 2017, the Hudson pear business plan was developed with the support of the Hudson Pear Taskforce who are a group of stakeholders in the Lightning Ridge and surrounding areas, including mining associations, councils, weed professionals, property owners, departmental organizations, and other like-minded community members. The Hudson Pear Business Plan identified issues, barriers and the cost benefit analysis of *Cylindropuntia pallida*.

Hudson Pear Taskforce then partnered with the Department of Primary Industries, Wendy Gibney to create a survey to 'guide community engagement in biocontrol control and other control methods for Hudson pear...which are to prioritize and select targeted activities and determine the barriers and benefits to these activities. From the survey it was recognized that the community wanted and needed chemical training and education amongst other things.

HOW?

Working with Pete Dawson the then North West Regional Weed Coordinator a project plan was put together. "'Releasing the Hounds on Hudson pear - a Community Biological Control Management Program', was funded through the NSW Governments Office for Environment and Heritage and the Department of Regional NSW. The research arm of the program is supported by AgriFutures Australia (Rural Industries Research and Development Corporation), through funding from the Australian Government Department of Agriculture, as part of its Rural R&D for Profit program (PRJ-012378). A collaboration between NSW Department of Primary Industries, North West Local Land Services, Northern Slopes Landcare Association and Castlereagh Macquarie County Council.

WHAT?

There were four key milestones that were identified in the program. These were **Develop awareness and knowledge products, Implement Communication and Engagement Strategy, Education, skills and training delivered and Monitoring, evaluating, reporting and implementation (MERI)**. The main purpose of these milestones was to produce resources that are informative, on topic, easy to read, use, understand and access.

Develop awareness and knowledge products were adapted, the Field Identification Guide *Austrocylindropuntia*, *Cylindropuntia* and *Opuntia* species, as it is really well utilised, and created Invasive cacti field guide – Identification and control of invasive cacti in the North West in a booklet form and poster, Seen This Plant? Hudson pear information factsheet, Biocontrol of Hudson pear using the cochineal information factsheet and Come Clean Go Clean – Help prevent the spread of invasive cacti. All of these resources were developed to help inform, educate and create awareness around the invasiveness of cacti.

Implement Communication and Engagement Strategy.

Whilst we had developed the Seen This Plant? Hudson pear and Biocontrol of Hudson pear using the cochineal information factsheet and Come Clean Go Clean – Help prevent the spread of invasive cacti we also created 10 short you tube videos that are available to watch. This has enabled parts of the community that are illiterate to have the same information available to them. It was also an opportunity to share information about the program and the mass rearing

facility.

Education, skills and training delivered.

A knowledge gap that was identified, was training around chemical spraying and the biological control for Hudson pear. Three AQF3 Chemical Handling and transport training courses were made available in the Lightning Ridge and Grawin areas. Of the 52 people that participated in these courses there was a portion of the community that came from low socio-economic households. In knowing this we were able to provide support through out the course by having the local weed officers at the courses, the CCC and offering AQF2. The workshops provided information about the biological control for Hudson pear, an update on the program and site visits. People that attended these workshops got to see the cochineal under a microscope ask questions from the researchers, weeds officers and the CCC. Unfortunately, the numbers were low at these workshops as only 33 community members showed up. Some of the factors that may of contributed could have been the rainfall restricting some community members to get out of their properties, identifying who the correct champion is within a town and the day of the week the workshop was on.

Monitoring, evaluating, reporting and implementation (MERI). For this we made available a large map of the area where community members could record known incursions of Hudson pear is. We also provided GPS training at the workshops.

WHAT now?

Most recently a community survey was created to identify the current barriers and issues moving forward. At the Opal Festival the weed officers set up a stall where they engaged with the community and filled out the survey for 18 community members. This will help us identify 'where to now'

WHAT IF...we didn't do any of this?

So what if we didn't do any of the building partnerships and reaching out to the community? Is it really that important or effective? If we can speak louder as one voice rather than individuals, we can create a stronger community by providing education that the community wants and needs. It also gives the community buying in and then they have an investment towards what they are wanting to achieve. Getting the community talking about their weed or their infestations is one thing but creating a support network is another. This is true for the Hudson pear community when all it took was one community meeting to bring together a group of bordering properties, who now spend 4 hours a month spraying Hudson Pear on boundaries, road sides and assets. Some of these properties don't even have HP but know if they don't help do something about it could end up in their backyard. Their efforts were rewarded with a Landcare Award.

So if we didn't start at the beginning and have a Hudson pair business plan, we would people still be spraying HP? Probably. But would it be contained through integrated control management? Probably not! Would there be effective partnerships where people are working together rather than working in their patch on their project? Probably not.



Hudson Pear Collection



Biosecurity officers at the Don McKenzie Mass Rearing Facility in Lightning Ridge



Bio Control on Hudson Pear



Bio Control on Hudson Pear

ST JOHN'S WORT

Castlereagh Macquarie County Council continues to be actively involved in education and awareness one on one with landowners/managers, fields days and workshops. Various media including media releases, newspapers, Facebook and TV advertising is also used in increase noxious weed awareness.

St John's Wort spreads easily with sticky seeds that can stick to machinery, livestock or pest animals. The seed can pass through the digestive system and will remain viable. Seed can also spread by water movement or by wind over short distances. The seed may remain viable for up to 12 years.

St John's wort is poisonous to livestock. It contains a chemical called hypericin, which causes photosensitivity. Other symptoms include weight loss, stillbirths and in severe cases, death. Young stock are more susceptible, with suckling stock still effected through the milk of their mothers. St John's Wort will compete with pasture species and can also create a vegetable fault in wool.

St John's Wort is spreading in our area, so it's important for all land managers to know how to identify it. Land managers should take particular notice in spring as the yellow flowers are easy to spot, even with the tall grass this year. It is worth noting that plants that are less than a year old, will not flower, so you may have young plants present that are hard to spot.

Once you identify Wort, it is important that you control it quickly to prevent seed set. Unfortunately, physical removal is ineffective as new plants will grow from root fragments, in fact Wort can be spread through cultivation.

It is imperative that all landholders remember their duties under the *Biosecurity Act 2015*. The general biosecurity duty is all plants are regulated with a general biosecurity duty to prevent, minimise or eliminate any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, minimised or eliminated so far as is reasonably practical.



St John's Wort

ATTACHMENTS

Attachment A – Review of Functional Objectives – Outcomes for 2021/2022

Attachment B - Council's Financial Statements and Auditor General's Report

Attachment A – Review of Functional Objectives – Outcomes for 2021/2022

Note: In the following tables the column headed “BA & SO” provides in order, a reference to the Main Business Activity Priorities number and the Strategic Objective number from the Business Activity Strategic Plan.

1. Provide information to Council to allow decisions at Council Meetings					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Ensure Business Paper is ready for distribution.	2.3	GM	At least 7 days, working days prior to the Council Meeting.	Satisfactory completion of task in accordance with target level.	Compliant
Provide recommendations to Council when possible.	2.3	GM	Include in business paper for Council’s consideration.		Recommendations provided.

2. Respond to Councillor inquiries related to the administration function					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Provide information to Councillors within Council’s policy guidelines	2.3	GM	On day requested where possible, or within 5 working days (unless request requires detailed investigation).	Satisfactory completion of task in accordance with target level.	Complying
Provide written information as requested	2.3	GM	Within 5 working days (unless request requires detailed investigation)		Complying

3. Update Council policy register					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Update new or amended administration policies in Council's policy register.	2.3	GM	Within 14 days of adoption or amendment	Satisfactory completion of task in accordance with target level.	Complying
Review Council administration policies.	2.3	GM	Within 2 months of expiry of policy or every 2 years		Review underway to be tabled 2022.

4. Provide information to public in a timely and effective manner					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Ensure Council business papers are made available in hard copy at Council's office.	2.1	GM	At least 3 working days before the Council meeting.	Satisfactory completion of task in accordance with target level.	Complying
Ensure other public information is made available at Council's office.	2.1	GM	As soon as practicable after it becomes public information.		Complying
Ensure business papers are provided to constituent councils.	2.1	GM	Post to General Managers at the same time as Councillors' business papers.		Complying
Ensure minutes, business papers and other information is posted to Council's website.	2.1	GM	As soon as practicable.		Complying

5. Ensure all statutory requirements are completed and financial returns and plans are completed and lodged by the due date

Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Quarterly Budget Review Statements and Delivery Programme Review to Council.	2.2	GM	August, October, February and April Meetings.	Satisfactory completion of task in accordance with target level.	Complying
Audited Financial Statements to Office of Local Government.	2.2	GM	By the end of October.		Completed on time.
Financial Data collection return.					
Notice of meeting at which audited reports are to be presented.	2.2	GM	By date specified by Office of Local Government.		Completed
Audited Financial Reports presented to public	2.2	GM	Prior to December meeting.		Presented February 2022
Draft Operational Plan and Budget on public exhibition.					
Operational Plan and Budget to be adopted	2.2	GM	February meeting.		Completed May 2022
	2.2	GM	Following April meeting.		Put on display in May and adopted after submissions in June 2022.
	2.2	GM			

6. Ensure all other statutory returns are completed and lodged by the due date					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Pecuniary Interest Returns.	2.2	GM	30 September annually.	Satisfactory completion of task in accordance with target level.	Complying
Council’s Annual Report prepared and lodged with Office of Local Government	2.2	GM	30 November annually.		Lodged on time
Other returns as required by Office of Local Government, Department of Primary Industries, or others	2.2	GM	No later than return date specified		Lodged on time
7. Implementation of Council decisions					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Implement Council decisions following Council meeting	2.2	GM	Within 10 working days of Council Meeting	Satisfactory completion of task in accordance with target level.	Complying
			For prosecutions, within 2 months of Council resolution		Nil prosecutions

8. Continue to ensure the provision of finance to Council from available sources						
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022	
Liaise with constituent councils regarding the level of Council contributions and the apportionment of contributions.	2.4	GM	Continuously.	Satisfactory completion of task in accordance with target level.	Advised of 0.7% increase and asked for comment.	
Letter to Constituent Councils concerning Council’s proposed Delivery Plan and Budget estimates for the forthcoming financial year, and the contribution sought from constituent councils.	2.4	GM	30 April.		Letter advising increase sent March 2022 Copies of budget sent to Constituents	
Application to Department of Primary Industries for grants under NSW Weeds Action Programme as necessary.	2.4	GM	As required under Weeds Action Programme 1520.		Completed	
Provide grant returns to Department of Primary Industries.					Completed	
Pursue opportunities for securing grant funds from other available sources.	2.4	GM	As required under Weeds Action Programme 1520		Application submitted	
	2.4 & 1.4	GM	As required			



9. Continue current financial management direction and review Business Activity Strategic Plan and Delivery Programme					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Review Business Activity Strategic Plan.	2.1 & 2.4	GM	Continuously	Satisfactory completion of task in accordance with target level.	Complete
Review Delivery Programme.	2.1 & 2.4	GM	Continuously		Complete
Provide adequate funds for employee leave entitlements.	2.3	GM	Maintain reserve of at least 50% of Long Service Leave liability		Provision 21-22 budget. As at 30 th June 2021 reserve was 53.4% of liability

10. Provide financial information and advice to Council					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Provide financial advice as required.	2.2 & 2.3	GM	At Council meetings	Satisfactory completion of task in accordance with target level.	Complying
Provide quarterly update on financial trends relating to Council's expenditure.	2.2 & 2.3	GM	At Council Meeting following end of quarter		Complying

11. Ensure that Council's Operational Plan and Budget is considered in order to allow adoption by 30 June each year

Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Draft Plan to be presented to Council.	2.2	GM	February Meeting.	Satisfactory completion of task in accordance with target level.	Complete
Draft Plan adopted to allow 28 day public exhibition.	2.2	GM	April Meeting.		Complete
Draft Plan to be adopted following consideration of any submissions received.					Complete

12. Promote the Council's interests through participation with relevant organisations

Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Participate in Macquarie Valley Weeds Advisory Committee activities through attendance at meetings and supply of information as required to assist the lobbying of State and Federal Governments.	1.1	GM	Attend meetings and provide information as requested.	Satisfactory completion of task in accordance with target level.	Staff in attendance

13. Provide active support for LGNSW					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Provide information as requested by LGNSW to assist it to lobby governments.	3.1	GM	Information to be provided by the date requested.	Satisfactory completion of task in accordance with target level.	Complying
Utilise the services of LGNSW to further Council's interests	3.1	GM	As and when required by Council.		Complying

14. Actively pursue politicians to further Council's interests					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Invite politicians to attend Council meetings.	3.1	GM	Politicians to be invited to Council meetings as required.	Satisfactory completion of task in accordance with target level.	Minister for Agriculture invited to May 2022 and August 22 meetings
Meet with State and Federal Politicians to promote the interests of Council.	3.1	GM	As required		Complying met with Minister for Agriculture and Member for Barwon and Parkes.

15. Minimise the risks associated with all functions of Council					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Identify new risks associated with Council's functions.	2.3	GM	Ongoing.	Satisfactory completion of task in accordance with target level.	Complying
Analyse and prioritise all risks identified.	2.3	GM	Within 3 months after identification.		Training for staff WH&S, refresher due May 2022
Minimise exposure through rectification of risks.	2.3	GM	Within budget constraints.		
Update policy on the use of contractors.	2.3	GM	Ongoing.		Under review 2022
Review risk management policy.	2.3	GM	Ongoing.		Under review 2022
Update Risk Assessment re spraying from back of vehicles and consult WorkCover on proposal.	2.3	GM	When resources allow.		

16. Ensure Council staff are aware of their rights and responsibilities in relation to WH&S , risk management and EEO					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Provide training to staff on relevant legislation.	2.3	GM	Ongoing as identified.	Satisfactory completion of task in accordance with target level.	Complying
Provide training on EEO to staff.	2.3	GM	Ongoing as required.		No training to date

Provide staff with training on risk management.	2.3	GM	Ongoing as required.		Scheduled for later half of 2022
Review and update staff training programme.	2.3	GM	Annually.		Complete
Review EEO Management Plan.	2.3	GM	As required		To be completed 2022/23

17. Maintain and update Council's records management system					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Monitor record keeping procedures to ensure that they provide the best method of maintaining an accurate record of Council's activities.	2.3	GM	Ongoing.	Satisfactory completion of task in accordance with target level.	Complying
Review record keeping procedures with a view to updating and computerizing.	2.3	GM	Ongoing.		Complying records are electronic

18. Implement system of information technology capable of providing information that is relevant and timely

Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Monitor reporting system ability to provide information requirements.	2.3	GM	Ongoing.	Satisfactory completion of task in accordance with target level.	Complying
Monitor technology improvements and assess future requirements.	2.3	GM	Ongoing.		Complying
Update Council's computer system, both hardware and software, to ensure that it enhances management and record keeping (as resources allow).	2.3	GM	As required.		Investigating update of MYOB Lap tops updated regularly
Review Council's website and implement systems for expanding content and keeping content up to date.	2.1 & 3.2	GM	Ongoing.		Reviewed constantly

19. Compile accurate data on the condition of current Council assets					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Maintain assets register for all assets over \$5,000.	2.3	GM	Ongoing.	Satisfactory completion of task in accordance with target level.	Complying
Monitor the condition of those assets	2.3	GM	Ongoing.		Complying
Identify maintenance requirements for those assets.	2.3	GM	Ongoing.		Complying
Cost maintenance requirements and incorporate into annual budget.	2.3	GM	As identified.		Maintenance as required Complying in conjunction with Senior Biosecurity Officer

20. Introduce a system for electronic mapping of invasive weed infestations and the automation of Weeds Officers' reports					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Monitor the introduction of electronic mapping of invasive weed infestations and the automation of Weeds Officers' reporting procedures.	1.3 & 2.3	GM SWO	In conjunction with year 1 WAP 2020 2025.	Satisfactory completion of task in accordance with target level.	Complying
Expand the introduction of electronic mapping of invasive weeds infestation and the automation of Weeds Officers' Reporting Procedures to the whole of Council's Area of Operations.	1.3 & 2.3	GM SWO	In conjunction with year 1 WAP 2020 / 2025.		Continuing
Continue the training of staff in the use of the system in order to ensure it's most efficient and effective use.	1.3 & 2.3	GM SWO	Ongoing.		Complying Training as necessary Use of drones to assist with weed identification complete

21. Compile data on Council's current vehicle and plant fleet – condition and usage					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Analyse Council's current vehicle and plant fleet and its activities and assess future vehicle and plant needs.	2.3	GM	Ongoing	Satisfactory completion of task in accordance with target level.	Complying

22. Ensure access to competitively priced chemicals for weeds control programmes					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Ensure access to competitively priced chemicals for weeds control programmes.	1.2	GM	As required	Satisfactory completion of task in accordance with target level.	Complying

23. Actively pursue the control of invasive weeds along roadsides in Council's area					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Inspect roadsides prior to control works to ensure that control programmes are efficient and effective.	1.3	SWO	At least one week prior to spraying.	Satisfactory completion of task in accordance with target level.	Complying
Carryout necessary control works in line with Council's Budget allocations.	1.3	SWO	As seasonal conditions / and available funding permit.		Works continuing
Respond to reports of invasive weeds on roadsides.	1.3	SWO	Carry out inspection within 7 days of notification.		All reports responded to
Carry out control works in accordance with Council's policy and budget allocations.	1.3	SWO	As required		Complying

24. Actively pursue the control of invasive weeds on private lands					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Inspection of private lands to assist landowners to fulfill their legal responsibilities in relation to invasive weeds.	1.2 & 3.2	SWO	At least 250 inspections per quarter.	Satisfactory completion of task in accordance with target level.	Complying
Provide information to landowners on invasive weeds control	1.2 & 3.2	SWO	If not done at time of inspection then within 1 week.		Complying
Respond to invasive weed complaints	1.2 & 3.2	SWO	Initial inspection within 10 working days.		Complying

25. Actively pursue the control of invasive weeds on vacant Crown lands					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Inspect vacant Crown land parcels to facilitate application to DPI for funds for necessary control works.	1.2	SWO	Prior to submission of application.	Satisfactory completion of task in accordance with target level.	Complying
Inspect vacant Crown lands to ensure obligations for invasive weed control are being met.	1.2	SWO	As required as resources are available.		Continuing
	1.2	SWO			Continuing

Provide information to Department of Lands on invasive weed control requirements	1.2	SWO	Within 10 working days of inspection.		Continuing
Respond to complaints for invasive weeds on vacant Crown Land			Initial inspection within 10 working days.		
26. Actively pursue the control of invasive weeds on land held by Forests of NSW					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Inspect areas proposed to be clear felled in coming financial year.	1.2	SWO	Within 28 days of receipt of <i>Harvesting Plan of Operations</i> .	Satisfactory completion of task in accordance with target level.	When advised
Advise Forests NSW of proposed clear fell areas that are potential weeds risks.	1.2	SWO	Within 14 days of inspection.		
Follow up to ensure control work is carried out on potential weeds risks.	1.2	SWO	Prior to Spring each year.		
Inspect areas surrounding standing forests and "land bank" areas.	1.2	SWO	Ongoing as resources permit, or in response to complaints within 10 working 14 days after inspection.		
Advise Forests NSW of areas that pose a risk of weeds spreading to adjoining land.	1.2	SWO			

27. Actively pursue the control of invasive weeds on other public authorities land					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Inspect lands of public authorities to ensure obligations for invasive weeds control are being met.	1.2 & 1.3	SWO	Ongoing.	Satisfactory completion of task in accordance with target level.	Continuing
Provide information to public authority on invasive weed control requirements.	1.2 & 1.3	SWO	Within 10 working days of inspection.		Continuing
Respond to complaints regarding invasive weeds on lands of public authorities.	1.2 & 1.3	SWO	Initial inspection within 10 working days.		Continuing

28. Conduct aerial spraying programmes for invasive weeds					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Organise programmes for aerial spraying of invasive weeds throughout the year as seasonal conditions permit and demand requires.	1.2	GM/SWO	As required.	Satisfactory completion of task in accordance with target level.	As required
Publicise aerial spraying programmes in local media, and as occasion permits, to ensure maximum landholder participation.	1.2	GM/SWO	As required.		

Organise aerial spraying (involving all weeds officers) throughout Council's area in accordance with programmes.	1.2	SWO	In accordance with Programmes		<p>Parkinsonia aerial inspection completed April 2022.</p> <p>No program organised</p>
--	-----	-----	-------------------------------	--	--

29. Actively pursue regional resources sharing with neighbouring councils and other public authorities to provide cost benefits to Council in the provision of services					
Required Activity	BA & SO	Resp	Target	Performance Measure	Status as at 30th June 2022
Pursue resource sharing through regular interaction with nearby councils and other public authorities to discuss regional weed plans and coordinated approaches to weed control	1.1	GM	Liaise with appropriate members and officers of surrounding councils and other public authorities as required.	Satisfactory completion of task in accordance with target level.	Continuing

Attachment B – Financial Information

Local Government Act Section 428 (4)(a)

[A copy of the Council's audited financial reports.](#)

See attachment (B): Financial Statements

Castlereagh Macquarie County Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2022



Castlereagh Macquarie County Council

General Purpose Financial Statements

for the year ended 30 June 2022

Contents	Page
Understanding Council's Financial Statements	3
Statement by Councillors and Management	4
Primary Financial Statements:	
Income Statement	5
Statement of Comprehensive Income	6
Statement of Financial Position	7
Statement of Changes in Equity	8
Statement of Cash Flows	9
Notes to the Financial Statements	10
Independent Auditor's Reports:	
On the Financial Statements (Sect 417 [2])	49
On the Financial Statements (Sect 417 [3])	50

Castlereagh Macquarie County Council

General Purpose Financial Statements

for the year ended 30 June 2022

Understanding Council's Financial Statements

Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2022.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Castlereagh Macquarie County Council

General Purpose Financial Statements

for the year ended 30 June 2022

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 29th August 2022.



Councillor Doug Batten

Chairperson

Dated:



Councillor Bill Fisher

Deputy Chairperson

Dated:



Michael J Urquhart

General Manager

Dated:



Michael J Urquhart

**Responsible Accounting
Officer**

Dated:

Page 1 of 1

Castlereagh Macquarie County Council

Income Statement

for the year ended 30 June 2022

Original unaudited budget 2022 \$ '000		Notes	Actual 2022 \$ '000	Actual 2021 \$ '000
	Income from continuing operations			
147	User charges and fees	B2-1	95	167
13	Other revenues	B2-2	5	10
898	Grants and contributions provided for operating purposes	B2-3	921	1,154
3	Interest and investment income	B2-4	3	4
5	Net gain from the disposal of assets	B4-1	46	44
1,066	Total income from continuing operations		1,070	1,379
	Expenses from continuing operations			
638	Employee benefits and on-costs	B3-1	564	582
330	Materials and services	B3-2	437	315
80	Depreciation, amortisation and impairment of non-financial assets	B3-3	98	97
1,048	Total expenses from continuing operations		1,099	994
18	Operating result from continuing operations		(29)	385
18	Net operating result for the year attributable to Council		(29)	385
18	Net operating result for the year before grants and contributions provided for capital purposes		(29)	385

The above Income Statement should be read in conjunction with the accompanying notes.

Castlereagh Macquarie County Council

Statement of Comprehensive Income

for the year ended 30 June 2022

	Actual 2022 \$ '000	Actual 2021 \$ '000
Net operating result for the year – from Income Statement	(29)	385
Total comprehensive income for the year attributable to Council	(29)	385

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Castlereagh Macquarie County Council

Statement of Financial Position

as at 30 June 2022

	Notes	Actual 2022 \$ '000	Actual 2021 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	632	383
Investments	C1-2	500	875
Receivables	C1-4	78	27
Inventories	C1-5	49	20
Total current assets		1,259	1,305
Non-current assets			
Infrastructure, property, plant and equipment (IPPE)	C1-6	367	325
Right of use assets	C2-1	15	19
Total non-current assets		382	344
Total assets		1,641	1,649
LIABILITIES			
Current liabilities			
Payables	C3-1	70	39
Lease liabilities	C2-1	5	4
Employee benefit provisions	C3-2	148	147
Total current liabilities		223	190
Non-current liabilities			
Lease liabilities	C2-1	10	15
Employee benefit provisions	C3-2	7	14
Total non-current liabilities		17	29
Total liabilities		240	219
Net assets		1,401	1,430
EQUITY			
Accumulated surplus	C4-1	1,217	1,246
IPPE revaluation reserve	C4-1	184	184
Council equity interest		1,401	1,430
Total equity		1,401	1,430

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Castlereagh Macquarie County Council

Statement of Changes in Equity

for the year ended 30 June 2022

	as at 30/06/22			as at 30/06/21		
	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000
Opening balance at 1 July	1,246	184	1,430	861	184	1,045
Net operating result for the year	(29)	–	(29)	385	–	385
Net operating result for the period	(29)	–	(29)	385	–	385
Total comprehensive income	(29)	–	(29)	385	–	385
Closing balance at 30 June	1,217	184	1,401	1,246	184	1,430

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Castlereagh Macquarie County Council

Statement of Cash Flows

for the year ended 30 June 2022

Original unaudited budget 2022 \$ '000		Notes	Actual 2022 \$ '000	Actual 2021 \$ '000
Cash flows from operating activities				
Receipts:				
147	User charges and fees		49	152
3	Interest received		2	4
898	Grants and contributions		921	1,154
13	Other		90	40
Payments:				
(638)	Payments to employees		(554)	(552)
(358)	Payments for materials and services		(466)	(315)
—	Other		(74)	(92)
65	Net cash flows from operating activities	G1-1	(32)	391
Cash flows from investing activities				
Receipts:				
—	Redemption of term deposits		375	—
40	Proceeds from sale of IPPE		77	44
Payments:				
—	Acquisition of term deposits		—	(754)
(97)	Payments for IPPE		(167)	(134)
(57)	Net cash flows from investing activities		285	(844)
Cash flows from financing activities				
Payments:				
—	Principal component of lease payments		(4)	(5)
—	Net cash flows from financing activities		(4)	(5)
8	Net change in cash and cash equivalents		249	(458)
747	Cash and cash equivalents at beginning of year		383	841
755	Cash and cash equivalents at end of year	C1-1	632	383
121	plus: Investments on hand at end of year	C1-2	500	875
876	Total cash, cash equivalents and investments		1,132	1,258

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Castlereagh Macquarie County Council

Contents for the notes to the Financial Statements for the year ended 30 June 2022

A About Council and these financial statements	12
A1-1 Basis of preparation	12
B Financial Performance	14
B1 Functions or activities	14
B1-1 Functions or activities – income, expenses and assets	14
B1-2 Components of functions or activities	15
B2 Sources of income	16
B2-1 User charges and fees	16
B2-2 Other revenues	17
B2-3 Grants and contributions	17
B2-4 Interest and investment income	19
B3 Costs of providing services	20
B3-1 Employee benefits and on-costs	20
B3-2 Materials and services	21
B3-3 Depreciation, amortisation and impairment of non-financial assets	22
B4 Gains or losses	23
B4-1 Gain or loss from the disposal, replacement and de-recognition of assets	23
B5 Performance against budget	24
B5-1 Material budget variations	24
C Financial position	26
C1 Assets we manage	26
C1-1 Cash and cash equivalents	26
C1-2 Financial investments	27
C1-3 Restricted and allocated cash, cash equivalents and investments	28
C1-4 Receivables	29
C1-5 Inventories	30
C1-6 Infrastructure, property, plant and equipment	31
C2 Leasing activities	34
C2-1 Council as a lessee	34
C3 Liabilities of Council	37
C3-1 Payables	37
C3-2 Employee benefit provisions	38
C4 Reserves	39
C4-1 Nature and purpose of reserves	39
D Risks and accounting uncertainties	40
D1-1 Risks relating to financial instruments held	40
D2-1 Fair value measurement	42
D3-1 Contingencies	43

Castlereagh Macquarie County Council

Contents for the notes to the Financial Statements for the year ended 30 June 2022

E People and relationships	44
E1 Related party disclosures	44
E1-1 Key management personnel (KMP)	44
E1-2 Councillor and Mayoral fees and associated expenses	45
E2 Other relationships	46
E2-1 Audit fees	46
F Other matters	47
F1-1 Statement of Cash Flows information	47
F2-1 Events occurring after the reporting date	47
F3 Statement of performance measures	48
F3-1 Statement of performance measures – consolidated results	48

A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 29 August 2022. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (Act)* and *Local Government (General) Regulation 2005 (Regulation)*, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain infrastructure, property, plant and equipment and investment property.

Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- i. estimated fair values of infrastructure, property, plant and equipment – refer Note C1-6
- ii. employee benefit provisions – refer Note C3-2.

Significant judgements in applying the Council's accounting policies

- i. Impairment of receivables – refer Note C1-4.
- ii. Determination of whether performance obligations are sufficiently specific and whether the contract is within the scope of AASB 15 *Revenue from Contracts with Customers* and / or AASB 1058 *Income of Not-for-Profit Entities* – refer to Notes B2-1 – B2-3.
- iii. Determination of the lease term, discount rate (when not implicit in the lease) and whether an arrangement contains a lease – refer to Note C2-1.

Monies and other assets received by Council

The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations

A1-1 Basis of preparation (continued)

The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

A separate statement of monies held in the Trust Fund is available for inspection at the council office by any person free of charge

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority, are presented as operating cash flows.

Volunteer services

Council does not engage volunteers.

New accounting standards and interpretations issued but not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations (ie. pronouncements) have been published by the Australian Accounting Standards Board that are not mandatory for the 30 June 2022 reporting period.

Council has elected not to apply any of these pronouncements in these financial statements before their operative dates.

As at the date of authorisation of these financial statements Council does not consider that any of these new (and still to be applied) standards and interpretations are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

New accounting standards adopted during the year

During the year Council adopted the following accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from 1 July 2021:

- AASB 2020-8 *Amendments to Australian Accounting Standards – Interest Rate Benchmark Reform – Phase 2*
- AASB 2020-9 *Amendments to Australian Accounting Standards – Tier 2 Disclosures: Interest Rate Benchmark Reform (Phase 2) and Other Amendments*
- AASB 2020-7 *Amendments to Australian Accounting Standards – COVID-19 Related Rent Concessions: Tier 2 disclosures [AASB 16 and AASB 1060]*
- AASB 2021-3 *Amendments to Australian Accounting Standards – COVID-19 Related Rent Concessions beyond 30 June 2021*
- AASB 2021-1 *Amendments to Australian Accounting Standards – Transition to Tier 2: Simplified Disclosures for Not-for-Profit Entities*

There has been no material impact from the adoption of these standards on the financial statements.

B Financial Performance

B1 Functions or activities

B1-1 Functions or activities – income, expenses and assets

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2022 \$ '000	2021 \$ '000	2022 \$ '000	2021 \$ '000	2022 \$ '000	2021 \$ '000	2022 \$ '000	2021 \$ '000	2022 \$ '000	2021 \$ '000
Functions or activities										
Governance	–	–	32	51	(32)	(51)	–	–	–	–
Administration	–	–	247	221	(247)	(221)	–	–	–	–
Environment	1,070	1,379	820	722	250	657	921	1,154	1,641	1,649
Total functions and activities	1,070	1,379	1,099	994	(29)	385	921	1,154	1,641	1,649

B1-2 Components of functions or activities

GOVERNANCE

Includes costs related to Council's role as a component of democratic government, members' fees and expenses, subscriptions to local authority associations, meeting of Council and policy-making committees, public disclosure (e.g. GIPA) and legislative compliance.

ADMINISTRATION

Includes corporate support and other support services and any Council policy compliance.

ENVIRONMENT

Includes priority/noxious plants and insect/vermin control, other environmental protection.

B2 Sources of income

B2-1 User charges and fees

	2022 Actual \$ '000	2021 Actual \$ '000
Other user charges and fees		
(i) Fees and charges – statutory and regulatory functions (per s.608)		
Private works – section 67	95	167
Total fees and charges – statutory/regulatory	95	167
Total other user charges and fees	95	167
Total user charges and fees	95	167
Timing of revenue recognition for user charges and fees		
User charges and fees recognised over time (1)	–	–
User charges and fees recognised at a point in time (2)	95	167
Total user charges and fees	95	167

Accounting policy

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival. There is no material obligation for Council in relation to refunds or returns.

B2-2 Other revenues

	2022 Actual \$ '000	2021 Actual \$ '000
Insurance claims recoveries	5	5
Sales – general	–	5
Total other revenue	5	10

Timing of revenue recognition for other revenue

Other revenue recognised over time (1)	–	–
Other revenue recognised at a point in time (2)	5	10
Total other revenue	5	10

Accounting policy for other revenue

Where the revenue relates to a contract with customer, the revenue is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

Where the revenue relates to a contract which is not enforceable or does not contain sufficiently specific performance obligations then revenue is recognised when an unconditional right to a receivable arises or the cash is received, which is earlier.

B2-3 Grants and contributions

		Operating 2022 Actual \$ '000	Operating 2021 Actual \$ '000	Capital 2022 Actual \$ '000	Capital 2021 Actual \$ '000
	Timing				
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Previously specific grants:					
Noxious weeds	2	357	601	–	–
Previously contributions:					
Other councils – joint works/services	2	564	553	–	–
Total special purpose grants and non-developer contributions – cash		921	1,154	–	–
Total special purpose grants and non-developer contributions (tied)		921	1,154	–	–
Total grants and non-developer contributions		921	1,154	–	–
Comprising:					
– State funding		921	1,154	–	–
		921	1,154	–	–
Total grants and contributions		921	1,154	–	–
Timing of revenue recognition for grants and contributions					
Grants and contributions recognised over time (1)		–	–	–	–
Grants and contributions recognised at a point in time (2)		921	1,154	–	–
Total grants and contributions		921	1,154	–	–

B2-3 Grants and contributions (continued)

Unspent grants and contributions

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

	Operating 2022 Actual \$ '000	Operating 2021 Actual \$ '000	Capital 2022 Actual \$ '000	Capital 2021 Actual \$ '000
Unspent grants and contributions				
Unspent funds at 1 July	244	—	—	—
Add: operating grants recognised in the current period but not yet spent	185	244	—	—
Less: Funds received in prior year but revenue recognised and funds spent in current year	(244)	—	—	—
Unspent funds at 30 June	185	244	—	—

Accounting policy

Grants and contributions – enforceable agreement with sufficiently specific performance obligations

Grant and contribution revenue from an agreement which is enforceable and contains sufficiently specific performance obligations is recognised as or when control of each performance obligations is transferred.

The performance obligations vary according to the agreement. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Performance obligations may be satisfied either at a point in time or over time and this is reflected in the revenue recognition pattern. Point in time recognition occurs when the beneficiary obtains control of the goods / services at a single time (e.g. completion of the project when a report / outcome is provided), whereas over time recognition is where the control of the services is ongoing throughout the project.

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

B2-4 Interest and investment income

	2022 Actual \$ '000	2021 Actual \$ '000
Interest on financial assets measured at amortised cost		
– Cash and investments	3	4
Total interest and investment income (losses)	3	4

Accounting policy

Interest income is recognised using the effective interest rate at the date that interest is earned.

B3 Costs of providing services

B3-1 Employee benefits and on-costs

	2022 Actual \$ '000	2021 Actual \$ '000
Salaries and wages	449	450
Employee leave entitlements (ELE)	59	76
Superannuation	44	45
Workers' compensation insurance	10	8
Training costs (other than salaries and wages)	–	1
Protective clothing	2	2
Total employee costs	564	582
Total employee costs expensed	564	582
Number of 'full-time equivalent' employees (FTE) at year end	6	6

Accounting policy

Employee benefit expenses are recorded when the service has been provided by the employee.

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable.

B3-2 Materials and services

		2022 Actual \$ '000	2021 Actual \$ '000
	Notes		
Raw materials and consumables		150	35
Audit Fees	E2-1	19	17
Previously other expenses:			
Councillor and Mayoral fees and associated expenses	E1-2	32	51
Advertising		7	4
Computer software charges		19	21
Insurance		63	58
Office expenses (including computer expenses)		38	30
Postage		1	1
Printing and stationery		1	2
Telephone and communications		5	6
Plant expenses		88	69
Regional meeting expenses		10	16
Membership		4	5
Total materials and services		437	315
Total materials and services		437	315

B3-3 Depreciation, amortisation and impairment of non-financial assets

	Notes	2022 \$ '000	2021 \$ '000
Depreciation and amortisation			
Plant and equipment		77	59
Office equipment		10	18
Infrastructure:	C1-6		
– Buildings (non-specialised)		7	15
Right of use assets	C2-1	4	5
Total gross depreciation and amortisation costs		98	97
Total depreciation and amortisation costs		98	97
Total depreciation, amortisation and impairment for non-financial assets		98	97

Accounting policy

Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are not tested for impairment since these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Other non-financial assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units).

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

B4 Gains or losses

B4-1 Gain or loss from the disposal, replacement and de-recognition of assets

	Notes	2022 Actual \$ '000	2021 Actual \$ '000
Gain (or loss) on disposal of plant and equipment	C1-6		
Proceeds from disposal – plant and equipment		77	44
Less: carrying amount of plant and equipment assets sold/written off		(31)	–
Gain (or loss) on disposal		46	44
Gain (or loss) on disposal of term deposits	C1-2		
Proceeds from disposal/redemptions/maturities – term deposits		375	–
Less: carrying amount of term deposits sold/redeemed/matured		(375)	–
Net gain (or loss) from disposal of assets		46	44

Accounting policy

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 26/04/2021 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2022 Budget	2022 Actual	2022 ----- Variance -----		
Revenues					
User charges and fees	147	95	(52)	(35)%	U
Actual private works income was less than original budget predictions.					
Other revenues	13	5	(8)	(62)%	U
The budget made allowance for income streams that were not realised.					
Operating grants and contributions	898	921	23	3%	F
Interest and investment revenue	3	3	–	0%	F
Net gains from disposal of assets	5	46	41	820%	F
Gain on sale of motor vehicles was greater than anticipated in the budget.					
Expenses					
Employee benefits and on-costs	638	564	74	12%	F
Salaries and wages were lower than budgeted as extra staff were allocated in the budget.					
Materials and services	330	437	(107)	(32)%	U
Actual materials and services expenses were more than originally budgeted.					
Depreciation, amortisation and impairment of non-financial assets	80	98	(18)	(23)%	U
Increased motor vehicle depreciation compared to budget due to purchases from the previous year.					

B5-1 Material budget variations (continued)

\$ '000	2022 Budget	2022 Actual	2022 ----- Variance -----	
Statement of cash flows				
Cash flows from operating activities	65	(32)	(97)	(149)% U
Operating expenditure more than previously estimated in the original budget.				
Cash flows from investing activities	(57)	285	342	(600)% F
Sale of term deposits and purchase of new motor vehicles compared to the original budget.				
Cash flows from financing activities	–	(4)	(4)	∞ U

C Financial position

C1 Assets we manage

C1-1 Cash and cash equivalents

	2022 Actual \$ '000	2021 Actual \$ '000
Cash assets		
Cash on hand and at bank	632	383
Total cash and cash equivalents	632	383
Reconciliation of cash and cash equivalents		
Total cash and cash equivalents per Statement of Financial Position	632	383
Balance as per the Statement of Cash Flows	632	383

Accounting policy

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

C1-2 Financial investments

	2022 Current Actual \$ '000	2022 Non-current Actual \$ '000	2021 Current Actual \$ '000	2021 Non-current Actual \$ '000
Debt securities at amortised cost				
Long term deposits	500	–	875	–
Total	500	–	875	–
Total financial investments	500	–	875	–
Total cash assets, cash equivalents and investments	1,132	–	1,258	–

Accounting policy

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position. Term deposits with an initial term of more than 3 months are classified as investments rather than cash and cash equivalents.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

C1-3 Restricted and allocated cash, cash equivalents and investments

	2022 Actual \$ '000	2021 Actual \$ '000
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	1,132	1,258
Less: Externally restricted cash, cash equivalents and investments	(185)	(244)
Cash, cash equivalents and investments not subject to external restrictions	947	1,014

External restrictions

External restrictions – other

External restrictions included in cash, cash equivalents and investments above comprise:

Specific purpose unexpended grants (recognised as revenue) – general fund	185	244
External restrictions – other	185	244
Total external restrictions	185	244

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

	2022 Actual \$ '000	2021 Actual \$ '000
--	---------------------------	---------------------------

(b) Internal allocations

Cash, cash equivalents and investments not subject to external restrictions	947	1,014
Less: Internally restricted cash, cash equivalents and investments	(179)	(146)
Unrestricted and unallocated cash, cash equivalents and investments	768	868

Internal allocations

At 30 June, Council has internally allocated funds to the following:

Plant and vehicle replacement	48	40
Employees leave entitlement	111	86
Building	20	20
Total internal allocations	179	146

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

	2022 Actual \$ '000	2021 Actual \$ '000
--	---------------------------	---------------------------

(c) Unrestricted and unallocated

Unrestricted and unallocated cash, cash equivalents and investments	768	868
--	------------	------------

C1-4 Receivables

	2022 Current Actual \$ '000	2022 Non-current Actual \$ '000	2021 Current Actual \$ '000	2021 Non-current Actual \$ '000
User charges and fees	65	–	19	–
Accrued revenues				
– Interest on investments	1	–	–	–
Net GST receivable	11	–	7	–
Other debtors	1	–	1	–
Total	78	–	27	–
Total net receivables	78	–	27	–
Unrestricted receivables	78	–	27	–
Total net receivables	78	–	27	–

Accounting policy

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

C1-5 Inventories

	2022 Current Actual \$ '000	2022 Non-current Actual \$ '000	2021 Current Actual \$ '000	2021 Non-current Actual \$ '000
(i) Inventories at cost				
Stores and materials	49	–	20	–
Total inventories at cost	49	–	20	–
Total inventories	49	–	20	–

Accounting policy

Raw materials and stores, work in progress and finished goods

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2021			Asset movements during the reporting period			At 30 June 2022		
	Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000	Additions new assets \$ '000	Carrying value of disposals \$ '000	Depreciation expense \$ '000	Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000
Plant and equipment	380	(135)	245	162	(31)	(77)	423	(124)	299
Office equipment	52	(42)	10	5	–	(10)	57	(52)	5
Land:									
– Operational land	4	–	4	–	–	–	4	–	4
Infrastructure:									
– Buildings – non-specialised	287	(221)	66	–	–	(7)	287	(228)	59
Total infrastructure, property, plant and equipment	723	(398)	325	167	(31)	(94)	771	(404)	367

C1-6 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	Asset movements during the reporting period							
	At 1 July 2020			Additions new assets	Depreciation expense	At 30 June 2021		
	Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000			Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000
Plant and equipment	329	(159)	170	134	(59)	380	(135)	245
Office equipment	52	(24)	28	–	(18)	52	(42)	10
Land:								
– Operational land	4	–	4	–	–	4	–	4
Infrastructure:								
– Buildings – non-specialised	287	(206)	81	–	(15)	287	(221)	66
Total infrastructure, property, plant and equipment	672	(389)	283	134	(92)	723	(398)	325

C1-6 Infrastructure, property, plant and equipment (continued)

Accounting policy

Infrastructure, property, plant and equipment are held at fair value. Independent comprehensive valuations are performed at least every five years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

When infrastructure, property, plant and equipment are acquired by Council for nil or nominal consideration, the assets are initially recognised at their fair value at acquisition date.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment	Years		
Office equipment	5 to 10		
Office furniture	10 to 20		
Computer equipment	4		
Vehicles	5 to 8	Buildings	
Heavy plant	5 to 8	Buildings: masonry	50 to 100
Other plant and equipment	5 to 15	Buildings: other	20 to 40

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

C2 Leasing activities

C2-1 Council as a lessee

Council has a lease over a building. Information relating to the leases in place and associated balances and transactions is provided below.

Terms and conditions of leases

Leases are on a short-term basis with the building lease renewable in the 2023/2024 financial year.

Buildings

Council leases a depot building in Coonamble. The lease has a five (5) year term.

The building lease contains an annual pricing mechanism based on a fixed increases of 3% at each anniversary of the lease inception.

Extension options

Council includes options in the building leases to provide flexibility and certainty to Council operations and reduce costs of moving premises; and the extension options are at Council's discretion.

At commencement date and each subsequent reporting date, Council assesses where it is reasonably certain that the extension options will be exercised.

(a) Right of use assets

	Ready to use Actual \$ '000	Total Actual \$ '000
2022		
Opening balance at 1 July	19	19
Depreciation charge	(4)	(4)
Balance at 30 June	15	15
2021		
Opening balance at 1 July	24	24
Depreciation charge	(5)	(5)
Balance at 30 June	19	19

(b) Lease liabilities

	2022 Current Actual \$ '000	2022 Non-current Actual \$ '000	2021 Current Actual \$ '000	2021 Non-current Actual \$ '000
Lease liabilities	5	10	4	15
Total lease liabilities	5	10	4	15

C2-1 Council as a lessee (continued)

(c) (i) The maturity analysis

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

	< 1 year Actual \$ '000	1 – 5 years Actual \$ '000	> 5 years Actual \$ '000	Total Actual \$ '000	Total per Statement of Financial Position Actual \$ '000
2022					
Cash flows	5	10	–	15	15
2021					
Cash flows	4	15	–	19	19

(d) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

	2022 Actual \$ '000	2021 Actual \$ '000
Depreciation of right of use assets	4	5
	4	5

(e) Statement of Cash Flows

Total cash outflow for leases	(5)	(5)
	(5)	(5)

(f) Leases at significantly below market value – concessionary / peppercorn leases

Council's lease is at market value which is for:

- Coonamble depot

Accounting policy

Council has implemented AASB16 for Council's property lease from 1st July 2020.

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives. The right-of-use is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

C2-1 Council as a lessee (continued)

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI).

Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

C3 Liabilities of Council

C3-1 Payables

	2022 Current Actual \$ '000	2022 Non-current \$ '000	2021 Current Actual \$ '000	2021 Non-current \$ '000
Accrued expenses:				
– Salaries and wages	16	–	–	–
– Other expenditure accruals	54	–	37	–
Other	–	–	2	–
Total payables	70	–	39	–

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

Payables

Payables represent liabilities for goods and services provided to Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

C3-2 Employee benefit provisions

	2022 Current Actual \$ '000	2022 Non-current Actual \$ '000	2021 Current Actual \$ '000	2021 Non-current Actual \$ '000
Annual leave	78	–	80	–
Long service leave	70	7	67	14
Total employee benefit provisions	148	7	147	14

Current employee benefit provisions not anticipated to be settled within the next twelve months

	2022 Actual \$ '000	2021 Actual \$ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	39	40
	39	40

Description of and movements in provisions

	ELE provisions		
	Annual leave \$ '000	Long service leave \$ '000	Total \$ '000
2022			
At beginning of year	80	81	161
Additional provisions	23	(3)	20
Amounts used (payments)	(25)	(1)	(26)
Total ELE provisions at end of year	78	77	155
2021			
At beginning of year	65	66	131
Additional provisions	39	15	54
Amounts used (payments)	(24)	–	(24)
Total ELE provisions at end of year	80	81	161

C3-2 Employee benefit provisions (continued)

Accounting policy

Employee benefit provisions are presented as current liabilities in the Statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

C4 Reserves

C4-1 Nature and purpose of reserves

IPPE Revaluation reserve

The infrastructure, property, plant and equipment (IPPE) revaluation reserve is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

D Risks and accounting uncertainties

D1-1 Risks relating to financial instruments held

Council's activities expose it to a variety of financial risks including **(1)** price risk, **(2)** credit risk, **(3)** liquidity risk and **(4)** interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value 2022 \$ '000	Carrying value 2021 \$ '000	Fair value 2022 \$ '000	Fair value 2021 \$ '000
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	632	383	632	383
Receivables	78	27	78	27
Investments				
– Debt securities at amortised cost	500	875	500	875
Total financial assets	1,210	1,285	1,210	1,285
Financial liabilities				
Payables	70	39	70	39
Total financial liabilities	70	39	70	39

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's General Manager manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

D1-1 Risks relating to financial instruments held (continued)

(a) Market risk – interest rate and price risk

	2022 \$ '000	2021 \$ '000
The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	12	11
Impact of a 10% movement in price of investments		
– Equity / Income Statement	–	–

(b) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

	Weighted average interest rate %	Subject to no maturity \$ '000	≤ 1 Year \$ '000	payable in: 1 - 5 Years \$ '000	> 5 Years \$ '000	Total cash outflows \$ '000	Actual carrying values \$ '000
2022							
Payables	0.00%	–	70	–	–	70	70
Lease liabilities	0.00%	–	5	10	–	15	15
Total financial liabilities		–	75	10	–	85	85
2021							
Payables	0.00%	–	39	–	–	39	39
Lease liabilities	0.00%	–	4	15	–	19	19
Total financial liabilities		–	43	15	–	58	58

D2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

– Infrastructure, property, plant and equipment

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values:

Fair value measurement hierarchy									
\$ '000	Notes	Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
		2022	2021	2022	2021	2022	2021	2022	2021
Recurring fair value measurements									
Infrastructure, property, plant and equipment	C1-6								
Plant and Office Equipment		30/06/17	30/06/17	—	—	304	255	304	255
Operational Land		30/06/17	30/06/17	—	—	4	4	4	4
Buildings (non specialised)		30/06/17	30/06/17	—	—	59	66	59	66
Total infrastructure, property, plant and equipment				—	—	367	325	367	325

D3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Statewide Limited

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to local government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(ii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

(iii) Other guarantees

Council has provided no other guarantees other than those listed above.

2. Other liabilities

(i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

E People and relationships

E1 Related party disclosures

E1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	2022 \$ '000	2021 \$ '000
Compensation:		
Short-term benefits	57	57
Total	57	57

Other transactions with KMP and their related parties

Council has determined that there were no other KMP or related party transactions.

E1-2 Councillor and Mayoral fees and associated expenses

	2022	2021
	Actual	Actual
	\$ '000	\$ '000

The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:

Member expenses – chairperson's fee	3	8
Member expenses – member's fees	15	40
Member's expenses (incl. chairperson) – other (excluding fees above)	14	3
Total	32	51

E2 Other relationships

E2-1 Audit fees

	2022 Actual \$ '000	2021 Actual \$ '000
--	---------------------------	---------------------------

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:

(i) Audit and other assurance services		
Audit and review of financial statements	19	17
Remuneration for audit and other assurance services	19	17
Total Auditor-General remuneration	19	17
Total audit fees	19	17

F Other matters

F1-1 Statement of Cash Flows information

Reconciliation of net operating result to cash provided from operating activities

	2022 Actual \$ '000	2021 Actual \$ '000
Net operating result from Income Statement	(29)	385
Add / (less) non-cash items:		
Depreciation and amortisation	98	97
(Gain) / loss on disposal of assets	(46)	(44)
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	(51)	15
(Increase) / decrease of inventories	(29)	–
Increase / (decrease) in other accrued expenses payable	33	(88)
Increase / (decrease) in other liabilities	(2)	(4)
Increase/(decrease) in employee leave entitlements	(6)	30
Net cash flows from operating activities	(32)	391

F2-1 Events occurring after the reporting date

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

F3 Statement of performance measures

F3-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2022	Indicator 2022	Indicators 20212020		Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1, 2}	(75)	(7.32)%	25.54%	(19.42)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	1,024				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	103	10.06%	13.56%	10.28%	> 60.00%
Total continuing operating revenue ¹	1,024				
3. Unrestricted current ratio					
Current assets less all external restrictions	1,074	5.84x	7.07x	4.61x	> 1.50x
Current liabilities less specific purpose liabilities	184				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	23	5.75x	87.60x	0.00x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	4				
5. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	1,132	12.37 mths	15.66 mths	11.11 mths	> 3.00 mths
Monthly payments from cash flow of operating and financing activities	91				

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

End of the audited financial statements



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Castlereagh Macquarie County Council

To the Councillors of Castlereagh Macquarie County Council

Opinion

I have audited the accompanying financial statements of Castlereagh Macquarie County Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2022, the Statement of Financial Position as at 30 June 2022, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been prepared, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2022, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.

A handwritten signature in black ink, appearing to read 'Manuel Moncada', with a stylized flourish at the end.

Manuel Moncada
Delegate of the Auditor-General for New South Wales

27 October 2022
SYDNEY



Cr Doug Batten
Chairperson
Castlereagh Macquarie County Council
PO Box 664
WALGETT NSW 2825

Contact: Manuel Moncada
Phone no: 02 9275 7333
Our ref: D2222251/1815

27 October 2022

Dear Chairperson

**Report on the Conduct of the Audit
for the year ended 30 June 2022
Castlereagh Macquarie County Council**

I have audited the general purpose financial statements (GPFS) of the Castlereagh Macquarie County Council (the Council) for the year ended 30 June 2022 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2022 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

INCOME STATEMENT

Operating result

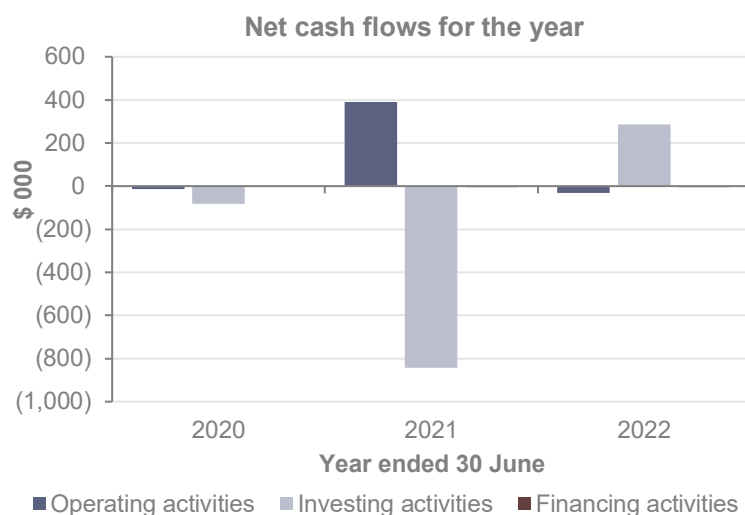
	2022	2021	Variance
	\$000	\$000	%
Grants and contributions revenue	921	1,154	20.2
Operating result from continuing operations	(29)	385	107.5

Grants and contributions revenue (\$921,000) decreased by \$233,000 (20 per cent) in 2021–2022.

Council's operating result (a deficit of \$29,000 including the effect of depreciation and amortisation expense of \$98,000) was \$414,000 lower than the 2020–21 result. This was mainly due to reduced grant funding.

STATEMENT OF CASH FLOWS

- The Statement of Cash Flows illustrates the flow of cash and cash equivalents moving in and out of Council during the year and reveals that cash increased by \$249,000 to \$1.1 million at the close of the year.



FINANCIAL POSITION

Cash and investments

Cash and investments	2022	2021	Commentary
	\$'000	\$'000	
Total cash, cash equivalents and investments	1,132	1,258	<ul style="list-style-type: none"> External restrictions represent unspent specific purpose grants Balances are internally allocated due to Council policy or decisions for forward plans including works program.
Restricted cash and investments:			
• External restrictions	185	244	
• Internal allocations	179	146	

PERFORMANCE

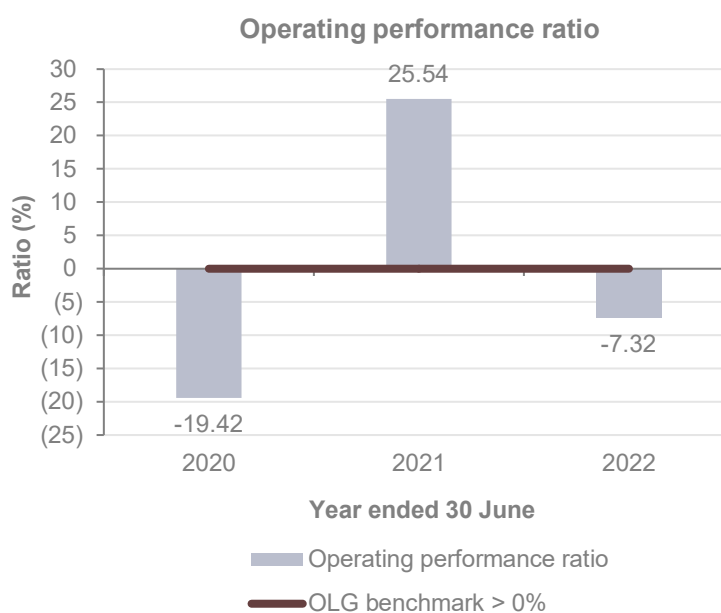
Performance measures

The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning, Industry and Environment.

Operating performance ratio

The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.

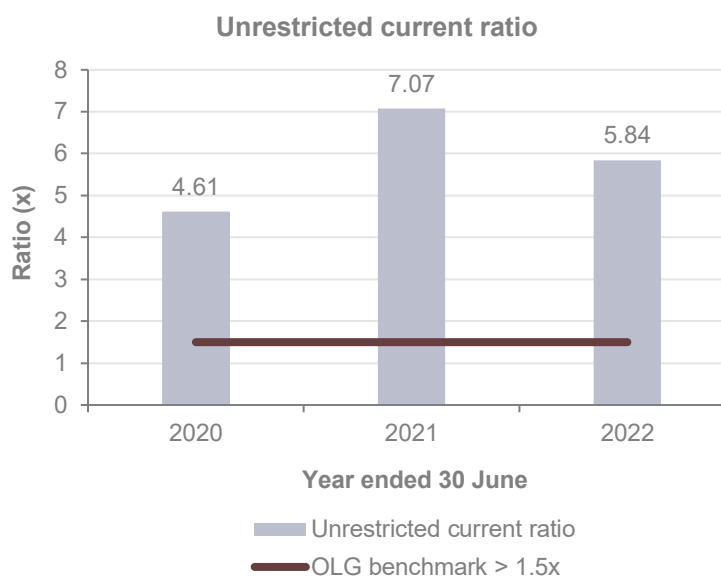
The Council did not meet the OLG benchmark for the current reporting period.



Unrestricted current ratio

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.

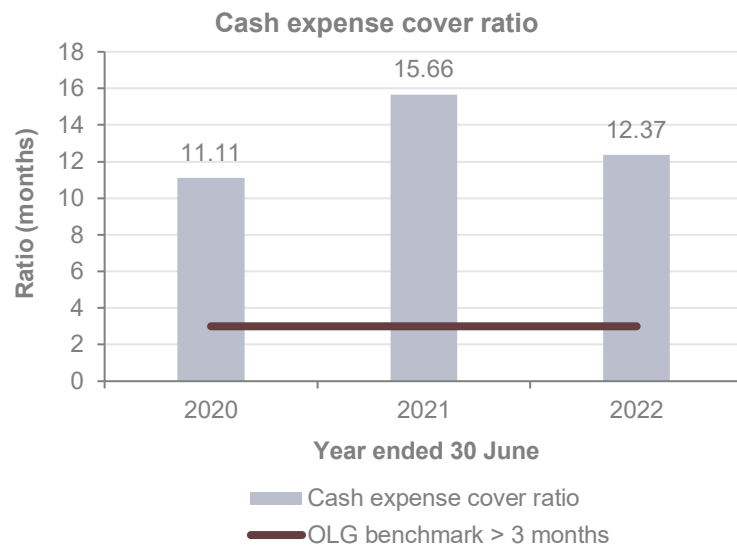
The Council exceeded the OLG benchmark for the current reporting period.



Cash expense cover ratio

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

The Council exceeded the OLG benchmark for the current reporting period.



OTHER MATTERS

Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

The Council's:

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the general purpose financial statements
- staff provided all accounting records and information relevant to the audit.

Manuel Moncada
Delegate of the Auditor-General for New South Wales



Castlereagh Macquarie County Council
PO Box 664, Walgett NSW 2832



P. 02 6828 6100



www.cmcc.nsw.gov.au

Photos © NSW Department of Primary Industries

Model Code of Conduct

for Local Councils
in NSW

2020



MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

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

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

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

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020

Produced by the Department of Planning, Industry and Environment

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	General Conduct Obligations	10
Part 4:	Pecuniary Interests	14
Part 5:	Non-Pecuniary Conflicts of Interest	22
Part 6:	Personal Benefit	28
Part 7:	Relationships Between Council Officials	32
Part 8:	Access to Information and Council Resources	36
Part 9:	Maintaining the Integrity of this Code	42
Schedule 1:	Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21	46
Schedule 2:	Form of Written Return of Interests Submitted Under Clause 4.21	54
Schedule 3:	Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37	58

Part 1:

Introduction



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

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

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

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

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

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

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

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

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

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

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

Part 2:

Definitions



In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

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

Part 3:

General Conduct

Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

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

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

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

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

Part 4:

Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

Part 5:

Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

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

- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

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

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

Part 6:

Personal Benefit

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

Gifts and benefits

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

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
- b) gifts of alcohol that do not exceed a value of \$100
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

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

Part 7:

Relationships Between Council Officials



Obligations of councillors and administrators

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

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

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

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

Part 8:

Access to Information and Council Resources



Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

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

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

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

Part 9:

Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

Complaints alleging a breach of this Part

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

Schedule 1:

Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

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

Interests and positions in corporations

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

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

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

20. For the purposes of clause 19 of this schedule:

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

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

Sources of income

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

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

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

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

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

‘Disclosures by councillors and designated persons’ return

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

Important information

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

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

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

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

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

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

as at *[return date]*

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

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

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

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

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

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

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**G. Positions in trade unions and professional or business associations**

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

H. Debts

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

I. Dispositions of property

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

J. Discretionary disclosures

Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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

Important information

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

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

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

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to councillor

[Tick or cross one box.]

- ☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the councillor has an interest in the land.
- ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²

[Tick or cross one box]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

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

Councillor's signature

Date

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





MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

Castlereagh Macquarie County Council
2022

Table of Contents

1	INTRODUCTION.....	3
2	MEETING PRINCIPLES	3
3	BEFORE THE MEETING.....	4
4	PUBLIC FORUMS	8
5	COMING TOGETHER	11
6	THE CHAIRPERSON	16
7	MODES OF ADDRESS	17
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS.....	17
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	18
10	RULES OF DEBATE	20
11	VOTING	23
12	COMMITTEE OF THE WHOLE.....	24
13	DEALING WITH ITEMS BY EXCEPTION	25
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC.....	25
15	KEEPING ORDER AT MEETINGS	29
16	CONFLICTS OF INTEREST	32
17	DECISIONS OF THE COUNCIL.....	33
18	TIME LIMITS ON COUNCIL MEETINGS	35
19	AFTER THE MEETING.....	35
20	COUNCIL COMMITTEES.....	37
21	IRREGULARITIES.....	40
22	DEFINITIONS	41

1 INTRODUCTION

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

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

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

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

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

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils.

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

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

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

Trusted: The community has confidence that members and staff act ethically and make decisions in the interests of the whole community.

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

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

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied that it is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to members of ordinary council meetings

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

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

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

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

Notice to members of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A member may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted 14 business days before the meeting is to be held.
- 3.11 A member may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a member for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all members with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A member may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A member is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff

of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:

- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
- (b) if the Chairperson is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.10.

- 3.19 Nothing in clause 3.18 limits the powers of the Chairperson to put a Chairperson minute to a meeting under clause 9.6.

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

- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

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

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

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to members for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed

by a member or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to members.

Note: Clause 3.26 reflects section 9(3) of the Act.

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

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief members on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Members must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Members (including the Chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the member who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the Chairperson or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by one (1) day before the date on which the public forum is to be held,

and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

- 4.5 A person may apply to speak on no more than two [2] items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than two [2] speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the Chairperson or the Chairperson's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than one [1] day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed fifteen[15] minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A member (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to five [5] minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, members, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to fifteen [15] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Members (including the Chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the member who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by members at meetings

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

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

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

- 5.3 Applicable to a joint organisation only.

- 5.4 Where a member is unable to attend one or more ordinary meetings of the council, the member should request that the council grant them a leave of absence from those meetings. This clause does not prevent a member from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A member's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the member intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.6 The council must act reasonably when considering whether to grant a member's request for a leave of absence.

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

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A member who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

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

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

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

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

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the members present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the members present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of members, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Chairperson may, in consultation with the general manager and, as far as is practicable, with each member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

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

- 5.17 Where the Chairperson determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all members that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all members can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

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

Attendance by members at meetings by audio-visual link

- 5.19 Members may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a member for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the member will be prevented from attending the meeting in person.
- 5.21 Members may request approval to attend more than one meeting by audio-visual link. Where a member requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a member to attend a meeting by audio-visual link.
- 5.23 A member who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The member may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a member to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
 - (b) the reason why the member is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a member's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a member's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by members to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a member's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the member to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a member's request to attend a meeting by audio-visual link where the council or committee is satisfied that the member has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a member attending a meeting by audio-visual link in the same way it would if the member was attending the meeting in person. Where a member is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The member's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A member must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.33 A person (whether a member or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a member, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than members from a council or committee meeting.

Webcasting of meetings

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

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

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

5.36 The recording of a meeting is to be made publicly available on the council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.

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

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.40 reflects section 376(1) of the Act.

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

Note: Clause 5.41 reflects section 376(2) of the Act.

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

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

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

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

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

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or

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

Chairperson to have precedence

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

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.2 The general order of business for an ordinary meeting of the council shall be:
 - 01 Opening meeting
 - 02 Acknowledgement of country
 - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by members
 - 04 Confirmation of minutes
 - 05 Disclosures of interests

- 06 Chairperson minute(s)/report
- 07 Reports of committees
- 08 Reports to council
- 09 Notices of motions/Questions with notice
- 10 Confidential matters
- 11 Conclusion of the meeting

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

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

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a member has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the members in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Chairperson minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the members if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Chairperson minutes

- 9.6 Subject to clause 9.9, if the Chairperson is the chairperson at a meeting of the council, the Chairperson may, by minute signed by the Chairperson, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A Chairperson minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Chairperson) may move the adoption of a Chairperson minute without the motion being seconded.
- 9.8 A recommendation made in a Chairperson minute put by the Chairperson is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A Chairperson minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a Chairperson minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Chairperson minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

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

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

- 9.15 A member may, through the chairperson, put a question to another member about a matter on the agenda.
- 9.16 A member may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A member or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a member or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Members must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a member or council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A member who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a member who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to members, the member may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a member who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other member may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Amendments to motions

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

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 10.20 A member who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A member must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a member may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no member expresses an intention to speak against it, or
 - (b) if at least two (2) members have spoken in favour of the motion or amendment and at least two (2) members have spoken against it.

- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All members must be heard without interruption and all other members must, unless otherwise permitted under this code, remain silent while another member is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of members

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

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

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

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

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

Voting at council meetings

- 11.5 A member who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a member who has voted against a motion put at a council meeting so requests, the general manager must ensure that the member's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) members rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the

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

- 11.9 When a division on a motion is called, any member who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by members for Chairperson or deputy Chairperson is to be by secret ballot.
- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the members who supported the decision and the names of any members who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

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

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

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask members to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by two [2] days before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two [2] speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two [2] speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed fifteen [15] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-members from meetings closed to the public

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

person from re-entering that place for the remainder of the meeting.

Obligations of members attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A member may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the member raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A member commits an act of disorder if the member, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another member or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

15.16 Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a member, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A member may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a member from the meeting for that reason does not prevent any other action from being taken against the member for the act of disorder concerned.

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

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

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

15.20 If a member or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the member

or member of the public from that place and, if necessary, restrain the member or member of the public from re-entering that place for the remainder of the meeting.

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

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

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Members, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All members and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Members attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a member has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the member's audio-visual link to the

meeting must be suspended or terminated and the member must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

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

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

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

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than seven [7] after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

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

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three members is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a member may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the member is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 7:00pm.
- 18.2 If the business of the meeting is unfinished at 7:00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 7:00pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each member of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

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

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

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

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

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

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

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

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

20 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all members

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

Functions of committees

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

Notice of committee meetings

- 20.6 The general manager must send to each member, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the Chairperson) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the Chairperson, or
- (b) if the Chairperson does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of members attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed

at a subsequent meeting of the committee.

- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any member or committee member, or
 - (c) any defect in the election or appointment of a member or committee member, or
 - (d) a failure of a member or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of members) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two members under clause 11.7 of this code requiring the recording of the names of the members who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a member under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a member under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including

	the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of members or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June