



**Date:** Thursday, 17 October 2024  
**Time:** 4:00PM  
**Location:** 105 Loftus Street  
TEMORA NSW 2666

# **MINUTES**

## **Ordinary Council Meeting**

**17 October 2024**

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**MINUTES OF TEMORA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT 105 LOFTUS STREET, TEMORA NSW 2666  
ON THURSDAY, 17 OCTOBER 2024 AT 4:00PM**

**PRESENT:** Cr Rick Firman, Cr Graham Sinclair, Cr Nigel Judd, Cr Belinda Bushell, Cr Anthony Irvine, Cr Brenton Hawken, Cr Kenneth Smith, Cr Narelle Djukic, Cr Paul Mahon

**IN ATTENDANCE:** Mr Rob Fisher (Executive Manager Engineering Services), Mr Kris Dunstan (Director of Environmental Services), Mrs Elizabeth Smith (Director of Administration & Finance), Ms Melissa Boxall (General Manager), Mrs Anne Rands (Executive Assistant)

Temora Independent – Camillo Malacari  
Media Officer – Lauren Carr

**1 OPEN AND WELCOME**

There were no Public Forum requests.

**THE MEETING WAS OPENED BY GENERAL MANAGER, MELISSA BOXALL.**

## 2 ELECTION AND DELEGATES

### 2.1 ELECTION OF MAYOR AND DEPUTY MAYOR - 2024

**File Number:** REP24/858

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. [OLG Fact Sheet - Election of Mayor and Deputy Mayor by Councillors](#) 



#### REPORT

Within NSW Councils Councillors must elect a Mayor from among their number every two years unless they have a popularly elected Mayor. Councillors may also elect a Deputy Mayor. The Deputy Mayor may be elected for the Mayoral term or a shorter term. Traditionally at Temora Shire Council a Deputy Mayor has been elected and holds the same term as the Mayor.

The election of the Mayor and the Deputy Mayor must be conducted in accordance with Division 12, Section 394 and Schedule 7 of the Local Government (General) Regulation 2021 (the Regulation).

Attached is an Office of Local Government Fact Sheet on conducting Mayoral and Deputy Mayoral elections in accordance with these requirements (Attachment 1).

An election for Mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council. The returning officer is to be the General Manager (or a person appointed by the General Manager).

As no Mayor or Deputy Mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Traditionally this position has been held by the acting Mayor.

#### **Election of Mayor**

The regulations provide for the following:-

- The General Manager (or a person appointed by the General Manager) is the returning officer
- A Councillor may be nominated without notice for election as Mayor
- A nomination is to be made in writing by two or more Councillors one of whom may be the nominee
- The nomination is not valid unless the nominee has indicated consent to the nomination in writing
- The nomination is to be delivered or sent to the returning officer
- The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held
- If only one Councillor is nominated that Councillor is deemed elected

- If more than one Councillor is nominated the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting
- The election is to be held at the Council meeting at which the Council resolves on the method of voting
- The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is—
  - (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
  - (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW

Definition: Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Copies of the nomination forms for the use in respect of the election of Mayor have been distributed with this agenda.

### **Election of Deputy Mayor**

The position of Deputy Mayor is an optional position. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Council has traditionally elected such a person for the same term as the Mayor, and the election procedures are the same as for Mayor, forms have been distributed with this agenda in respect to the election of the Deputy Mayor.

**Cr Rick Firman was the only nomination for the position of Mayor.**

**Cr Rick Firman was declared elected as Mayor for a two year period.**

**Cr Graham Sinclair was the only nomination for the position of Deputy Mayor.**

**Cr Graham Sinclair was declared elected as Deputy Mayor for a two year period.**

### **RESOLUTION 155/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Nigel Judd

It was resolved that Council accepts the positions of Mayor and Deputy Mayor as elected for a two year period.

**CARRIED**

***Report by Melissa Boxall***

## Fact Sheet

ELECTION OF MAYOR AND DEPUTY  
MAYOR BY COUNCILLORS

## Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

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

The election of the mayor and the deputy mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

## How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

## Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

## Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

## Procedures

### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2021, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

### Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

#### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

#### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.



## Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

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

#### 3 Election

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

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

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

#### 6 Count—2 candidates

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

#### 7 Count—3 or more candidates

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

**Part 3 Preferential ballot**  
**General Manager Melissa Boxall vacated the chair at 4:06pm**

**8 Application of Part**  
**Mayor Rick Firman assumed the Chair at 4:07pm**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

**The meeting was paused at 4:10pm pm whilst the official photo of Council was taken.**

(1) The ballot-papers are to be prepared by the returning officer. The returning officer is to provide each candidate with a copy of the ballot-papers. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preferences.

**The meeting recommenced at 4:34pm**

- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

**10 Count**

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

**11 Tied candidates**

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

**Part 4 General**

**12 Choosing by lot**

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

**13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

## 2.2 COMMITTEES & DELEGATES 2024

**File Number:** REP24/859

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:**

1. Goldenfields Water - New Councillor Letter [↓](#) 
2. Getting on Board GWCC [↓](#) 

### REPORT

The purpose of this Report is to elect Councillor delegates to external Committees and Council's Committees for the period of October 2024 to September 2025, with the exception of the timeframe for delegation to Goldenfields Water County Council (GWCC) which will continue to hold the position until the next election in 2028.

### Background

Council elect's delegates to Council and external Committees at its September Council Meeting each year.

Attached to this report is correspondence and information from GWCC that has been provided for those Councillors that may be considering becoming a member of the Board (Attachment 1 and 2). The information has been developed to provide an overview of Goldenfields' functions, what to expect in relation to time commitment and remuneration, and the responsibility of Goldenfields Councillors to make decisions based on the best outcomes for Goldenfields Water.

Council has established committees to support its decision-making processes and to undertake activities on behalf of the Council. These include Council Committees, Statutory Committees, Sunset Committees and Section 355 Committees.

Noted within the report are the current numbers of Councillor representatives. It is at Council's discretion to nominate the number of delegates and is acceptable to have less representatives than previously identified.

### Signage and Roads Hierarchy Committee

In preparing this report it was identified that the functions of the Signage Committee and Roads Hierarchy Committee fall within the remit of the Asset and Operations Committee.

Prior to the introduction of the Integrated Planning and Reporting (IP&R) framework the Roads Hierarchy Committee provided significant input into the forward Capital Works program, however this is now primarily managed through the preparation of the four-year Delivery Program and annual operational planning process through the legislated IP&R framework.

It is recommended by Council Officers that Council consider disestablishing these two committees' and that the matters previously reported to those Committee's be reported to the Assets and Operations Committee moving forward. This will streamline reporting processes for staff and reduce Council resources required to support multiple committees. Alternatively, should Council determine that these Committees remain that they become Sunset Committees and are called upon on an as needs basis.

**1. EXTERNAL COMMITTEES**

	<b>COMMITTEE</b>	<b>APPOINTED DELEGATE</b>
1	Local Emergency Management Officer	General Manager (delegated to the Engineering Services Executive Manager)
2	Riverina Eastern Regional Organisation of Councils (REROC)	Mayor, 1 Alternate Delegate & General Manager
3	Riverina Regional Library Service	1 Delegate, 1 Alternate Delegate & Director of Administration & Finance
4	Bland-Temora Bushfire Zoning Liaison Committee	1 Delegate, 1 Alternate Delegate & General Manager & Director of Administration & Finance
5	Goldenfields Water County Council**	1 Delegate **(normally 4 year term)
6	Temora Traffic Committee	1 Delegate
7	Riverina Eastern Noxious Weed Authority (RENWA)	1 Delegate & Director of Environmental Services
8	Lachlan Regional Transport Committee	1 Delegate
9	Riverina Joint Organisation (Riverina JO)	1 Delegate, required to be the Mayor of the Council. Currently an alternate is appointed as the Mayor is independent chair

**2. COUNCIL COMMITTEES**

The Council Committees that require representation are as follows.

**ASSETS & OPERATIONS COMMITTEE** Unlimited membership - meet 2:00pm on committee days

**Council Delegate:** General Manager

**Objective:** To consider issues at a Committee level that broadly falls under the portfolio of engineering services and operational governance related matters. This would include and not be limited to policies, asset management including roads, signage, drainage, footpaths, open space, plant and civil works.

**ECONOMIC DEVELOPMENT & VISITATIONS COMMITTEE – Unlimited membership – meet 4:30pm on committee days bi-monthly**

**Council Delegate:** General Manager

**Objective:** To support the development of Council economic development, tourism and community development strategies and review progress against strategic initiatives.

#### **ROADS HIERARCHY COMMITTEE – All Councillors**

**Council Delegate:** *General Manager*

**Objective:** To develop and maintain a methodology for the determination of road upgrade priorities.

**NB - It is recommended that consideration be given to the future direction of this Committee.**

#### **PERFORMANCE REVIEW COMMITTEE - Mayor & Deputy Mayor and 2 Councillors**

**Council Delegate:**

**Objective:** To approve and formalize the General Manager's employment contract and conditions of employment to undertake a performance appraisal in accordance with the General Manager's performance agreement. To consult with the General Manager on an appropriate succession plan for senior staff and to consult with the General Manager on all staff issues and industrial relations at a strategic level. Wherever possible and in accordance with Equal Employment Opportunity (EEO) principles, the performance review panel will have gender equality.

#### **LOCAL GOVERNMENT WEEK – Currently 2 Councillors**

**Council Delegate:** *General Manager*

**Objective:** To develop a program promoting Local Government Week.

#### **YOUTH ADVISORY COMMITTEE – Currently 2 Councillors – Meets on Committee days once per quarter**

**Council Delegate:** *General Manager*

Staff – Elizabeth Smith

**Objective:** Advise Council in relation to youth issues and promote youth events.

#### **SIGNAGE COMMITTEE – Currently 4 Councillors**

**Council Delegate:** *General Manager*

**Objective:** Make recommendations to Council in accordance with the Signage Guidelines (Policy No: PR3) in relation to navigational, temporary, promotional, directional and advertising signage to ensure signs are effective and appropriate, whilst complimenting the character and visual amenity of the area in which they are to be erected.

**NB - It is recommended that consideration be given to the future direction of this Committee.**

### 3. STATUTORY COMMITTEES

#### **ARIC COMMITTEE – Currently 1 Councillor (non-voting position) Meets four times per year**

*Council Delegate: General Manager*

Staff – Elizabeth Smith

**Objective:** The objective of Council's audit, risk and improvement committee (ARIC) is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

#### **CODE OF CONDUCT COMMITTEE**

It is recommended that Council adopt the REROC Panel of Conduct Reviewers established by REROC.

**Objective:** The Council is required under the Code of Conduct to appoint a Code of Conduct committee. The committee must comprise of three or more persons independent of Council. Independent of Council means a person who is not an employee of the Council, has no current or ongoing contractual relationship with Council in the nature of services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

### 4. SUNSET COMMITTEES

The following committees only meet on as needs basis and include the General Manager (or their delegate) as the Council Delegate.

**Aerodrome Multi-Purpose Building – 3 Councillors**

**Scholarship/Career Committee – 2 Councillors**

**Floodplain Risk Management Committee – 2 Councillors**

**Public Art Advisory Committee – 2 Councillors**

**Street Lighting Committee – 3 Councillors**

### 5. SECTION 355 COMMITTEE

Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management. Community committees are established under Section 355 with delegations from Council under the provision of Section 377 of the Local Government Act. Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the Section of the Local Government Act in which the authority for such a committee to be formed is identified. Comprehensive guidelines have been established for the management responsibilities, functions and operations of Section 355 Committees through Council's *Policy G8 Code of Practice – Section 355 Committees*.



- **ACCESS & EQUITY COMMITTEE**

Michael Floyd (People with Disability), Robert Jordan (Community Rep), Deb Patterson (Community Rep), Kristy Wallace, Jane Sanders, Dale Wiencke

Staff - Sheree Axtell, Kris Dunstan, Elizabeth Smith, Claire Golder

**Council Delegates:** *Currently 2 Councillors*

**Objective:** To advocate on behalf of people with a disability, older people and parents with infants. To promote wellbeing and a sense of belonging for the above residents by raising awareness of issues that they may face. To ensure services and facilities in the community are accessible to all residents (within reason and with regard to regional and rural limitation)

- **AERODROME USERS**

Temora Aero Club - Robert Maslin (alternate Graham Engel), Temora Gliding Club – Grant Johnson (alternate Geoff King), Temora Aviation Museum – Peter Harper, Temora Airpark Estate Residents - Frank Lovell (alternate vacant), Robert Matthews

Staff - James Durham, Rob Fisher

**Council Delegates:** *Currently 2 Councillors*

**Objective:** To promote the future development of Temora Aerodrome and provide a forum for consultation with aerodrome users.

- **ARIAH PARK ADVISORY COMMITTEE**

Allen Penfold, Toni Leiper, Rowan Bromfield - Secretary, Tim Sanders - Chair, Robyn Wall, Julia Davey

**Council Delegates:** *Currently 1 Councillor*

**Objective:** To promote and maintain the facilities of Ariah Park for the benefit of the community.

- **ARIAH PARK POOL COMMITTEE**

Toni McCormack, Chloe Tidd, Phil Davey, Allan Edis, Nathan Chalmers, Craig Leiper, Peter Harper

**Council Delegates:** *Currently 1 Councillor*

**Objective:** To promote optimum usage of the Ariah Park Pool; to ensure co-operation between users of the facility; to ensure equitable allocation for the usage of the facility

- **AUSTRALIA DAY COMMITTEE**

Beth Firman, Roz St Clair, Ros Hartwig

**Council Delegate:** *Currently 3 Councillors*

**Objective:** To organise appropriate events to celebrate Australia's National Day in Temora Shire; to participate in the ambassador program and ensure that the ambassador is

appropriately utilized; To organise community recognition through the annual citizenship awards.

- **BUNDAWARRAH CENTRE MANAGEMENT COMMITTEE**

Rural Museum Reps –Robert Maslin (Chair), John Harris, Neil Martin

Men’s Shed Reps – Howard Ruth

Radio Station – Ken Davis

Staff – Bill Speirs & Ann Pike

**Council Delegate:** *Currently 1 Councillor*

**Objective:** To provide a liaison body for collocated organisations operating from the Bundawarra Centre; To provide a conduit between the Bundawarra Centre operators and Council.

- **FRIENDS OF TEMORA SHIRE CEMETERIES**

Ian Preston, Meryl Graham, Darryl Sutherland, Betty Brabin, Barb Harmer, Pam Buerckner, Harold Fritsch, Rick Taylor, Pat Taylor, Bruce Firman, Mavis Cassidy, Leonie Weir, Errol Schmetzer, Wilma McCubbin, Belinda Bushell, Lyn Wells

**Council Delegates:** *Currently 1 Councillor*

**Objective:** To advise Council on issues relating to the maintenance and development of Council owned cemeteries; to assist in the maintenance of Council owned cemeteries in Temora Shire Council areas.

- **HERITAGE COMMITTEE**

Jason Goode, Michael Collins, Meryl Graham, Wilma McCubbin, Ros Hartwig, David Scobie, Rod Ballantyne, Graham Lynch, Belinda Bushell, Dale Wiencke

Staff – Sally Hurst, Kris Dunstan, Claire Golder, Bill Speirs

**Council Delegate:** *Currently 3 Councillors*

**Objective:** To protect and conserve areas and items of historic and landscape heritage value.

- **IMAGINE TEMORA**

Susan Jeri, Louise Adams, Yianni Johns, Fran Cahill, Chris Watson, Scott Hayman, Colette Balzer

Staff: Shontayne Ward

**Council Delegate:** *Currently 2 Councillors*

**Objective:** To promote cultural diversity and to satisfy artists needs of community; to foster performing artists; to bring performances to the shire.

- **LAKE CENTENARY MANAGEMENT COMMITTEE**

Simon Forsyth – President, Adam Blachut – Vice Chairperson, Amanda Blachut - Treasurer, Amber Crawford – Secretary, Brett Cornford, Grant Kelly, Brent Crawford, Blake Forsyth

**Council Delegates:** *Currently 1 Councillor and Alternate*

**Objective:** To manage the usage of Lake Centenary on behalf of Temora Shire Council; To provide an information conduit between the users of Lake Centenary and Council; To administer the rules and regulations for the use of Lake Centenary as set down by agreement between Council and the Committee; To advise Council on issues pertaining to the maintenance and development of Lake Centenary and surrounds; To promote the safe usage of the facilities at Lake Centenary; To promote the usage of Lake Centenary as a premier water sports location accessible to all residents.

- **SISTER CITY COMMITTEE**

*Peter Speirs, Helen Speirs, Bob Brabin, Anne Giacomini, Fab Giacomini, Jeff Cornford*

*Staff – Shontayne Ward*

**Council Delegate:** *Currently 1 Councillor and Alternate*

**Objective:** To forge closer Council and community relationships with existing sister cities and Council.

- **SPRINGDALE COMMUNITY COMMITTEE**

Les Buckley (President), Pat Thorne (Vice President), Jess Miller (Secretary), Vinnie Reid (Treasurer), John Woodley, Annie Thorne

**Council Delegate:** *Currently 1 Councillor*

**Objective:** To promote optimum usage of the Springdale Hall including responsibility for booking of the hall; to ensure that the hall is maintained in good condition; to ensure the safety of the patrons of the hall.

- **TEMORA AGRICULTURAL INNOVATION CENTRE (Partnership Committee)**

Shaughn Morgan, 3 FarmLink Board Members

Staff – Melissa Boxall, Jacqui Hall, Craig Sinclair

**Council Delegate:** *Currently 3 Councillors*

**Objective:** To work in partnership with FarmLink to promote TAIC as premium facility providing value to farmers in the local area and further afield.

- **TEMORA & DISTRICT SPORTS COUNCIL**

Judy Gilchrist, Denise Breust, Tony Stringer, John Morton, Nominee from each Member Sporting Body

**Council Delegate:** *Currently 2 Councillors*

**Objective:** To foster, where possible, active participation of the people of the Temora and District in all forms of sport; to advise Council on matters relating to the utilisation of Council sporting facilities; to promote an annual sportsperson and junior sportsperson of

the year award presented at the annual Sports Council dinner; to advise Council on capital development priorities of sporting grounds; to develop scholarship programs and provide awards or financial rewards to any person or sporting organisation; to do any other things as authorised by Council, within the power vested by the Committee from time to time in accordance with the provisions of Section 377 of the Local Government Act

- **TEMORA FIGHT THE FRUIT FLY COMMITTEE**

Mavis Cassidy (President), Kevin Pellow (Vice President), Marleen Thornberry (Secretary/Treasurer), Michael Manning (Publicity Officer), Jean Groth, Keith Cassidy, Ken Morton, Barry Neasmith, Christine Bett, Ken Davis, Rose Davis, Fay Pellow, Pat Neasmith, Horrie Mortlock, Myrtle & Roy Madden, Sue Tolley, Neil Crawford, W Thornberry

**Council Delegate:** *Currently 1 Councillor*

**Objective:** To create awareness amongst citizens and provide education towards the control of fruit fly in the shire.

- **TEMORA WOMEN'S NETWORK**

Catherine Thompson, Susan Jeri, Lyn Cartwright, Norma Howard, Di Scott, Jean Gunn, Sally Deep

Staff – Shontayne Ward

**Council Delegate:** *Currently 1 Councillor*

**Objective:** To provide networking and support for women in the community; provide information on women's issues for the Temora Shire Council Social plan

- **TOWN HALL THEATRE**

Sue James, Susan Jeri, Leanne Waterson, Jan Gilchrist, Guy Piltz, Beth Firman, Trevor Player, Peter & Nita McIntyre, Andrew Lukasik, Gina Tkacz

Staff – Kris Dunstan

**Council Delegate:** *Currently 1 Councillor*

**Objective:** To provide a venue to host small movies, seminars, concerts, lectures; to provide a social outing to all residents of the Temora Shire

- **TEMORA ARTS CENTRE**

Rebecca Drenovski, Tracy Heinrich, Wendy Reardon, Robert Brabin, Fay Baun, Judy Gorton, Colette Balzer

**Council Delegate:** *Currently 1 Councillor & Alternate*

**Objective:** To build community support and establish a creative reputation for the facility. To increase the financial returns of the facility. To stimulate the pursuit of creative thinking, education, and outcomes at the facility.

### Options

In relation to the Signage Committee and the Roads Hierarchy Committee, Council may determine the following:

Option 1 - The Signage Committee and Roads Hierarchy Committee be disestablished and that the matters previously reported to these committees be reported to the Assets and Operations Committee moving forward.

Option 2 - The Signage Committee and Roads Hierarchy Committee become Sunset Committees and meet as required on an as needs basis.

### **RESOLUTION 156/2024**

Moved: Cr Nigel Judd

Seconded: Cr Narelle Djukic

It was resolved that Council

Elects' delegates to the Committees as follows:

#### *External Committees*

Local Emergency Management Officer – General Manager

Riverina Eastern Regional Organisation of Councils (REROC) – Cr Firman, General Manager (Cr Judd alternate)

Riverina Regional Library Service – Cr Bushell (Cr Firman alternate), Director of Administration & Finance

Bland Temora Bushfire Zoning Liaison Committee – General Manager, Director of Administration & Finance, Cr Sinclair, (Cr Smith alternate)

Goldenfields Water County Council – Cr Sinclair (four-year term)

Temora Traffic Committee – Cr Smith

Riverina Eastern Noxious Weed Authority (RENWA) – Director of Environmental Services, Cr Mahon

Lachlan Regional Transport Committee – Nil

Riverina Joint Organisation (Riverina JO) – Cr Sinclair

#### *Council Committees*

Assets & Operations Committee – Crs Bushell, Irvine, Judd, Mahon, Sinclair, Smith, Firman and General Manager

Economic Development & Visitations Committee – Crs Bushell, Sinclair, Firman, Judd, Smith, General Manager

General Manager's Performance Review Committee – Crs Firman, Sinclair, Bushell, Judd

Local Government Week – Crs Firman, Sinclair, Hawken, General Manager

Youth Advisory Committee – Crs Firman, Bushell, Hawken & General Manager

ARIC Committee – Cr Judd

*Sunset Committee*

Scholarship/Career Committee - Crs Firman, Hawken, General Manager

Public Art Advisory Committee – Cr Bushell, Djukic, General Manager

Street Lighting Committee – Crs Bushell, Judd, Irvine, General Manager

## Section 355 Committees

Access & Equity Committee – Cr Bushell (Cr Smith alternate)

Aerodrome Users – Crs Judd, Smith, Mahon

Ariah Park Advisory Committee – Cr Judd

Ariah Park Pool Committee – Cr Judd

Australia Day Committee – Crs Firman, Sinclair, Djukic

Bundawarra Centre Management Committee – Cr Smith

Friends of Temora Shire Cemeteries – Nil

Heritage Committee – Cr Judd (Cr Firman alternate)

Imagine Temora – Nil

Lake Centenary Management Committee – Cr Mahon (Cr Sinclair alternate)

Sister City Committee – Jason Goode as a community representative, Cr Sinclair (Cr Firman Alternate)

Springdale Community Committee – Cr Smith (Cr Sinclair alternate)

Temora Agricultural Innovation Centre Committee – Crs Sinclair, Judd, Mahon

Temora & District Sports Council – Crs Firman, Djukic

Temora Fight the Fruit Fly Committee – Cr Smith

Temora Women’s Network – Nil

Town Hall Theatre – Nil

Temora Arts Centre – Nil

**CARRIED**

**RESOLUTION 157/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Graham Sinclair

It was resolved that Signage Committee and the Roads Hierarchy Committee be disestablished and that the matters previously reported to these committees be reported to the Assets and Operations Committee moving forward.

**CARRIED**

**RESOLUTION 158/2024**

Moved: Cr Kenneth Smith

Seconded: Cr Narelle Djukic

It was resolved that Council adopt the REROC Panel of Conduct Reviewers established by REROC.

**CARRIED**

**RESOLUTION 159/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Paul Mahon

It was resolved that the Aerodrome Multi-Purpose Building and Floodplain Risk Management Committee be disestablished and that the matters previously reported to these committees be reported to the Assets and Operations Committee moving forward.

**CARRIED**



Reference: 24/12406

3 September 2024

**Melissa Boxall**  
**General Manager**  
**Temora Shire Council**  
**PO Box 262**  
**TEMORA NSW 2666**

Dear Melissa

**Re: Getting on 'Board' with Goldenfields Water**

The attached information guide *Getting on 'Board' with Goldenfields Water* is provided for those Councillors that may be considering becoming a member of the Board of Goldenfields Water County Council.

The information has been developed to provide an overview of Goldenfields' functions, what to expect in relation to time commitment and remuneration, and the responsibility of Goldenfields Councillors to make decisions based on the best outcomes for Goldenfields Water.

We request that this information be provided to your newly elected Councillors as soon after their election as possible, and prior to committee selections and nominations being made. This may be best provided as part of the Board paper for the first Council meeting, or by any other manner your Council sees fit.

The first meeting of our new Board will be held on Thursday 31 October 2024. This meeting will commence with the new board members undertaking the Oath or Affirmation of Office and a Chairperson and Deputy Chairperson will also be elected.

The new Board will decide a schedule of meetings for the remainder of 2024 and 2025 including commencement time and dates.

Thank you for facilitating this matter, we trust that the provision of this information will assist your Councillors understanding of Goldenfields Water and how they may contribute.

Yours faithfully

A handwritten signature in black ink, appearing to read "A. Drenovski".

**Aaron Drenovski**  
**General Manager**





# Getting on 'Board' with Goldenfields Water

An information guide to help councillors understand the role of Goldenfields Water and its Board Members

## Who is Goldenfields Water?

Goldenfields Water is a single-purpose county council that has been responsible for providing water supply services to many communities in the South West Slopes and Riverina regions of NSW since 1997.

As a county council Goldenfields Water is a unique organisation given it is made up of seven constituent councils that each depend on it to deliver essential drinking water for their communities.

Goldenfields Water's seven constituent councils are:

- Hilltops Council
- Narrandera Shire Council
- Temora Shire Council
- Coolamon Shire Council
- Junee Shire Council
- Cootamundra-Gundagai Regional Council
- Bland Shire Council

## Who is Goldenfields Water's governing body?

The Goldenfields Water Board is the governing body responsible for managing the affairs of Goldenfields Water County Council.

Goldenfields Water's constituent councils elect the board members from amongst the councillors, who hold the position for the term of council. The Board currently comprises of eight members - one elective representative from six of the constituent councils and two representatives from Hilltops Council (this due to the merger of the former Harden and Young councils, which were previous constituent councils of Goldenfields Water).

## Key stats



6,000 customers  
11,523 water connections



Covering 22,500km<sup>2</sup>



Over 2370 km of water mains (longest network in regional NSW)



Over 70 staff members



Head office & workshop located in Temora



3 Customer Survey  
5% satisfied with



2023 Customer Survey  
87% satisfied with



\$18.5 million invested into capital



In 2023/24 GWCC donated \$186K to schools, community groups &



Produced 8,979ML of water





GWCC board members at the official opening of the West Wyalong Water Reliability Project

## What water supply services does Goldenfields Water deliver?

Currently Goldenfields Water supplies drinking water directly to all residential, commercial and some rural properties in the LGA of Bland, Colamon, Temora, Junee and parts of Narrandera Shire.

Goldenfields Water supplies water in bulk to Cootamundra-Gundagai and Hilltops Councils, which then distribute water directly to their residents.

Goldenfields also provides non-potable water directly to 250 properties as well as water in bulk to Riverina Water County Council.

## What is the role of a GWCC Councillor?

As a Board Member, it is required that you will provide:

- Leadership in guiding and governing the development of the Integrate Planning and Reporting framework
- Play a key role in the creation and review of Council's plans and policies
- Review the performance of Council's delivery and services
- Represent your community and make decisions that are in the best interest of Goldenfields Water overall
- Attend Council's meetings - currently held six times a year (on the four Thursday of every second month)
- The Chairperson and Deputy Chair will be required to speak to the media on behalf of Council when required

## Key considerations

- The Board elects a chairperson and deputy chairperson from amongst its members and they hold office for two years.
- All Goldenfields Water board members are remunerated. These annual fees are determined by the Local Government Remuneration Tribunal.
- Rates for 2024/25 are:
  - Chairperson - \$18,062.80
  - Councillor - \$10,997
- Given the scheme's extensive network, travel will be required well beyond Board member's own local government areas.
- Goldenfields Water will reimburse Board members for all reasonable travel expenses related to defined county council business.

## From our current Chairperson...

"Holding the position of Goldenfields Water's Chairperson since 2022 and working alongside my fellow seven Board members to responsibly manage the community's precious water resources has been a privilege and I'd encourage every councillor to consider representing their local government."



**8 MAYORAL MINUTES**

Nil

**9 REPORTS FROM COMMITTEES**

Nil

**10 DELEGATES REPORTS**

**11 MAYORAL REPORT**

Nil

**12 STAFF REPORTS**

**RESOLUTION 161/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Brenton Hawken

It was resolved that Council receive Staff reports.

**CARRIED**

**13 GENERAL MANAGER****13.1 COUNCIL NOMINATED MEMBERS FOR REGIONAL PLANNING PANEL**

**File Number:** REP24/895  
**Author:** Town Planner  
**Authoriser:** Director of Environmental Services  
**Attachments:** Nil

Council has received a request from the NSW Department of Planning, Housing and Infrastructure to provide updated details on Council's nominated members of the Southern Regional Planning Panel, following the Local Government elections.

Regional Planning Panels are independent bodies that strengthen decision making on regionally significant development applications and other planning matters including certain planning proposals and Aboriginal land planning.

There are five Sydney District Planning Panels and four regional Planning Panels across NSW. Each panel is an independent body that is not subject to the direction of the Minister for Planning.

Regionally Significant development includes:

- Development with a capital investment value (CIV) over \$30 million
- Council-related development with a CIV over \$5 million, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities
- Designated development involving extractive industries, waste facilities and marinas
- Certain coastal subdivisions
- Development with a CIV between \$10 million and \$20 million that is referred to the regional panel by the applicant after 120 days

The role of the Council members will be to work with other Planning Panel members (three State nominated members) to determine regionally significant development applications.

Appointment terms should also be confirmed. The standard term for nominated members is 3 years unless otherwise advised by Council.

Property developers and real estate agents are not eligible to be members of a Planning Panel.

Section 4.4 of the Sydney and Regional Planning Panel Operational Procedures it states that two Council members are appointed by each Council. At least one Council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Council has in the past nominated one Councillor and one Council Officer from Coolamon Shire as their nominated members. In addition, an alternate for each of these nominations is also provided, should the first nominee/s be unavailable.

Previously, Council has nominated Mr Tony Donoghue, General Manager of Coolamon Shire Council, with Mr Colby Farmer, Executive Manager, Planning and Environmental Services,

Coolamon Shire, as alternate, as the Council Officer representatives. Mr Donoghue and Mr Farmer have raised no objection to being re-nominated.

**RESOLUTION 162/2024**

Moved: Cr Graham Sinclair

Seconded: Cr Paul Mahon

It was resolved that Council:

1. Nominate Councillor Judd as the Member of the Regional Planning Panel and Councillor Bushell as the alternate Member,
2. Nominate Mr Tony Donoghue General Manager of Coolamon Shire as Member with Mr Colby Farmer as alternate Member, and
3. Advise the NSW Department of Planning, Housing and Infrastructure that these nominations are for a period of three years.

**CARRIED**

**Report by Claire Golder**

**13.2 DELEGATIONS TO THE MAYOR****File Number:** REP24/873**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Delegations Mayor [↓](#) **REPORT**

The purpose of this report is for Council to review and endorse the Delegations (at Attachment 1) for the Mayor for the term of the current Council.

Section 380 of the Local Government Act 1993 (the Act) requires Councils to review the delegations during the first 12 months of each term of office. This provides clear direction to the Council and Mayor in regard to the functions and powers of delegation authorised in accordance with the legislation.

**Section 377 – Matters which cannot be delegated**

Section 377 of the Act provides the matters which CANNOT be delegated to the Mayor, General Manager or any other body:

*(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*

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

(o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),

(p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

(r) a decision under section 234 to grant leave of absence to the holder of a civic office,

(s) the making of an application, or the giving of a notice, to the Governor or Minister,

(t) this power of delegation,

(u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—

(a) the financial assistance is part of a specified program, and

(b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and

(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

### **Role of the Mayor**

The statutory role of the Mayor as defined in Section 226 of the Local Government Act 1993 is as follows:

(a) to be the leader of the council and a leader in the local community,

(b) to advance community cohesion and promote civic awareness,

(c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,

(d) to exercise, in cases of necessity, the policy making functions of the governing body of the council between meetings of the council,

(e) to preside at meetings of the council,

(f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,

(g) to ensure the timely development and adoption of the strategic plans, programs

- and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) to exercise any other functions of the council that the council determines.*

The Delegations for the Mayor detailed in the attached report are consistent with the statutory requirements of the role.

#### Delegations to the Deputy Mayor

The Mayor may delegate their powers, authorities, duties and functions at their discretion to the Deputy Mayor, in the case of the absence of the Mayor.

#### **RESOLUTION 163/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Narelle Djukic

It was resolved that the Delegations for the Mayor detailed in the attached report be endorsed by Council.

**CARRIED**

#### ***Report by Melissa Boxall***





# Delegations to Mayor

## Power of Delegation

In accordance with section 377 of the *Local Government Act 1993* Council, by resolution, delegates the following powers, authorities, duties and functions to the Mayor.

**Mayor**

Code	Name & Description	Legislation	Date Of Delegation
DEG051	<p><b>Provide a Reference to a Potential Employer</b></p> <p>To provide a reference to a potential employer with the consent of a current or former employee:</p> <p>(a) Verbal references can be provided to a potential employer.</p> <p>(b) Written references on Council letterhead can only be provided by the General Manager and/or CEO and Directors.</p> <p>Without the consent of a current or former employee the only information that can be provided to a potential employer, is confirmation that the person has worked for Council, the duration of that work and the position occupied during that time.</p>		1/04/2022
DEG053	<p><b>Make or Authorise Public and Media Statements involving Council in line with Council's Media Policy</b></p> <p>(a) To make or authorise public statements</p> <p>(b) Issue media releases on matters involving the Council.</p>		4/07/2018
DEG058	<p><b>Sign Contracts, Deeds and Agreements (including the termination of such documents) that do not require the Council Seal</b></p>		14/06/2023

Code	Name & Description	Legislation	Date Of Delegation
DEG059	<p>To sign Contracts, Deeds and Agreements, including Memorandums of Understanding (including the termination of such documents), that do not require the Council Seal.</p> <p>Please Note: this delegation does not limit the power or function of Council officers under DEG001 to process operational purchase orders.</p> <p>Sign Funding Applications once approved by Council</p> <p>Sign Funding Applications once approved by Council</p>		8/05/2019
DEG076	<p>Authorise Action on General Complaints about Staff from an External Source</p> <p>To authorise action to be taken by the appropriate officer in regard to any complaints or requests received, where the complaint is from an external source.</p>		16/07/2019
IPROC14	<p>Credit Card - \$1000</p> <p>To use allocated Council Credit Card to a limit of \$1000 provided receipts and proper acquittal is provided and in accordance with Policy G9</p>	Internal Procurement	31/05/2017
MAYOR000	<p>There are no current delegations to the Mayor other than those prescribed by the Local Government Act 1993</p>		25/02/2019

**13.3 USING COUNTBACKS TO FILL CASUAL VACANCIES**

**File Number:** REP24/851  
**Author:** Director of Administration & Finance  
**Authoriser:** Director of Administration & Finance  
**Attachments:** Nil

**REPORT**

Following the 2024 local government elections, Councils will again have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

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

Councils must resolve, at their first meeting after the election to use a countback to fill casual vacancies.

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

**RESOLUTION 164/2024**

Moved: Cr Belinda Bushell  
Seconded: Cr Narelle Djukic

It was resolved that pursuant to section 291A(1)(b) of the Local Government Act 1993(the Act) Temora Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify NSW Electoral Commission of the Council's decision within 7 days of the decision.

**CARRIED**

*Report by Melissa Boxall*

**13.4 ACKNOWLEDGEMENT AND ENDORSEMENT OF POLICIES**

**File Number:** REP24/860  
**Author:** Executive Assistant  
**Authoriser:** General Manager  
**Attachments:** Nil

**REPORT**

The purpose of this report is to seek Council's acknowledgement and endorsement of the Policies that relate to the Mayor and Councillors' civic functions, role and responsibilities. The relevant policies have been provided under separate cover.

**Background**

Policies provide a framework for the Mayor and Councillors to conduct their civic duties. They follow legislation, best practice and Council's Community Strategic Plan (CSP). Policies may be amended by the Council at any time.

The following Council policies relate to the Mayor and Councillors. They guide Council process, procedures and help fulfil statutory obligations and require endorsement and acknowledgement.

Further information will be provided to the Councillors on specific elements of these policies as part of a councillor induction training package.

A hard copy of these policies has been provided to all Councillors and are accessible via the Councillor Hub and Council's website.

**(G17) Code of Conduct and (G22) Procedures for the Administration of the Code of Conduct**

This policy and the supporting procedures outline Council's commitment to ethical governance and appropriate conduct in all Council's activities. It applies to the Mayor, Councillors, Council staff, volunteers, contractors, delegated persons, administrators, council committee members and conduct reviewers. This policy is based on the Model Code of Conduct Policy issued by the Office of Local Government.

**(G13) Communications and Media Policy**

The Communications and Media Policy provides a framework to assist Temora Shire Council when communicating directly or indirectly with the public. It ensures engagement directly with the public and indirectly, with media, by Council officials (Councillors and staff) is consistent, accurate, professional, and enhances Council's reputation.

**(G14) Records Management Policy for Councillors**

The purpose of this Policy is to ensure that full and accurate records of the activities and decisions of Councillors, in the course of their official duties for Council, are created, managed and disposed of appropriately to meet the Council's organisational needs and accountability requirements.

**(G27) Model Councillor and Staff Interaction Policy**

The Model Councillor and Staff Interaction Policy is based on a model policy prepared by the Office of Local Government and has three main goals. They are to establish a framework by which councillors can access the information they need to perform their civic functions, to promote

positive and respectful interactions between councillors and staff, and to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

### **(G28) Social Media Policy**

The Social Media Policy has been based on a model policy prepared by the Office of Local Government. The Policy provides council with a robust framework for the administration and management of its social media platforms. It also sets standards of conduct for all council officials who use social media in their official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

### **(G30) Councillor Induction and Professional Development**

The purpose of this policy is to demonstrate Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the Local Government Act 1993. This policy has been developed using the Councillor Induction and Professional Development Guidelines 2018 issued by the Office of Local Government.

### **(G33) Gifts and Benefits Policy**

This policy aims to provide guidance to Council officials in identifying, assessing and managing the provision or offer of any gift, benefit or bribe in accordance with Council's Code of Conduct and statutory requirements, and to enhance the reputation of Council as an organisation with the highest standards of ethical governance. This policy complies with the Model Code of Conduct for Local Councils in NSW and guidelines issued by the Independent Commission Against Corruption (ICAC).

### **(G34) Information Technology (IT) Acceptable Usage Policy**

This policy provides guidance on the provision of Information and Communication Technology (ICT) resources by Council and the responsibility of authorised users when accessing these resources. The term "user" applies to all Council staff including contractors and volunteers, and to Councillors. These resources include but are not limited to:

- iPads / Tablets
- Internet
- Electronic Mail (email)
- Mobile Phones with Data services
- Laptops, PCs or similar devices.
- Councillor Portal (Big Tin Can Hub)
- Remote access to Council network

This policy also applies to personal devices which are accessing the internet using Council wi-fi.

## **RESOLUTION 165/2024**

Moved: Cr Graham Sinclair

Seconded: Cr Brenton Hawken

It was resolved that Council acknowledge and endorse the following policies:

1. (G17) Code of Conduct and (G22) Procedures for the Administration of the Code of Conduct
2. (G13) Communications and Media Policy

3. (G14) Records Management Policy for Councillors
4. (G27) Model Councillor and Staff Interaction Policy
5. (G28) Social Media Policy
6. (G30) Councillor Induction and Professional Development Policy.
7. (G33) Gifts and Benefits Policy; and
8. (G34) Information Technology (IT) Acceptable Usage Policy

**CARRIED**

### 13.5 ENDORSEMENT OF AMENDED CODE OF MEETING PRACTICE

**File Number:** REP24/862

**Author:** General Manager

**Authoriser:** General Manager

**Attachments:**

1. Amended (G2) Code of Meeting Practice [↓](#) 
2. OLG Circular 21-35 [↓](#) 

#### REPORT

The purpose of this report is to seek Council endorsement of the amended (G2) Code of Meeting Practice (Attachment 1). The current Code of Meeting Practice was last adopted by Council on 24 November 2022.

#### Background

The Local Government General Regulation 2021 has prescribed the Model Code of Meeting Practice for Councils to adopt. Circular 21-35 by the Office of Local Government (Attachment 2) outlines the mandatory and non-mandatory provisions of the Model Code of Meeting Practice for Councils in New South Wales (the Model Code).

Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the Code of Meeting Practice adopted by the Council.

#### Discussion Paper – Councillor conduct and meeting practices

The Office of Local Government (OLG) is currently seeking feedback on a discussion paper *Councillor conduct and meeting practices*, with submissions due by 15 November 2024. Council officers are preparing a draft submission which will be presented to a future Council Meeting. It is likely that OLG will make changes to the Model Code and it is recommended that a full review of Council's Code of Meeting Practice be undertaken at the conclusion of this process.

#### Temora Shire Council's Code of Meeting Practice

Council's current Code of Meeting Practice includes all mandatory provisions from the Model Code, however Council officers are recommending two minor changes. The proposed changes include:

1. Amended deadline for the submission of Notice of Motions (See 3.10)

The deadline for receipt of a Notice of Motion (and question with notice) is recommended to be amended from "...5 business days before the meeting is to be held." to "...12 noon the Wednesday of the week before the meeting is to be held". This is to ensure that there is clarity in relation to the deadline for submitting the Notice of Motion (NOM), to allow the General Manager time to consider the content of the request and for inclusion within the Business Paper, which is compiled by Council Officers on the Thursday prior to the Council Meeting.

2. Inclusion of the Statement of ethical obligations as recommended by ICAC (see 3.23)

The Independent Commission Against Corruption (ICAC) have recommended that the Code of Meeting Practice require that Council business papers include a reminder to councillors of their oath or affirmation of office and their conflict of interest disclosure obligations. It is recommended that Council adopt this practice consistent with ICAC's recommendation.



**Council Policy/Legislation**

Under Section 361 of the Local Government Act, Councils are required to exhibit a draft of the Code of Meeting Practice within 12 months of a Council election for at least 28 days and provide the community at least 42 days in which to make submissions. As the proposed amendments to the current Code of Meeting Practice are minor in nature it is not considered necessary to publicly exhibit the document, with an endorsement appropriate at this time. A full review of the Code of Meeting Practice will be undertaken at the conclusion of the OLG's considerations of the Model Code.

Council officers recommend that the amended Code of Meeting Practice (Attachment 1) be endorsed by Council.

**RESOLUTION 166/2024**

Moved: Cr Belinda Bushell

Seconded: Cr Graham Sinclair

It was resolved that Council endorse the amended Code of Meeting Practice at Attachment 1

AND FURTHER

Amend the deadline for Notice of Motions to "12 noon eight days before the meeting held (which will usually be a Wednesday)".

**CARRIED**

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*Temora Shire Council*

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# TEMORA SHIRE COUNCIL



**TEMORA**  
*The Friendly Shire*

## Code of Meeting Practice

Active

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**Review Details**

**ABOUT THIS RELEASE**

**DOCUMENT NAME:** Code of Meeting Practice  
**CODE NUMBER:** G2  
**AUTHOR:** Temora Shire Council  
**ENDORSEMENT DATE:** October 2024

**REVIEW**

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
October 2022	New Policy – Model Code	1	24 November 2022	GCL
October 2024	Minor update to NOM and QON timeframes and inclusion of Oath/Affirmation		17 October 2024	MB

**PLANNED REVIEW**

Planned Review Date	Revision Description		Review by

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## **1 INTRODUCTION**

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

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

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

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

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

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## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

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

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

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

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### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:  
Held at 4.00pm on the third Thursday of each month at Temora Shire Council Chambers, (check adjusted times). In the event that the business of Council is, as determined by the Mayor, unable to be reasonably dealt with for completion at a reasonable time due to the amount of business, the meeting may commence at an earlier time. Council may in exceptional circumstances by resolution of Council change the date of the Council meeting. Notice of such change will be given in accordance with 3.4.
- 3.2 Not applicable.

#### Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.(S366)

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

#### Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.(S367(1))

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- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form. (S367(3))

#### Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency. (S367(2))

#### Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by **12noon the Wednesday of the week** ~~5 business days~~ before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor 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 councillors with the business papers for the meeting for which the notice of motion has been submitted,

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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 councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor 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 mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral 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.

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- 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.
- 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 councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### Statement of ethical obligations

- 3.23 ~~Not applicable.~~ Business papers for all ordinary and extraordinary meetings of council and committee of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

#### Availability of the agenda and business papers to the public

- 3.24 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. (Sect 9 (2) and (4))
- 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. (Section 9 (2A) (b))
- 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 councillors. (Sect 9 (3))

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- 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. (Sect 9 (5))

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.

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## 4 PUBLIC FORUMS

- 4.1 The council may hold a public forum, as required, 30 minutes 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 in exceptional circumstances
- 4.3 Public forums are to be chaired by the mayor 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 24 hours 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. Councillors will be advised by email or text message 24 hours prior to the meeting of a public forum.
- 4.5 Not applicable.
- 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 **one** speaker 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.

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- 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 mayor or the mayor'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 more than 24 hours 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 five (5) minutes to address the council, with an extension of five (5) minutes available at the discretion of the Mayor. 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 councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to one minute.
- 4.17 Speakers at public forums cannot ask questions of the council, or council staff unless permitted by the Mayor/Chairperson.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **one** minute 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

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

**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.**

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#### Public Presentations

- 4.25 If required, Council may provide time at the beginning of the meeting to receive a presentation from an individual or organisation or to make a presentation on behalf of the community to an individual or organisation.
- 4.26 Presentations are to be chaired by the Chairperson of the meeting
- 4.27 Presentations must be prearranged and approved by the Mayor
- 4.28 Items discussed at the Public Presentation shall not be under consideration at the meeting
- 4.29 Each presentation will be limited to ten (10) minutes unless extended by the Chairperson
- 4.30 To enable a presentation to occur, the Chairperson will set aside Standing Orders

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## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Not applicable.
- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA. (Sect 234 (1) (d))
- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

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### The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office. (Sect 368 (1))
- 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. (Sect 362 (2))
- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

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#### Meetings held by audio-visual link

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

#### Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

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- 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 councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
  - (b) the reason why the councillor 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 councillor'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 councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

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- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.31 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.
- 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 councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

#### 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:

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- (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.
- 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 councillors. (Sect 376 (1))
- 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. (Sect 376 (2))
- 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. (Sect 376 (3))
- 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.

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## 6 THE CHAIRPERSON

### The chairperson at meetings

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

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

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

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Chairperson to have precedence

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

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## **7 MODES OF ADDRESS**

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

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## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 Not applicable.
- 8.2 The general order of business for an ordinary meeting of the council shall be:
1. Declare the Meeting Open
  2. Acknowledgement of Country
  3. Prayer
  4. Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  5. Declaration of Interests
  6. Public Presentations (if any)
  7. Confirmation of Minutes of Previous Meeting
  8. Mayoral Minute (if any)
  9. Committee Reports
  10. Call for Delegates Reports
  10. Staff Reports
  12. Correspondence
  13. Motion to Receive Information Paper
  14. Business with Notice
  15. Urgent Business Without Notice
  16. Closed Committee for Confidential Reports
  17. Motion to move out of Closed Committee
  18. Advise the Open Council of resolutions passed in the Confidential Meeting
  19. Close 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.
- 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.

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## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

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### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral 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 mayoral 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.

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### 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 councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors 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 councillor or council employee.

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## 10 RULES OF DEBATE

### Motions to be seconded

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

### Notices of motion

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

### Chairperson's duties with respect to motions

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

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### Motions requiring the expenditure of funds

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

### Amendments to motions

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

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### Foreshadowed motions

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

### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

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- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.
- 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.
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 11.4 Not applicable

### Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 Not applicable.

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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 councillors who supported the decision and the names of any councillors 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.

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## **12 COMMITTEE OF THE WHOLE**

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

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## **13 DEALING WITH ITEMS BY EXCEPTION**

13.1 Not applicable.

13.2 Not applicable.

13.4 Not applicable

13.5 Not applicable

13.6 Not applicable

13.7 Not applicable

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## 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

### Grounds on which meetings can be closed to the public

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

### 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.
- 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:

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

#### 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.

#### 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.
- 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

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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 24 hours 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 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 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

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from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

- 14.21 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.

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.

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## 15 KEEPING ORDER AT MEETINGS

### Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

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

### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been

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rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

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

- (a) contravenes the Act, the Regulation or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

- 15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (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).

#### 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

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the conduct of members of the public as well as disorder arising from the conduct of councillors.

#### Expulsion from meetings

- 15.14 Not applicable.
- 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 councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.16 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 councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

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

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

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

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 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.

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## **16 CONFLICTS OF INTEREST**

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

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## 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.
- 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.
- 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.
- 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.
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
- 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.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.
- 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 30 minutes 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.

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17.12 Not applicable

17.13 Not applicable

17.14 Not applicable

17.15 Not applicable

17.16 Not applicable

17.18 Not applicable

17.19 Not applicable

17.20 Not applicable

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## **18 TIME LIMITS ON COUNCIL MEETINGS**

18.1 Not applicable.

18.2 Not applicable.

18.3 Not applicable.

18.4 Not applicable.

18.5 Not applicable.

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## 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.
- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
- 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.
- 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.

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- 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.
- 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.
- 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.

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## 20 COUNCIL COMMITTEES

### Application of this Part

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

### Council committees whose members are all councillors

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

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

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

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

### Functions of committees

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

### Notice of committee meetings

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

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

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

### Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

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- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

#### Non-members entitled to attend committee meetings

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

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

#### Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the

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chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Not applicable
- 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

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- 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 councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 20.24 Not applicable.
- 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.

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## **21 IRREGULARITIES**

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

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

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**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 councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system

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	or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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<b>Circular Details</b>	21-35 / 29 October 2021 / A796782
<b>Previous Circular</b>	21-02 <i>Temporary exemption from the requirement for councillors to attend meetings in person</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## 2021 Model Code of Meeting Practice for Local Councils in NSW

### What's new or changing

- Following extensive consultation, the new *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) has been finalised.
- The new Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the *Local Government (General) Regulation 2021* (the Regulation) on or before **Friday 19 November 2021**. The new Model Meeting Code is available on the Office of Local Government's (OLG) website [here](#).
- The new Model Meeting Code contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. Councils can choose not to adopt them or to adapt them to meet their own needs.
- Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.
- An amendment has also been made to the Model Meeting Code implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.
- A Word version of the new Model Meeting Code is available on OLG's website showing the amendments in track changes.
- The repeal date for section 237 of the Regulation which exempts councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for councillors to be personally present at meetings in order to participate in them has been extended to **30 June 2022**. This is to allow councils additional time to exhibit and adopt new codes of meeting practice containing provisions allowing attendance by audio-visual link at meetings. If councils have not adopted a new meeting code that allows councillors to attend meetings by audio-visual link, they will not be permitted to do so after that date.

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### What this will mean for your council

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code within 12 months of the local government elections. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
- A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.
- Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.
- Under section 361 of the *Local Government Act 1993*, before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. This requirement does not apply to joint organisations.

### Key points

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

### Where to go for further information

- The new Model Meeting Code is available on OLG's website [here](#).
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**William Power**

**Acting Coordinator General, Planning Delivery and Local Government**

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13.6 ~~ENDORSEMENT FOR PUBLIC EXHIBITION - G31 COUNCILLOR EXPENSES AND FACILITIES POLICY~~ *Temora Shire Council*

**File Number:** REP24/871

**Author:** General Manager

**Authoriser:** General Manager

**Attachments:** 1. G31 Councillor Expenses and Facilities Policy [↓](#) 

**REPORT**

# TEMORA SHIRE COUNCIL

The purpose of this report is to seek Council's endorsement of the Councillor Expenses and Facilities Policy (the Policy) for the purposes

**Background**

Section 251(1) of the Local Government Act 1995 (the Act) requires that, at the start of each term of Council, the Council review the provision of facilities to the Councillors.

The Policy is provided in Attachment 1.

Section 253 of the Act requires public submissions) of this policy before it is adopted.

Councillors are also able to make submissions.

This policy enables the reasonable provision of facilities to councillors to help them perform their duties with transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.



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*The Friendly Shire*

that within the first 12 months of the payment of expenses incurred

at 28 days for the making of public submissions and any amendments to the policy.

payment of expenses and provision of facilities. It ensures accountability and transparency. The Policy also ensures that the Council complies with the Local Government Act 1995 (the Act) and the Local Government (General) Regulation 2005 (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

**Council Policy/Legislation**

The policy was most recently reviewed in January 2024 and has been prepared in accordance with the Local Government Act 1995 (the Act) and Local Government (General) Regulation 2005 (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts the council will pay for specific expenses and facilities. Expense

**ACTIVE**

**RESOLUTION 167/2024**

Moved: Cr Belinda Bushell  
Seconded: Cr Graham Sinclair

It was resolved that Council places G31 – Council Expenses and Facilities Policy on public exhibition for 28 days.

**AND FURTHER**

If no submissions are received makes the policy as adopted.

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**CARRIED**

Function: Governance

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<b>Review Details</b>
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**ABOUT THIS RELEASE**

**DOCUMENT NAME:** Councillor Expenses and Facilities Policy  
**CODE NUMBER:** G31  
**AUTHOR:** Temora Shire Council  
**ENDORSEMENT DATE:** January 2024

**REVIEW**

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
January 2024	New Policy – Based on Model	1	18 January 2024	MKB

**PLANNED REVIEW**

Planned Review Date	Revision Description		Review by
September 2025	Review		

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2. Policy objectives
3. Principles
4. Private or political benefit

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8. Legal assistance

#### **Part C – Facilities**

9. General facilities for Councillors
10. Additional facilities for the Mayor

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11. Approval, payment and reimbursement arrangements
12. Disputes
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## Policy summary

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This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts the council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on the Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

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## Part A – Introduction

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### 1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Temora Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

### 2. Policy objectives

- 2.1. The objectives of this policy are to:
  - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.

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- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
- ensure facilities and expenses provided to Councillors meet community expectations.
- support a diversity of representation.
- fulfil the Council's statutory responsibilities.

### 3. Principles

3.1. Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.



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## 4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of Council resources and equipment for campaigning
  - use of official Council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

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## Part B – Expenses

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### 5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### 6. Specific expenses

#### **General travel arrangements and expenses**

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for Council and other meetings
  - for tolls

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- by Cabcharge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Council will, wherever possible provide a Council car for the use of Councillors in attending meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council, outside the Council area.
- 6.4. Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council, at a rate as set out in the Local Government (State) Award.
- 6.5. Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook contents must be provided with the claim.

#### **Interstate, overseas and long distance intrastate travel expenses**

- 6.6. Council will not reimburse Councillors for any overseas travel.
- 6.7. Councils should avoid interstate and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.8. Councillors seeking approval for any interstate and long-distance intrastate travel (outside 600-kilometre radius of Temora) must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.9. The case should include:
- Objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
  - Who is to take part in the travel
  - Duration and itinerary of travel
  - A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.10. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.11. Bookings for approved air travel are to be made through the General Manager's office.
- 6.12. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

#### **Travel expenses not paid by Council**

- 6.13. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

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### **Accommodation and meals**

- 6.14. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.15. Council will provide accommodation, up to a four-star standard, which in a Metropolitan area may cost up to \$380.00 per night and regional centres where costs of up to \$220 per night, and regional areas may cost up to \$180 per night may apply. In all instances the most reasonable rate must be used.
- 6.16. The cost of accommodation does not include parking, breakfast or Wifi.
- 6.17. If no accommodation can be reasonably found within these limits, there must be a written explanation given to the General Manager outlining the circumstances and providing alternative accommodation details.
- 6.18. Council will meet the costs of meals during travel to seminars, meetings, conferences and out of district inspections up to a daily limit of \$135 (with guidelines of \$35 for breakfast, \$35 for lunch and \$65 for dinner). Council will also provide such meals, not included in the registration fees, during the period of the seminar, meeting, and conference and out of district inspection, not included in the registration fees.
- 6.19. Councillors will not be reimbursed for alcoholic beverages. All purchases from the mini bar or similar must be met by the Councillor.

### **Refreshments for council related meetings**

- 6.20. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.21. The cost of meals and refreshments following the monthly Council meeting will be met by the individual Councillor. Such costs will be levied monthly and deducted from the Councillor allowance.

### **Professional development**

- 6.22. Council will set an annual amount in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.23. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.24. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.25. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
  - details of the proposed professional development
  - relevance to Council priorities and business
  - relevance to the exercise of the Councillor's civic duties.

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- 6.26. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the remaining budget.

### **Conferences and seminars**

- 6.27. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.28. Council will be represented at the Local Government NSW Conference by the Mayor, Deputy Mayor, General Manager and Councillors (as determined annually by Council). The Council will also be represented at the Annual Roads Conference by the Mayor, or alternative delegate & Engineering Works Manager. Council will be represented at the Country Mayor Association meetings by the Mayor, or alternate delegate and the General Manager. All other conferences and seminars will be with the prior approval of Council; or where insufficient time is available, by the written authority of the Mayor.
- 6.29. Council will provide accommodation, where possible, at the Conference Headquarter Hotel for the Local Government NSW and the Roads Conferences. When attending other conferences, seminars and other functions, the accommodation will be provided at the facility where the function is to be held or at a nearby equivalent quality facility.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
  - cost of the conference or seminar in relation to the total remaining budget.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.14 - 6.19.
- 6.32. There will be instances when costs will be incurred by a Councillor on behalf of their spouse, partner or accompanying person in the performance of his or her civic duties. An accompanying person would need to have a close personal relationship with the Councillor and/or provide carer support to the Councillor. These civic duties include attendance at official council functions that are of a formal or ceremonial nature, and those at which a Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Such costs are reimbursable to the Councillor.
- 6.33. Council will meet the cost of registration and official conference dinner at the Local Government NSW Conference of the spouse, partner or accompanying person of Council's representatives. Additional travel and accommodation expenses, and the costs of spouses, partner or accompanying person tours within the conference program and all costs outside the program will be the personal responsibility of the individual Councillor.
- 6.34. If a Councillor holds a role on an external body, representing Council or the broader local government community, this policy will extend to these roles. An example of such a role would be a delegate to a Joint Organisation.

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### **Information and communications technology (ICT) expenses**

- 6.35. Council will provide each Councillor with an allowance for an internet connection and a portable device to enable them to discharge their functions of civic office. The internet allowance shall be \$50 per month.

### **Special requirement and carer expenses**

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$3,500 per annum for attendance at official business.
- 6.40. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### **Home office expenses**

- 6.42. Council will provide each councillor, upon request, home office supplies such as minor items of consumable stationery and printer ink cartridges, as deemed reasonable by the General Manager.

## **7. Insurances**

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Council provides personal accident insurance for Councillors while on Council business.
- 7.3. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.4. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

## **8. Legal assistance**

- 8.1. Council may, if requested, indemnify, or reimburse the reasonable legal expenses of:

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- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
  - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
  - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

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## Part C – Facilities

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### 9. General facilities for all Councillors

#### Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- personal protective equipment for use during site visits
  - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or mayor or deputy mayor.
- 9.2. Councillors may book meeting rooms for official business at no cost. Rooms may be booked through the General Manager's office.

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- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

#### **Stationery**

- 9.4. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties (Mayor only)
  - business cards
  - up to 50 Christmas or festive cards per year for councillors and 150 for the mayor.

#### **Administrative support**

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by administrative staff as arranged by the General Manager or their delegate.
- 9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

## **10. Additional facilities for the Mayor**

- 10.1. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.2. Council provides a mobile phone for use by the Mayor for official telephone calls related to the functions of civic office and meet the costs of official phone calls, with the expected costs of these calls not to exceed \$100 per month.
- 10.3. The Mayor will be reimbursed for fuel costs in accordance with the Mayor's Fuel Procedure.
- 10.4. In performing his or her civic duties, the Mayor will be provided administrative and secretarial support, as determined by the General Manager.
- 10.5. As per section 4, staff are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

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## **Part D – Processes**

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### **11. Approval, payment and reimbursement arrangements**

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business

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- carer costs

11.4. Claims for reimbursement of out-of-pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor Expense Claim Form, signed and accompanied by the appropriate receipts and/or tax invoices.

11.5. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

#### **Reimbursement**

11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager for authorisation.

#### **Advance payment**

11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars, or professional development.

11.8. The maximum value of a cash advance per day of the conference, seminar or professional development is Sydney \$40/night, other capital city \$30/night and other \$20/night.

11.9. Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

#### **Notification**

11.11. If a claim is approved, Council will reimburse the Councillor through accounts payable.

11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

#### **Reimbursement to council**

11.13. If council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the Councillor for the expense
- the Councillor will reimburse council for that expense within 14 days of the invoice date.

11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

#### **Timeframe for reimbursement**

11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.



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## 12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

## 13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's Annual Report.

## 14. Publication

- 14.1. This policy will be published on council's website.

## 15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## 16. Breaches

- 16.1. Suspected breaches of this policy are to be reported to the General Manager.
- 16.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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## **PART E – Appendices**

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### Appendix I: Related legislation, guidance and policies

**Relevant legislation and guidance:**

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

**Related Council policies:**

- Code of Conduct
- Mayor's Fuel Procedure

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## Appendix II: Definitions

The following definitions apply throughout this policy.

<b>Term</b>	<b>Definition</b>
<b>accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
<b>appropriate refreshments</b>	Means food and beverages, excluding alcohol, provided by council to support Councillors undertaking official business
<b>Act</b>	Means the <i>Local Government Act 1993</i> (NSW)
<b>clause</b>	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
<b>Code of Conduct</b>	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
<b>Councillor</b>	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
<b>General Manager</b>	Means the General Manager of Council and includes their delegate or authorised representative
<b>incidental personal use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>long distance intrastate travel</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle
<b>maximum limit</b>	Means the maximum limit for an expense or facility provided in the text
<b>NSW</b>	New South Wales
<b>official business</b>	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of Council and committees of the whole</li> <li>• meetings of committees facilitated by Council</li> <li>• civic receptions hosted or sponsored by Council</li> <li>• meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council</li> </ul>
<b>professional development</b>	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the mayor
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW)

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<b>year</b>	Means the financial year, that is the 12 month period commencing on 1 July each year
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- 14      **ENGINEERING SERVICES**  
Nil
- 15      **ENVIRONMENTAL SERVICES**  
Nil
- 16      **ADMINISTRATION AND FINANCE**  
Nil
- 17      **CORRESPONDENCE**  
Nil
- 18      **BUSINESS WITH NOTICE**  
Nil
- 19      **NOTICE OF MOTION**  
Nil
- 20      **BUSINESS WITHOUT NOTICE - URGENT**
  
- 21      **COUNCILLORS INFORMATION PAPER**  
Nil
- 22      **CONFIDENTIAL REPORTS**  
Nil
- 23      **MEETING CLOSE**

The Meeting closed at 5:55PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 November 2024.

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**GENERAL MANAGER**

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**CHAIRMAN**