



BOGAN SHIRE COUNCIL

Business Paper Extraordinary Meeting

24 December 2021

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21 December 2021

COUNCIL MEETING NOTICE

An Extraordinary Meeting of Council will be held in the Council Chambers, Nyngan on 24 December 2021 at 8.00am.

AGENDA

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Oath and Affirmation for Councillors
6. General Manager's Report.

Your attendance at this meeting would be appreciated.

Yours sincerely

Melissa Salter
Executive Officer



**Oath and Affirmation for Councillors
24 December 2021**

OATH AND AFFIRMATION FOR COUNCILLORS

1 OATH AND AFFIRMATION FOR COUNCILLORS

The Local Government Act 1993 (Section 233A) requires all Councillors to take an Oath of Office or make an Affirmation of Office at or before the first meeting of Council following the election.

The Oath or Affirmation may be taken or made before the General Manager of the Council, an Australian Legal Practitioner or a Justice of the Peace.

At the commencement of this Extraordinary Meeting it is proposed that each Councillor takes the Oath or makes the Affirmation in this public forum before the General Manager.

The prescribed format of the oath and the affirmation is given overleaf on page 8.

Councillors should note that Section 233 A of the Act further provides as follows:

- (3) A Councillor who fails, without a reasonable excuse, to take the Oath of Office or make an Affirmation of Office in accordance with this section is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the Oath or makes the Affirmation) until the Councillor has taken the Oath or made the Affirmation.*
- (4) Any absence of a Councillor from an Ordinary Meeting of the Council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*

Derek Francis

General Manager



**Oath and Affirmation for Councillors
24 December 2021**

Bogan Shire Council

Oath and Affirmation for Councillors

Oath

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

OR

Affirmation

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



**General Manager's Report to the Extraordinary Meeting of Council
held in the Council Chambers on 24 December 2021 at 8.00am**

**REPORT TO THE EXTRAORDINARY MEETING OF COUNCIL – GENERAL
MANAGER'S REPORT**

Mayor and Councillors

The following report is submitted for consideration:-

1 ELECTION OF MAYOR AND DEPUTY MAYOR

Summary:

The purpose of this report is to outline the provisions for the election of the Mayor along with the Deputy Mayor prescribed by the Local Government Act and Regulations.

1.1 Introduction

This report outlines the provisions for the election of the Mayor along with the Deputy Mayor prescribed by the Local Government Act and Regulations.

1.2 Background

According to Section 230(1) of the Local Government Act (the Act) the Mayor holds office for two years.

Section 226 of the Act sets out the role of the Mayor:

- (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;

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- (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; and
- (o) to exercise any other functions of the Council that the Council determines.

Section 231 of the Act provides for the election of a Deputy Mayor. 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 a function under the Act.

1.3 Discussion

The Local Government Act 1993 and Local Government Regulations 2005 make the following provisions for the election of Mayor and Deputy Mayor by Councillors.

1.3.1 Term of Office

The person elected holds the office of Mayor for two years. The person elected to the office of Deputy Mayor may be elected for the Mayoral term or a shorter term.

Because of the postponement of the ordinary council elections to 4 December 2021, Mayors elected by councillors during the next term will have a shorter term than the usual two years.

Councils are required to hold mid-term Mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023. The mayor elected at the mid-term Mayoral election will hold their office until the day of the council's next ordinary election in September 2024 when their civic office as a councillor and mayor will expire.

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1.3.2 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

1.3.3 Nomination

- 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 nomination is to be delivered or sent to the Returning Officer and the Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

1.3.4 Election

- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed, by open voting, ordinary ballot or by preferential ballot.
- The election is to be held at the Council meeting at which the Council resolves on the method of voting.

In the Regulations:

open voting means voting by a show of hands or similar means.

ballot has its normal meaning of secret ballot.

1.3.5 Voting Method

(i) Ordinary Ballot or Open voting

These provisions apply if the election proceeds by ordinary ballot or by open voting.

Marking of ballot-papers

- 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.
- An informal ballot-paper must be rejected at the count.

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Count - two candidates

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

Where there are more than 3 candidates then the one with the lowest number of votes is excluded, further votes are taken until only two candidates remain. A further vote is taken on the remaining two candidates.

(ii) Preferential Ballot

Provisions are available under Schedule 7 of the Local Government (General) Regulations for election by preferential ballot.

(iii) General

Choosing by lot

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

Result

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

- to be declared to the Councillors at the Council meeting at which the election is held by the Returning Officer, and
- to be delivered or sent to the Secretary and to Local Government New South Wales.

1.4 Procedure

Nomination forms for the office of Mayor and Deputy Mayor are to be delivered or sent to the General Manager prior to the meeting at which the election is to be held.

1.5 Recommendations

1. That Council determines whether the elections are to proceed by open voting, ordinary ballot or by preferential ballot.
2. That Council determines the length of office for the Deputy Mayor.
3. That nominations be called for the office of Mayor
4. That nominations be called for the office of Deputy Mayor.

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2 FILLING OF CASUAL VACANCIES

Summary:

The purpose of this report is for Council to consider a resolution to fill any casual vacancies in the office of Councillor by way of the countback of vote's method.

2.1 Introduction

The purpose of this report is for Council to consider a resolution to fill any casual vacancies in the office of Councillor by way of the countback of vote's method.

2.2 Background

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

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

2.3 Discussion

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

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

2.4 Recommendation

That Council resolves that:

Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Bogan 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 4 December 2021 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 Commissioner of the Council's decision within 7 days of the decision.

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3 DELEGATION OF AUTHORITY

Summary:

The purpose of this report is for Council to consider its Delegations of Authority to the Mayor, Deputy Mayor and General Manager.

3.1 Introduction

The purpose of this report is for Council to consider its Delegations of Authority to the Mayor, Deputy Mayor and General Manager.

3.2 Background

Section 380 of the Local Government Act requires each Council to review all its delegations during the first 12 months of each term of office.

Section 377 of the Act permits Council to delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of Council, 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 which are required under this Act to be invited by 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;

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

According to the provisions of Section 378 of the Act the General Manager may delegate any of the functions of the General Manager, other than this power of delegation.

3.3 Discussion

Existing delegations to the Mayor, Deputy Mayor and General Manager are attached.

These delegations were previously extensively updated to reflect changed legislation and no further changes are now recommended,

Once delegations have been given, the General Manager will in turn delegate certain responsibilities to other officers as appropriate.

3.4 Attachment

Existing Delegations of Authority

3.5 Recommendation

That the attached delegations to the Mayor, Deputy Mayor and General Manager be adopted.



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Delegations of Authority

to the

Mayor and General Manager

AP005



Bogan Shire Council – Delegations of Authority

FUNCTIONS OF THE MAYOR

The role of the Mayor, as defined by Section 226 of the Local Government Act, is to:-

- (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; and
- (o) to exercise any other functions of the Council that the Council determines.

DELEGATIONS TO THE MAYOR

- To carry out any function conferred on and duty imposed on the Mayor under any Act or Regulation.
- To give effect to any resolution or direction given to the Mayor by the Council.
- To expend up to \$50,000 in times of emergency in consultation with the General Manager subject to the work being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed.
- To spend up to \$50,000 within the sums voted by Council for the expenditure thereon and in accordance with the resolutions of Council, provided where possible all Councillors be informed.
- To preside at all meetings of Council, Committees, Community Committees and public meetings convened by Council at which the Mayor is present unless the Mayor otherwise appoints another person to perform this function.
- To sign and affix the Seal of Council in conjunction with the General Manager to any necessary document, contract or memorandum of transfer pursuant to or consequent upon any decision of Council.
- To participate in negotiations on behalf of Council with third parties and in connection with the sale, purchase and lease of lands and buildings in conjunction with the General Manager.
- To issue testimonials under Council's letterhead.
- To provide civic receptions as deemed appropriate.
- To invite any group or individual to address any committee or Council meeting.

DELEGATIONS TO THE DEPUTY MAYOR

1. To carry out the statutory functions of the Mayor and exercise the delegations conferred on the Mayor at the request of the Mayor or if the Mayor is prevented from exercising these functions or delegations, or if there is a casual vacancy in the office of Mayor.

FUNCTIONS OF THE GENERAL MANAGER

The functions of the general manager, as set out in Section 335 of the Local Government Act are:

- (a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council;
- (b) to implement, without undue delay, lawful decisions of the Council;
- (c) to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council;
- (d) to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council';
- (e) to prepare, in consultation with the Mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- (f) to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
- (g) to exercise any of the functions of the Council that are delegated by the Council to the General Manager;
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council;
- (i) to direct and dismiss staff;
- (j) to implement the Council's workforce management strategy; and
- (k) any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

In accordance with the provisions of Sections 377, 378, 379 and 381 of the Local Government Act 1993, as amended, Council delegates to the General Manager the following functions:-

1. Operational Plan and Budget

To implement Council's adopted Operational Plan and Budget and carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council. To authorise variations of expenditure on individual line items which make up voted program items in Council's adopted budget, subject to the total voted expenditure in the program item not being exceeded.

2. Powers, authorities, duties and functions of the Council

To exercise and implement the powers, authorities, duties and functions of the Council under the Local Government Act and any other Act of Parliament or any rule, regulation, ordinance or by-law under or pursuant to any such Act but subject to Section 377 of the Local Government Act, including but not limited to:

- 2.1 Powers of entry under Sections 191 / 191A of the Local Government Act, 1993 and 118A of the Environmental Planning and Assessment Act and determining entry requirements under Section 193 (3) of the Local Government Act, 1993.
- 2.2 Issuing of planning certificates under Section 149 of the Environmental Planning and Assessment Act, 1979.
- 2.3 Issuing of Part 4A certificates under the Environmental Planning and Assessment Act, 1979.
- 2.4 Issuing of certificates under Section 603 of the Local Government Act, 1993.
- 2.5 Giving of orders to do or refrain from doing a thing under Sections 124 of the Local Government Act, 1993 and 121B of the Environmental Planning and Assessment Act, 1979.
- 2.6 Approving applications made under Section 68 of the Local Government Act, 1993 with the imposition of any conditions deemed necessary.
- 2.7 Abating or giving of an order to abate a public nuisance under Section 125 of the Local Government Act, 1993.
- 2.8 Issuing of penalty notices under Section 679(1) of the Local Government Act, 1993

- 2.9 Ordering that proceedings be taken for the recovery of any penalty in respect of any offence under the Local Government Act, 1993.
- 2.10 Ordering of all service of, and service, or giving of any notice, order or direction under relevant legislation.
- 2.11 The laying of the information, appearing in Court and doing all things and signing all such documents as may be necessary to prosecute any persons for breaches of the said Acts and Regulations.
- 2.12 The institution, commencement, presentation, carrying on and including on behalf of the Council a party to any proceedings, appearances and conciliations conducted by any Court or before any justice under the said Act and Regulations.
- 2.13 Consideration, issue of refusal to issue licences and permits.
- 2.14 Issuing of fines / penalty notices.
- 2.15 Appointing authorised officers under Section 114 of the Food Act, 2003.
- 2.16 Issuing of Prohibition Orders under Section 60 of the Food Act, 2003.
- 2.17 Written approvals in regard to the Food Standards Code, as delegated to Council by the NSW Food Authority.
- 2.18 Those to be undertaken as authorised officer under Section 126(2) of the Public Health Act, 1991 and the appointment of others as authorised officers.
- 2.19 Those to be undertaken as authorised officer under Section 187 of the Protection of the Environment Operations Act, 1997 and the appointment of others as authorised officers.
- 2.20 Those to be undertaken as authorised officer under Section 5 of the Companion Animals Act, 1999 and the appointment of others as authorised officers.
- 2.21 Those to be undertaken as authorised officer under Section 27 of the Swimming Pools Act, 1992 and the appointment of others as authorised officers.
- 2.22 Those to be undertaken as authorised officer under Section 251 of the Roads Act, 1993 and the appointment of others as authorised officers.
- 2.23 Those to be undertaken as impounding officer under Section 5 of the Impounding Act, 1993 and the appointment of others as impounding officers.
- 2.24 Those to be undertaken as inspector under Section 41 of the Noxious Weeds Act, 1993 and the appointment of others as inspectors.

3. Financial

- To accept quotations and enter into agreements for works and the supply of goods and services within the tender limit prescribed under Section 55 of Local Government Act, 1993 and within the funds allocated in Council's adopted Operational Plan and Budget.
- To approve plant and vehicle sales and purchases in accordance with Council's adopted Operating Plan and Budget.
- To authorise any work or activity which in his/her opinion is urgent, in consultation with the Mayor where possible, at a cost not exceeding \$50,000 subject to the work being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed.
- To expend up to \$50,000 in times of emergency, in consultation with the Mayor where possible, subject to the expenditure being reported to the next succeeding Ordinary Meeting of the Council, provided where possible all Councillors be informed.
- Sign Council cheques and authorise electronic payments drawn on authorised vouchers.
- To invest money in accordance with Section 625 of the Local Government Act, 1993.
- To borrow money in accordance with Section 621 of the Local Government Act, 1993, subject to any restrictions on borrowing by the Minister for Local Government.
- To enter into an agreement with a person or organisation for the payment overdue rates and charges over a period of time subject to the provisions of Council's Debt Recovery Policy.
- To write-off or reduce interest accrued on rates and charges under Section 564 of the Local Government Act where a person has complied with the terms of an agreement as to periodical payments of rates and charges.
- To approve applications seeking postponement of rates made under Section 585 of the Local Government Act, 1993.
- To approve of a refund being made in respect of all overpayments or credit adjustments for rates, charges and fees as recommended and vouched appropriately by the relevant Council officer.
- To declare the categorisation of each parcel of rateable land within the Bogan Shire Council area according to the provisions of Section 514 of the Local Government Act, 1993.
- To initiate debt recovery proceedings, including legal action, in line with Council policy for unpaid penalties, rates, fees and charges.

- To make application for grants and to enter into grant agreements subject to any expenditure to be incurred on Council's part being within budgeted amounts.
- To require, accept and release any bank guarantee, bonds or deposits that may be required in connection with the use of Council assets or in connection with works or services being carried out.
- To waive fees and charges for the use of Council assets where circumstances warrant it.
- To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant.

4 Development Applications

- 4.1 To approve plans of subdivision and other development applications that comply with sound planning practice, appropriate standards, legislation and Council policy. Applications expected to have significant unresolved social, economic or environmental impacts, designated developments and all assessments that result in a recommendation for refusal are to be reported to Council for determination.
- 4.2 To accept bonds, deeds or guarantees for the completion of road works and any other developer contributions associated with subdivisions.
- 4.3 The administration without limitation of the provisions of the National Construction Code.

5 Public Works and Roads

- 5.1 To close bridges and roads, or parts thereof, temporarily for repair, construction or when considered necessary subject to the provisions of the Roads Act, 1993.
- 5.2 To issue approvals for structures on footways under Sections 125 and 126 of the Roads Act, 1993.
- 5.3 To give direction to remove obstructions or encroachments on public roads under Section 107 of the Roads Act, 1993.
- 5.4 To quote and negotiate agreements for works to be carried out on behalf of NSW Road and Maritime Services and to sign all associated documentation on behalf of Council.
- 5.5 To authorise private works to be carried out in accordance with Council's charges for these works.
- 5.6 To approve, subject to NSW Police requirements and with conditions considered appropriate in the circumstances, or disapprove of applications for permission for commercial filming, street processions, triathlons, walkathons, marches, fun runs and the like on public roads.

6 General Administration

- 6.1 To determine the matters which are to be included in the business papers, subject to the inclusion of the following items whenever they arise, namely:
- 6.1.1. Reports on matters which cannot be determined under delegated authority.
 - 6.1.2. Reports required to be submitted under any Act or Regulation.
 - 6.1.3. Matters requiring a determination of Council policy.
 - 6.1.4. Reports directed by Council to be submitted.
 - 6.1.5. Matters essential for the Council's information.
 - 6.1.6. Matters requested by the Mayor.
- 6.2 To sign and affix, in accordance with the requirements of the Local Government Act, 1993 and in the presence of the Mayor or Deputy Mayor, the seal of Council or to otherwise sign:
- 6.2.1. Any mortgage, deed, contract of sale or other necessary document in connection with the sale of land, purchase of land, lease of land and/or buildings, and loans, in order to give effect to a decision of Council.
 - 6.2.2. Any legal agreement, contract, deed of indemnity or any other document as required, to give effect to a decision of the Council.
 - 6.2.3. Letters of introduction, where such are considered desirable and warranted.
 - 6.2.4. Any document, in order to give effect to a decision of Council or in regard to an action or decision of a Council officer – including the General Manager - authorised to act on behalf of Council.
 - 6.2.5. Any statement of defence or any other document prepared in connection with any legal or other proceedings against the Council, its members or staff.
 - 6.2.6. Any application, return or the like with Government agencies and other organisations with which Council conducts business.
 - 6.2.7. Withdrawal of caveat forms subject to Council requirements being met.
- 6.3 To attend to all correspondence addressed to Council either administratively or by referring it to Council.
- 6.4 To authorise the disposal of records in accordance with the provisions of the State Records Act.
- 6.5 To issue testimonials under Council's letterhead.
- 6.6 To provide references under the seal of Council to members of Council's staff with at least two years' service.

- 6.7 To obtain legal advice from solicitors or counsel and institute, conduct and defend legal proceedings in respect of Council's activities in all Courts and instruct Council's solicitors and counsel where necessary.
- 6.8 To authorise and carry out the necessary action required to ensure compliance with any policy of Council.
- 6.9 To administer Council's salary system including the advancement and transfer of staff between grades and to approve salary increases in accordance with the Local Government Award.
- 6.10 To approve leave, salaries, wages and overtime for any member of staff.
- 6.11 To determine applications for staff learning and development opportunities, including conferences within Australia, provided budgeted funds are available.
- 6.12 To accept responsibility for Council's cost of dividing fences under the provisions of the Dividing Fences Act, 1991.
- 6.13 To vary, subject to agreement with the operator, the dates of opening and closing of the Nyngan Memorial Pool.
- 6.14 In the consultation with the Mayor, to respond to enquiries from the media on Council matters and to issue media releases and make statements to the media on behalf of Council.
- 6.15 To be Council's Local Emergency Management Officer, to delegate this appointment to an appropriate Council manager, to appoint deputies to this position from Council staff and to commit Council resources in emergency situations.
- 6.16 To carry out the functions delegated to the General Manager in any Council Policy.

Note: The General Manager may, under Section 378 of the Local Government Act, delegate any of the functions of the General Manager, other than this power of delegation.

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Authority

Council Resolution No:

To the Mayor 356/2016

To the Deputy Mayor 357/2016

To the General Manager 358/2016

dated 22 September 2016

Policy Owner / Further Assistance

General Manager

Revision History

Date	Description of Change	Sections Affected
25/10/2012	Adopted	All
22/09/2016	Local Government Act amendments	Functions of Mayor and General Manager

**General Manager's Report to the Extraordinary Meeting of Council
held in the Council Chambers on 24 December 2021 at 8.00am**

4 REGULAR MEETING DATES AND TIMES

Summary:-

The purpose of this report is for Council to give consideration to dates and times for its regular ordinary meetings.

4.1 Introduction

The purpose of this report is for Council to give consideration to dates and times for its regular ordinary meetings.

4.2 Background

The Local Government Act 1993 provides that Council is required to meet at least 10 times each year, each time in a different month.

4.3 Discussion

Bogan Shire Council has previously met on the fourth Thursday of every month, commencing at 9:30am. Evening meetings held at 5.30pm were trialled for the months of September, October and November 2021. Exceptions are the December meeting which has been held earlier in the month to avoid the holiday season and in January when no meetings were held due to Council going into recess.

4.4 Recommendation

For Council's Consideration.

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5 COMMITTEE / ORGANISATION DELEGATES REPRESENTATIVES

Summary:

The purpose of this report is for Council to consider the appointment of delegates / representatives to committees and other bodies.

5.1 Introduction

The purpose of this report is for Council to consider the appointment of delegates / representatives to committees and other bodies.

5.2 Background

Following the election of a new Council it is appropriate to nominate delegates / representatives and alternates to represent Council on committees and at meetings with certain organisations.

5.3 Discussion

1. Section 355 Committees

Section 355 of the Local Government Act 1993 allows Council to delegate some of its functions to a committee of Council. Bogan Shire Council has the following Section 355 Committees:-

- a. Colleireina Hall Committee - Councillor / alternate required.
- b. Coolabah Hall Committee - Councillor / alternate required.
- c. Hermidale Sports Ground Committee – Councillor / alternate required.
- d. Nyngan Museum Management Committee – Councillor / alternate required.

A new Section 355 Committee is to be established for the Bogan Shire Youth and Community Centre with a report on its operations, delegations and Constitution to be considered by Council at its March 2022 meeting.

2. Other Committees / Organisations

Council is represented on a number of other committees / in ongoing discussions with other organisations:-

- a. Bush Fire Management Committee – Councillor / alternate required and General Manager or delegate.

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- b. Rural Fire Service SLA Committee – Councillor / alternate required and General Manager or delegate.
- c. Traffic Committee – Councillor / alternate required, General Manager and Manager Engineering Services.
- d. Local Emergency Management Officer / Committee Chairperson – General Manager or delegate (Must be an officer of Council).
- e. Liquor Accord – Councillor / alternate required.
- f. NSW Police Community Safety Precinct Committee - Councillor / alternate required and General Manager.
- g. Nyngan Community Services Action Group (Interagency) - Councillor / alternate required and General Manager's delegate.
- h. Showground Users – Councillor / alternate required and General Manager.
- i. Western Regional Planning Panel – 2 members / 1 alternate (*Note - Requirement that at least one of the nominated persons must have expertise in one of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*)
- j. North West Library Association – General Manager's delegate / Councillor required.

Discussions are underway for the formation of a new voluntary Regional Association of Councils. Further details will be provided to Councillors.

The previous delegates/ representatives and alternates are:-

Section 355 Committees:-		
Committee	Previous Delegate	Alternate
Collerreina Hall Committee	Clr Ryan	Clr Donald
Coolabah Hall Committee	Clr Donald	Clr Neill
Hermidale Sports Ground Committee	Clr Neill	Clr Douglas
Nyngan Museum Management Committee	Clr Dutton	Clr Deacon

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Other Committees:-		
Committee	Previous Delegate	Alternate
Bush Fire Management Committee	Clr Neill & General Manager's delegate (Director Engineering Services)	
Rural Fire Service SLA Committee	Clr Boag, General Manager and Director Engineering Services	Clr Neill
Traffic Committee	Clr Ryan, General Manager & Director Engineering Services	Clr Elias
Local Emergency Management Officer / Committee Chairperson	General Manager or delegate	
Liquor Accord	Clr Ryan	Clr Douglas
NSW Police Community Safety Precinct Committee	All Councillors	
Local Government Community Advisory Group, Central West LLS Board	Clr Neill	Clr Boag
Nyngan Community Services Action Group (Interagency)	Clr Jackson	Clr Douglas
Showground Users	Clr Ryan	Clr Boag
Western Joint Regional Planning Panel	Clr Ryan and Director Development and Environmental Services / Director Engineering Services	
North West Library Association	Clr Deacon	Clr Jackson

5.4 Recommendation

1. For Council's Consideration.
2. That the Standing Committees of Finance and Works, and Planning, Development and General Purpose be the whole Council on both Committees.

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6 COUNCILLOR INDUCTION AND REFRESHER TRAINING

Summary:-

The purpose of this report is to inform Councillors of a scheduled induction and refresher training workshop and to provide key Council information.

6.1 Introduction

The purpose of this report is to inform Councillors of a scheduled induction and refresher training workshop and to provide key Council information

6.2 Background

The Local Government Regulation (Clause 183) requires the General Manager to:

- ensure that an induction training course is delivered to each councillor who has been elected to the council for the first time, within 6 months of the councillor's election, and
- ensure that an induction refresher course is delivered to each councillor who is re-elected to the council, within 6 months of the councillor's re-election.

The Regulation also specifies that:

- the induction must provide councillors with information about the functions and obligations of councils and councillors and the administrative procedures and operations of the council, and
- councillors must make all reasonable efforts to participate in any induction training course or induction refresher course delivered to the councillor in accordance with a requirement under this section.

6.3 Discussion

Local Government NSW, as the body representing the interests of local government in NSW, has developed induction training courses presented to Councillors by suitable trained and experienced practitioners.

The General Manager has contracted with Local Government NSW to provide an induction training session on Thursday 17 February 2022. This date was set in the interests of securing a training session that would provide the necessary information to Councillors before the first Ordinary Meeting of Council. It is important, particularly for Councillors in their first term, to have an understanding of Council functions, their obligations and the administrative procedures and operations of Council before this meeting.

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This training will cover a wide range of topics and information. The intention of this report is not to duplicate any of these but the following attachments are provided for the information of Councillors in the meantime:

6.4 Attachments

1. Code of Conduct
2. Code of Meeting Practice
3. Councillor and Staff Interaction Policy
4. Departmental Responsibilities

5.5 Recommendation

That this report be received and noted.

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There being no further business the meeting closed at

These minutes were confirmed by resolution at a meeting held on

.....and were signed as a true record

.....

GENERAL MANAGER

.....

MAYOR

