



BOGAN SHIRE COUNCIL

Ordinary Business Paper

I hereby give notice that an Ordinary Council Meeting will be held on:

Date: Thursday, 28 August 2025

Time: 7.00pm

**Location: Bogan Shire Council
Council Chambers
81 Cobar Street
Nyngan**

**Derek Francis
General Manager**



Published Recording of Council Meeting

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting, you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.

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- 1 OPENING PRAYER**
- 2 REMEMBRANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**

5 CONFIDENTIAL MATTERS

Recommended that Council move into a closed session of Council with the public excluded, in accordance with the *Local Government Act 1993* section 10A(2).

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

6 CONFIRMATION OF ORDINARY MINUTES**6.1 MINUTES OF ORDINARY MEETING - 24 JULY 2025**

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 24 July 2025 have been circulated to Council.

Recommendation

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 24 July 2025, be received and noted.

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTES

Nil

9 COMMITTEE MEETING MINUTES

Nil

10 GENERAL MANAGER'S REPORTS**10.1 GENERAL MANAGERS CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	21/12/2017	392/17	Increase of train speed through Nyngan	Strong letter of concern and a request to address Council be sent to the relevant rail authorities and a copy to the local member.	GM	Refer below.
	23/11/2023	282/23		That Council respond to Minister Aitchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		This matter was drawn to the attention of Minister Aitchison on 12/01/2024 during her visit to Nyngan. Further letters sent to Minister Aitchison and Roy Butler MP. Discussed with Minister Aitchison on 15/07/2024 during her visit to Nyngan. Letter received from Minister Aitchison. TNSW has requested a review of train speeds from UGL.
2	27/02/2025	012/25	Nyngan Emergency Bore	That Council seek tenders for the Nyngan Emergency Bore project as now proposed by NSW Public Works with the following scope of works:	DIS	

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				i. Installation of a new bore, with power supply, in the vicinity of the current bore that meets the boundary proximity requirements of the Water Sharing Plan. ii. Installation of pipeline from the new bore site to Nyngan iii. Project design, project management and other associated costs.		UPDATE A tender for the construction of the pipeline from the bore, along Old Warren Road has been published by Public Works. Investigation of a preferred route through Nyngan is in progress.
3	27/05/2021	126/21	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Refer below.
	28/09/2023	207/23		Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Production of Employment video in progress. Production of Health and Education video in progress.

Item	Date	Minute No	Matter	Action Required	Officer	Status
4	25/07/2024	144/24	New Water Treatment Plant Site	That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street. That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.	DIS	In Progress
5	24/10/2024	245/24	Reclassification of Land – 8 Tabratong Street	That Council resolve to: 1. Lodge the Planning Proposal to Reclassify Public Land at 8 Tabratong Street Nyngan with the Department of Planning, Housing and Infrastructure for a Gateway Determination; and 2. Undertake community consultation in accordance with the Gateway Determination.	DDES	Public Exhibition completed. No submissions received. UPDATE A public hearing was held on 18 August 2025 at the Bogan Shire Youth and Community Centre.

Item	Date	Minute No	Matter	Action Required	Officer	Status
6	27/07/2023	160/23	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Discussions held with Acting Principal, Nyngan High School.
	25/07/2024	146/24		That Council consider locations that may have economic/industry ties for the School Exchange Program, to enhance the student experience.		
7	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary, the Minister.	GM	Refer below.
	22/02/2024	009/24		Issue of lack of Before and After School Care in Nyngan be referred to Local Member.		Correspondence sent to Local Member.
	25/07/2024	147/24		That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan.		Email sent to Local Member in August 2024. Contact, with reminder, made with Local Members Office October 2024.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
						GM and DPCS met with officials of Department of Education to discuss community concerns. Local Member has written to Minister for Education and Early Learning and issued a press release.
8	23/11/2023	278/23	Nyngan Year-Round Fishery	That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.	DIS	Department of Primary Industries and Regional Development have advised that preparation of a risk assessment and draft Memorandum of Understanding is in progress.
9	27/06/2024	134/24	Nyngan Community Homes	That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.	GM	Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required. Business Plan received from Nyngan Community Homes, 01/12/2024 with a request to address Council at a future meeting. Date to be determined in consultation with Mayor.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
10	22/08/2024	175/24	Nyngan Tennis Section 355 Committee	That Council: (Establishes a Nyngan Tennis Section 355 Committee. Adopts the attached Nyngan Tennis Section 355 Committee Instrument of Delegation effective from 23 August 2024. Becomes a member of Tennis NSW. Installs the Tennis NSW booking and locking systems for the Nyngan tennis courts and clubhouse. That the General Manager has further discussions with the interim executive of Nyngan Tennis Club about membership, fees and other relevant matters with a further report to Council.	GM	Meeting held with Committee. Further report to Council, August 2025 to finalise Committee arrangements. UPDATE: Report to Council refers. COMPLETED
11	24/07/2025	166/25	Vermont Hill Road	That Council: 1. Install signage on Vermont Hill Road at the boundary, and at		UPDATE: In progress

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Fords Road advising that 'Road not regularly maintained by Bogan Shire Council, May be impassable to conventional vehicles, Use is at drivers risk'. 2. Undertake basic works to the value of \$10,000 on the worst of the scours on Vermont Hill Road.		
12	22/05/2025	105/25	Nyngan RSL sub-Branch Avenue of Remembrance	That Council propose to the Nyngan RSL sub-branch, that Council accept their offer, and plant 70 Populnea or Bimble Box.	DDES	Nyngan RSL sub-branch has accepted Council's proposal. Schools and Nyngan RSL sub-Branch have been invited to participate in planting of the trees and an opening ceremony with Council on 30/7/25. COMPLETED
13	22/05/2025	120/25	Control of Pest Bird Species	- That Council publish information about the Indian Myna and control measures on social media and Council's website, to raise community awareness. - That Council apply for grant funding to promote community		UPDATES: In progress, information/education on the Indian Myna bird will be rolled out along with option to loan a trap from Council. In progress

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				participation in managing Indian Myna populations within the Bogan LGA. That Council survey local businesses to determine if there is interest in contributing funds and/or supporting practical efforts to assist in the management of Indian Myna birds.		In progress
14	27/03/2025	045/25	Cobar Water Board Water Supply Agreement	That the General Manager enter into a lease agreement with the Cobar Water Board for Lot 1 DP803368 for a period of 10 years, at an agreed market related rental, with annual rent renew for the purposes of the installation of solar panels and a water pump station. This agreement is subject to a successful negotiation of a Water Supply Agreement with Cobar Water Board.	GM	In progress

Item	Date	Minute No	Matter	Action Required	Officer	Status
15	26/06/2025	139/25	Bogan Shire Youth and Community Centre R4R9 Grant	That the General Manager makes application to vary the approved Resources for Regions 9 Grant project for the Bogan Shire Youth and Community Centre to make provision for: a. Building works – wall protection, internal door installation b. Outdoor sports facilities – pickleball court and table tennis c. Deletion of a fire pit and addition of a BBQ.	GM	UPDATE: Variation request submitted.
16	26/06/2025	148/25	Nyngan Cemetery Unidentified Plots	That the General Manager provide a report to Council on the matter of unidentified cemetery plots at the Nyngan Cemetery.	DIS	Report to future Council Meeting.
17	24/07/2025	168/25	Pangee Street Trees	That Council replace seven Pangee Street trees with Platanus Acerifolia (London Plane trees) this financial year and replace the other seven Pangee Street trees with Platanus Acerifolia (London Plane trees) next financial year.	DIS	UPDATE: The removal and replacement work is scheduled for September 2025.

1. Attachments

Nil

2. Recommendation

That the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the Checklist.

10.2 CODE OF MEETING PRACTICE

1. Introduction

The purpose of this report is for Council to readopt the current Code of Meeting Practice.

2. Background

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005.

This Code applies to all meetings of Councils.

3. Discussion

Section 360(3) of the Act requires Councils to adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations not later than 12 months after an ordinary election of Councillors.

Councillors would be aware that the NSW Government is reviewing the Model Code, with potential for significant amendments. The timeframe for the release of the new Model Code is unknown. However, in order to remain compliant with the provisions of the Act, it is necessary for Council to (re)adopt the Code in its current form at this meeting.

4. Attachments

1. Code of Meeting Practice

5. Recommendation

That Council adopts the attached Code of Meeting Practice

Bogan Shire Council Code of Meeting Practice

**BOGAN SHIRE COUNCIL CODE OF
MEETING PRACTICE**

AUGUST 2025

Adopted by Council 23 May 2019
Resolution 155/2019
Amended 24 September 2020
Resolution 259/2020

Bogan Shire Council Code of Meeting Practice

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Bogan Shire Council Code of Meeting Practice**INTRODUCTION**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This 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.

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".

Bogan Shire Council Code of Meeting Practice**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.

BEFORE THE MEETING**Timing of ordinary council meetings**

3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Extraordinary meetings

3.2 If the mayor receives a request in writing, signed by at least three (3) 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.

Bogan Shire Council Code of Meeting Practice**Notice to the public of council meetings**

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.
- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Notice to councillors of extraordinary meetings

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

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted 8 business days' business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Bogan Shire Council Code of Meeting Practice

- 3.11 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.
- 3.12 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, 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

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 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.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 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

- 3.16 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.

Bogan Shire Council Code of Meeting Practice

- 3.17 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 3.7.
- 3.18 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.5.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 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.
- 3.21 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.

Availability of the agenda and business papers to the public

- 3.22 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.

Bogan Shire Council Code of Meeting Practice

- 3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.
- 3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.
- 3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

Agenda and business papers for extraordinary meetings

- 3.26 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.
- 3.27 Despite clause 3.26, 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.
- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 9.20–9.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

COMING TOGETHER**Attendance by councillors at meetings**

- 4.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- 4.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

Bogan Shire Council Code of Meeting Practice

- 4.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 4.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- 4.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 4.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- 4.9 Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- 4.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.

Bogan Shire Council Code of Meeting Practice

- 4.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 4.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 4.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), 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.
- 4.14 Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Entitlement of the public to attend council meetings

- 4.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- 4.16 Clause 4.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 4.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Bogan Shire Council Code of Meeting Practice**Webcasting of meetings**

- 4.18 All meetings of the council and committees of the council are to be webcast on the council's website.
- 4.19 Clause 4.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 4.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 4.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for a minimum of 12 months. 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

- 4.22 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.
- 4.23 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.
- 4.24 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.
- 4.25 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.

THE CHAIRPERSON**The chairperson at meetings**

- 5.1 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.
- 5.2 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.

Bogan Shire Council Code of Meeting Practice**Election of the chairperson in the absence of the mayor and deputy mayor**

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 For the purposes of clause 5.5, 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.
- 5.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9 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.

MODES OF ADDRESS

- 6.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

Bogan Shire Council Code of Meeting Practice

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

ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 7.1 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening meeting
 - 02 Acknowledgement of country
 - 03 Remembrance
 - 04 Apologies and applications for a leave of absence by councillors
 - 05 Disclosures of interests
 - 06 Confirmation of minutes
 - 07 Reports of committees
 - 08 Mayoral minute(s)
 - 09 Reports to council
 - 10 Correspondence
 - 11 Conclusion of the meeting
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 7.3 Despite clauses 9-20–9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**Business that can be dealt with at a council meeting**

- 8.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.

Bogan Shire Council Code of Meeting Practice

- 8.2 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 8.9, 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.
- 8.3 Despite clause 8.1, 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.
- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Mayoral minutes

- 8.6 Subject to clause 8.9, 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.

Bogan Shire Council Code of Meeting Practice

- 8.10 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

- 8.11 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

- 8.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 8.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 8.14 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 3.9 and 3.13.
- 8.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 8.16 A councillor may, through the general manager, put a question to a council director 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.
- 8.17 A councillor or council director 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 documents. Where a councillor or council director 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.
- 8.18 Councillors must put questions directly, succinctly, respectfully and without argument.

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- 8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council director.

RULES OF DEBATE**Motions to be seconded**

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

Notices of motion

- 9.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 9.4 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

- 9.5 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.
- 9.6 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.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Bogan Shire Council Code of Meeting Practice**Motions requiring the expenditure of funds**

- 9.9 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

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 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.
- 9.12 The mover of an amendment is to be given the opportunity to explain an uncertainties in the proposed amendment provided it has been seconded.
- 9.13 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.
- 9.14 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.
- 9.15 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.
- 9.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 9.17 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.

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- 9.18 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.
- 9.19 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

- 9.20 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.
- 9.21 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.
- 9.22 A councillor must not, without the consent of the Chair, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 9.22, 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.
- 9.24 Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, 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.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.

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- 9.27 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 9.20.
- 9.28 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.
- 9.29 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.
- 9.30 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.

VOTING**Voting entitlements of councillors**

- 10.1 Each councillor is entitled to one (1) vote.
- 10.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- 10.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 10.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 10.5 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.
- 10.6 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.
- 10.7 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.

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- 10.8 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 10.4 of this code.
- 10.9 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.

Voting on planning decisions

- 10.10 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.
- 10.11 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.
- 10.12 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.
- 10.13 Clauses 10.10 – 10.12 apply also to meetings that are closed to the public.

COMMITTEE OF THE WHOLE

- 11.1 The council may resolve itself into a committee to consider any matter before the council.
- 11.2 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.
- 11.3 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.

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- 11.4 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.

CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**Grounds on which meetings can be closed to the public**

- 12.1 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.
- 12.2 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.

Bogan Shire Council Code of Meeting Practice**Matters to be considered when closing meetings to the public**

- 12.3 A meeting is not to remain closed during the discussion of anything referred to in clause 12.1:
- (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.
- 12.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 12.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- 12.5 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 12.2), 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 12.1.
- 12.6 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.
- 12.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Bogan Shire Council Code of Meeting Practice**Notice of likelihood of closure not required in urgent cases**

- 12.8 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 3.20 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 12.1, and
 - (b) the council or committee, after considering any representations made under clause 12.9, 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

- 12.9 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.
- 12.10 A representation under clause 12.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 12.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 12.9, members of the public must first make an application to the council in the approved form. Applications must be received by two (2) days before the meeting at which the matter is to be considered.
- 12.12 The general manager (or their delegate) may refuse an application made under clause 12.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 12.13 No more than two (2) speakers are to be permitted to make representations under clause 12.9.
- 12.14 If more than the permitted number of speakers apply to make representations under clause 12.9, 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 12.9, the general manager or their delegate is to determine who will make representations to the council.

Bogan Shire Council Code of Meeting Practice

- 12.15 The general manager (or their delegate) is to determine the order of speakers.
- 12.16 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 3.20 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 12.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 12.17 Each speaker will be allowed five (5) 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

- 12.18 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.
- 12.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 12.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A (2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Bogan Shire Council Code of Meeting Practice**Resolutions passed at closed meetings to be made public**

- 12.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 12.22 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 12.21 during a part of the meeting that is webcast.

KEEPING ORDER AT MEETINGS**Points of order**

- 13.1 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.
- 13.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 13.3 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

- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Bogan Shire Council Code of Meeting Practice**Motions of dissent**

- 13.8 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.
- 13.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 13.10 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

- 13.11 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 or any regulation in force under the Act 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 or makes personal reflections on 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.
- 13.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 13.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 13.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 13.11(d) and (e).

Bogan Shire Council Code of Meeting Practice**How disorder at a meeting may be dealt with**

- 13.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 13.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 13.15 Clause 13.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 13.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 13.12. 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.
- 13.17 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.
- 13.18 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.
- 13.19 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.

Bogan Shire Council Code of Meeting Practice**Use of mobile phones and the unauthorised recording of meetings**

- 13.20 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.
- 13.21 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.
- 13.22 Any person who contravenes or attempts to contravene clause 13.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 13.23 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.

CONFLICTS OF INTEREST

- 14.1 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.

DECISIONS OF THE COUNCIL**Council decisions**

- 15.1 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.
- 15.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Bogan Shire Council Code of Meeting Practice**Rescinding or altering council decisions**

- 15.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.
- 15.4 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.
- 15.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.
- 15.6 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.
- 15.7 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.
- 15.8 The provisions of clauses 15.5–15.7 concerning lost motions do not apply to motions of adjournment.
- 15.9 A notice of motion submitted in accordance with clause 15.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 15.10 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.

Bogan Shire Council Code of Meeting Practice**AFTER THE MEETING****Minutes of meetings**

- 16.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- 16.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 16.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
- 16.4 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.
- 16.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 16.6 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.
- 16.7 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

- 16.8 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.

Bogan Shire Council Code of Meeting Practice

- 16.9 Clause 16.8 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.
- 16.10 Clause 16.8 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.
- 16.11 Correspondence or reports to which clauses 16.9 and 16.10 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

- 16.12 The general manager is to implement, without undue delay, lawful decisions of the council.

COUNCIL COMMITTEES**Application of this Part**

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

Council committees whose members are all councillors

- 17.2 The council may, by resolution, establish such committees as it considers necessary.
- 17.3 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.
- 17.4 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.

Bogan Shire Council Code of Meeting Practice**Functions of committees**

- 17.5 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

- 17.6 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.

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

Attendance at committee meetings

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

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

- 17.9 Clause 17.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 17.10 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.

Bogan Shire Council Code of Meeting Practice**Chairperson and deputy chairperson of council committees**

- 17.11 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.
- 17.12 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.
- 17.13 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.
- 17.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 17.15 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.
- 17.16 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 17.15.
- 17.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Bogan Shire Council Code of Meeting Practice**Closure of committee meetings to the public**

- 17.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 17.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 17.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 17.19 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 17.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 17.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 17.24 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.
- 17.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

Bogan Shire Council Code of Meeting Practice

- 17.26 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.
- 17.27 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.

IRREGULARITIES

- 18.1 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.

Bogan Shire Council Code of Meeting Practice

DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

Bogan Shire Council Code of Meeting Practice

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 2005</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

Adopted by Council 23 May 2019 – Resolution 155/2019

Amended by Council 24 September 2020 – Resolution 259/2000 Clause 4.21

10.3 POLICY AP002 PAYMENT OF EXPENSES AND PROVISIONS OF FACILITIES TO THE MAYOR AND COUNCILLORS

1. Introduction

The purpose of this report is to review and approve for public exhibition Policy AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

2. Background

This Policy determines what expenses will be met by Council on behalf of Councillors when on Council business.

The following provisions of Section 252 of the Local Government Act apply:

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

3. Discussion

Policy AP002 is based on the following principles:

- That the Mayor and Councillors should be re-imbursed for for their expenses incurred in properly carrying out the duties of office as elected representatives of the community.
- Elected representatives should have the use of adequate facilities to enable them to appropriately fulfil their role as responsive and responsible community representatives.
- It is essential that a Policy is in place to ensure that such office is open to all eligible citizens.
- Councillors are encouraged to limit the use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge their functions of civic office.

The Policy has operated effectively over the past few years and no change seems to be required. It is therefore recommended that the current Policy be re-adopted.

4. Attachments

1. AP002 Payment of Expenses and Provision of Facilities to the Mayor and Councillors

5. Recommendation

That the attached policy, AP002 Expenses and Provision of Facilities for Mayor and Councillors, be approved for public exhibition.

POLICY AP002

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS



Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

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Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

Overview

The Local Government Act 1993 and the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW promote accountability and transparency in the payment of expenses and provision of facilities to Mayors and councillors to meet community expectations.

Under sections 252 of the Local Government Act 1993, Councils are required to have a policy and procedures for the payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to their roles in discharging the functions of Civic Office.

Policy Statement

- It is reasonable and equitable that the Mayor, Deputy Mayor and Councillors should be reimbursed for their expenses incurred in properly carrying out the duties of office as elected representatives of the community.
- Elected representatives should have the use of adequate facilities to enable them to appropriately and adequately fulfil their role as responsive and responsible community representatives.
- It is essential that a policy is in place to ensure that such office is open to all eligible citizens.
- Councillors are encouraged to limit the use of the expenses and facilities provided for in this Policy to the minimum required to enable them to effectively and efficiently discharge their functions of civic office.

Applicability

This policy will apply to the Mayor, Deputy Mayor and all Councillors.

The policy may also apply to other people who attend public official functions as Spouse / Partner to public officials.

Claims for expenses and facilities not included in this policy will not be approved.

Purpose

The preparation and adoption of this policy is a mandatory requirement for all NSW Councils to ensure accountability and transparency in the reasonable and appropriate provision of expenses and facilities to Mayors and Councillors.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

The objectives of Council's policy are to:-

- Ensure accountability and transparency in the payment of expenses and provision of facilities.
- Ensure that Councillors are reimbursed for all expenses legitimately incurred in performing that role up to agreed levels.
- Establish clear guidelines regarding the provision of reasonable facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- Ensure equity and access for Councillors regardless of their background, role in the community, or any special needs an individual may have.

Definitions

Reasonable: Council must make sound judgment and consider what is prudent, responsible and acceptable to the community when determining levels of facilities and expenditure, so there is no excessive use or abuse of public funds.

Facility: Facilities provided by Council to Councillors are the "tools of trade" required to enable them to perform their duties with relative ease and at a standard appropriate to fulfil their professional role for the community.

Expenses: These are payments made by Council to reimburse Councillors for their reasonable expenses incurred or to be incurred, when discharging their duties as Councillors. These payments are not regarded as salary and may be either reimbursed to Councillors or paid direct by Council, for something that is deemed a necessary cost or charge when performing their roles.

Conferences: Conference for the purpose of this policy is defined as conferences, seminars, congresses, sister city relationships, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the Local Government industry and where the Mayor and Councillor has been appropriately authorised to attend as a participant, delegate or observer.

Principles**1. Expenses**

To assist Councillors, including the Mayor and Deputy Mayor, in carrying out the duties of their office, they are, if they request, entitled to receive the following benefits subject to conditions, without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

1.1 General Provisions relating to Councillor Expenses

Approval for all expenses and facilities provided should where practical occur at a full meeting of Council. Where that is not possible or appropriate then approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval it should be given jointly by another Councillor and the General Manager.

No General Expense Allowance is allowed. A General Expense Allowance is defined as a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

Where the Councillor is accompanied by his/her spouse/partner the Councillor concerned or his/her spouse/partner will pay for any additional travel, accommodation, sustenance and other costs.

Payment In Advance - It is recognised that the nature of expenses necessarily incurred by the Mayor and Councillors are such that the expenses may need to be prepaid on occasions. Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Requests for an advance payment for the cost of any other service or facility covered by this policy may be made, however Councillors must fully reconcile all expenses against the cost of the advance within the above time limit. Allowance type payments are not payable in any circumstances.

If a Councillor does not claim a particular expense or use a particular facility, this cannot be offset against a claim for an additional amount of some other expense or facility.

A public record, open for scrutiny, is to be kept concerning all facilities provided to Councillors and of the total expenses reimbursed to Councillors.

1.2 Seminar / Conference Costs

Requests for attending conferences should generally be in writing outlining the benefits for Council. After returning from the conference, Councillors or a member of Council staff accompanying the Councillor/s, should provide a written report to Council on the aspects of the conference relevant to Council business and/or the local community. (NOTE: No written report is required for the Annual Conferences of the Shires Association).

1.2.1 Registration

Council will pay all normal registration costs for the Councillor which are charged by the organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council or to assist the Councillor to discharge the functions of his/her civic office.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

1.2.2 Accommodation

Council will pay reasonable accommodation costs (including meals) including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

1.2.3 Attendance at dinners and other non-Council functions

Consideration may be given to meeting the cost of Councillors' attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet expenses should only be given when the function is relevant to the Council's interest. Only the cost of the service provided will be met. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

This payment to be approved by Council.

1.3 Training and Education

This section relates to the provision of appropriate training courses approved by the General Manager or Council.

Council will make separate provision for the payment of relevant training and educational expenses incurred by Councillors in the budget. These expenses will support and encourage an active learning process and skills development in addition to attending seminars and conferences related to Council functions.

It is essential where Council is paying these expenses that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

1.4 Travel

Council will meet the reasonable travel expenses for local travel relating to defined Council business.

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to approval by the General Manager. Councillors using private vehicles in accordance with this Policy may claim the "kilometre" allowance in accordance with ATO rates.

NOTE: The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

1.4.1 Local Travel Arrangements and Expenses

Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence and:

- i. to attend Council or Committee meetings of which they are a member;
- ii. inspections within the Council's area undertaken in compliance with a resolution of the Council;
- iii. attending public meetings convened by the Council;
- iv. kilometre rates for such travel will be paid at the rate set by the ATO;
- v. Council will meet the cost incurred of authorised travel by public transport or taxi in the circumstances listed above; and
- vi. Payment is subject to a formal claim form being lodged with attached receipts, if appropriate.

1.4.2 Travel outside the LGA including interstate travel

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

1.4.3 Travel relating to Seminars / Conferences

All reasonable travel costs for Councillors/delegates to and from the conference location and venue will be met by the Council.

Where appropriate, travel will be provided by air (economy class). Depending on the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.

Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, will be reimbursed by the Council upon presentation of official receipts and completion of the necessary claim forms.

1.4.4 Overseas Travel

Council should avoid international visits unless direct and tangible benefits can be established for the Council and the local community.

If Council is proposing any overseas travel, detailed proposals should be developed, including nomination of the Councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit should also be provided.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking the trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective re-imbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

Travel proposals should be included in the business papers. The use of a Mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

After returning from overseas, Councillors, or an accompanying member of Council staff, should provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community. Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the Council. Details of overseas travel must also be included in Council's annual reports. Council is also required to report on the benefits of any proposed overseas sister city relationships.

1.5 Incidental Expenses

1.5.1 Out of pocket expenses

Council will meet the reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that Councillors incur, (excluding expenses of a personal nature) which may be reimbursed upon the presentation of official receipts and completion of the necessary claim forms. Only reasonable amounts are claimed or accepted towards necessary out-of pocket expenses. Incidental expenses are taken to include items such as:

- (i) hotel/motel charges other than accommodation;
- (ii) telephone or facsimile calls;
- (iii) meals not included in the registration fee;
- (iv) any optional activity in a Conference program; and
- (v) taxi fares and parking fees.

The cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. All advanced payments are required to be reconciled.

1.5.2 Provision of suitable meals and refreshments

Council will meet the reasonable expenses associated with Council and Council Committee meetings, Working Parties, Councillor Briefing Sessions, other functions and meetings arranged by Council, and meetings of Councillors with Parliamentary representatives, guests, visiting dignitaries and other delegations.

1.5.3 Stationery

Council will meet the reasonable expenses associated with use of business cards, name badges, Christmas cards, envelopes, postage, etc. for Council related business.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

1.5.4 Council promotional apparel

Council will meet the reasonable expenses associated with tie/scarf, blazers, corporate clothing and protective clothing and equipment.

1.6 Care and Other Related Expenses

Council will make provision for the payment of other related expenses associated with the special requirements of Councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities

1.7 Insurance

Council will provide Councillors' insurances required in carrying out their civic office functions.

1.7.1 Personal injury

Whenever on Council business, which Council shall become legally liable to pay arising out of bodily injury caused by accidental, violent, external and visible means. Such insurance shall also cover permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance which is, at the discretion of the Council, taken out.

1.7.2 Professional Indemnity

For matters a Councillor shall become legally liable to pay arising out of the Councillor's performance of civic duties or exercise of his/her functions as a Councillor, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance which is, at the discretion of the Council, taken out.

1.7.3 Public Liability

For matters that a Councillor shall become legally liable to pay arising out of Councillor's performance of civic duties or exercise of his/her functions as Councillor, subject to any limitations or conditions as set out in the Council's policy of insurance, which is at the discretion of the Council, taken out.

1.7.4 Travel Insurance

For approved interstate and overseas travel on Council business. All insurances are to be subject to any limitations or conditions set out in the Council's policy of insurance.

Note: It should be noted that all of the above insurances exclude acts of gross and criminal negligence.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

1.8 Legal

That in the event of an inquiry, investigation or hearing by any of:

- the Independent Commission Against Corruption;
- the Office of NSW Ombudsman;
- the Office of Local Government;
- the NSW Police Force;
- the Director of Public Prosecutions;
- the Local Government Pecuniary Interest and Disciplinary Tribunal;
- Council's Conduct Review Committee/ Reviewer; or
- other legally constituted investigatory bodies having proper jurisdiction into the conduct of a Councillor.

Council shall reimburse such Councillor, at the conclusion of such inquiry, investigation, hearing or proceeding (including any appeal), for all legal expenses properly and reasonably incurred, given the nature of the inquiry, investigation, hearing or proceeding, on a solicitor/client basis, including the costs of proceedings for the recovery of costs against the other party to the proceedings.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Councillor will diligently pursue the recovery of any costs which he/she is awarded in the proceedings.

The amount of such reimbursement shall be reduced by the amount of any moneys that are recovered by the Councillor on any basis and upon any recovery being made after reimbursement from the Council, the amount recovered shall be paid to the Council.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

The Councillor is required to submit a Statutory Declaration which details his/her contributions to legal bills and any contributions received by the Councillor in respect to such matters.

Council will not meet the legal costs of legal proceedings initiated *by* a Councillor under any circumstance. Council will not meet the legal costs of a Councillor or Council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

A Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

In the particular circumstances outlined below, a council may therefore indemnify or reimburse the reasonable legal expenses of a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) provided the outcome to the legal proceedings is favourable to the Councillor.

NOTE: Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This latter type of expense should not form part of a policy adopted under section 252 of the Act.

1.9 Reimbursement of Expenses

- (a) Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- (b) Out-of-pocket expenses for which amounts are claimed relate only to the verified costs and upon submission of copies of all relevant dockets, receipts and the like being attached to the appropriate form, for payment or reimbursement;
- (c) The claim is made not later than three (3) months after the expenses were incurred.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

2. Facilities

To assist Councillors, including the Mayor and Deputy Mayor, in carrying out the duties of their office, they are, if they request, entitled to receive the following benefits subject to conditions, without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act.

Facility	Mayor	Deputy Mayor	Councillors
	Provision for facilities for Council Business only - Any equipment remains the property of Council		
Laptop	Available	Not Available	Not Available
Dedicated Vehicle	Available	Not Available	Not Available
Mayoral Office	Available	Not Available	Not Available
Administrative Support	Available	Available - Discretion of GM	Available - Discretion of GM
Stationary / office supplies / postage / business cards	Available	Available	Available
Meals / refreshments relating to Council Meetings/Functions	Available	Available	Available
Ceremonial Garb	Available	Not Available	Not Available
Use of Council Chambers	Available by Booking	Available by Booking	Available by Booking
Mobile phone	Available	Not Available	Not Available
Council promotional apparel [Tie/Scarf, Corporate and Protective Clothing & Equipment]	Available	Available	Available
Provision of Council Vehicle to attend Council Functions	Dedicated	Pre-arranged Booking	Pre-arranged Booking
Equity of Access - Disabled, hearing and sight impaired	Reasonable Resources	Reasonable Resources	Reasonable Resources

Requests for issues of stationery, and/or equipment shall be made to the General Manager or Executive Officer. All approved requests will be provided by the Council.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

2.1 Equipment

Any equipment provided to Councillors shall remain the property of the Council, and shall be returned to the Council within one week of the Councillor leaving office.

The equipment is for the exclusive use of the Councillor on Council business and the Councillor shall not loan the equipment to a third party.

The Councillor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

Councillors may purchase Council equipment previously allocated to them at the cessation of their duties if the item is for sale. The sale price to be at an agreed fair market price or written down value.

2.2 Private Benefit – Use of Council Resources

Council will allocate resources to Councillors on the basis of majority Council use with a private use declaration provided and cost recovery for private use on a proportional basis of the cost to Council.

2.3 Telephone Calls

In order for a Councillor to be entitled to the reimbursement of telephone calls, the Councillor must

- (a) make his/her telephone number available to the public to ensure that he/she is accessible to the residents and ratepayers of the Shire.
- (b) identify all mobile telephone calls associated with his/her duties as Councillor on his/her mobile telephone account
- (c) meet the cost of any private usage (eg not business calls on Council's behalf).

2.4 Facilities provided to the Mayor

In addition to those facilities provided to the Councillors the Mayor, in carrying out the duties of that office, is entitled to receive the benefit of the following facilities subject to conditions without reduction of fees payable under s248 and/or 249 of the Act:

2.4.1 Appropriate furnished office within the Civic Centre.

2.4.2 Secretarial Services including word processing, photocopying, printing, postage, facsimile and telephone facilities.

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

2.4.3 Administrative Assistance associated with any Council functions, organisations, meetings, publications and the like by the General Manager's Department and other appropriate staff as determined by the General Manager.

2.4.4 Office refreshments – as provided in the Mayoral Office for entertainment purposes.

2.4.5 Stationery – Mayoral letterhead, envelopes and stationery generally.

2.4.6 Office Equipment – provision of appropriate office equipment such as desktop computer or laptop computer, facsimile machine, photocopier either within the Mayoral Office or shared with the Administration.

2.4.7 Mayor - Mobile Telephone & Motor Vehicle

A motor vehicle and mobile telephone is provided for the Mayor. Private use costs are the responsibility of the Mayor.

Authority

Council Resolution No. 450/2016 – 24 November 2016

Policy Owner / Further Assistance

General Manager

Related Information

- Local Government Act 1993
- Office of Local Government Guidelines
- Model Code of Conduct for Local Councils in NSW
- Councillor Induction and Professional Development

Review Date

Within 12 months of next election of Council

Bogan Shire Council Policy AP002 (Expenses & Facilities for Mayors & Councillors)

Revision History

Date	Description of Change	Sections Affected
24/11/2011	New policy drafted and adopted	All
22/11/2012	Approved by Council for exhibition	All
28/2/2013	Adopted by Council	All
28/11/2013	Adopted by Council	All
23/10/2014	Adopted by Council	All
22/10/2015	Adopted by Council	All
24/11/2016	Adopted by Council	All
25/08/2022	Adopted by Council	All

10.4 ORGANISATIONAL STRUCTURE**1. Introduction**

The purpose of this report is for consultation between the General Manager and Council on the Organisational Structure of Bogan Shire Council.

2. Background

Section 333 of the Local Government Act (the Act) requires a Council to review its Organisational Structure within 12 months of any ordinary election.

Under Section 332 of the Act, the Council is responsible for the allocation of resources towards the employment of staff (in the operating budget) and the General Manager is responsible for determining the positions within the Organisational Structure after consulting the Council.

3. Discussion

The current Organisational Structure has been in place since 2016 and working successfully. Accordingly, it is the General Manager's opinion that Council's Organisational Structure, with associated areas of responsibility, be as set out in the attachment.

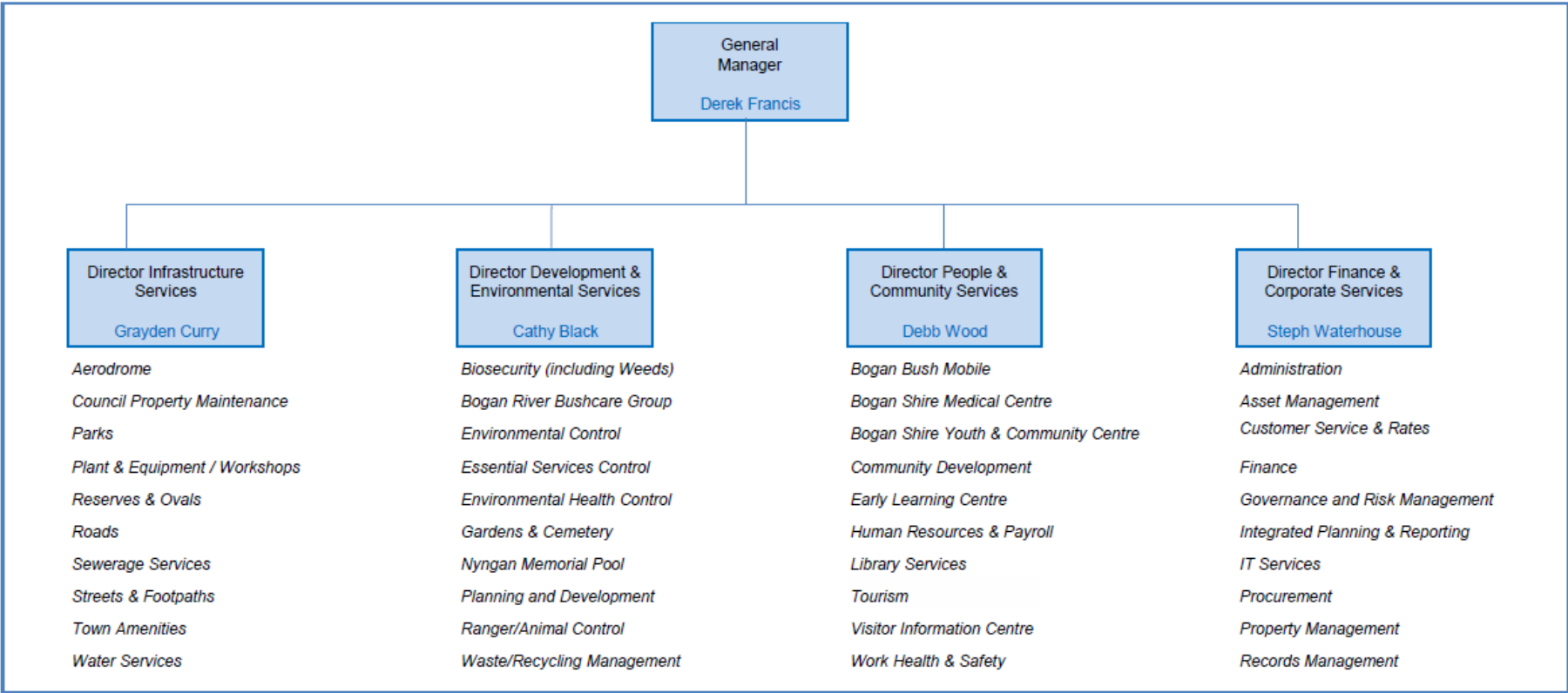
4. Attachments

1. Organisational Structure

5. Recommendation

That Council's Organisational Structure be as set out in the attachment.

**Bogan Shire Council
Organisational Structure
2025**



10.5 TENNIS CLUB COMMITTEE

1. Introduction

The purpose of this report is for Council to formally appoint Members of the Nyngan Tennis Section 355 Committee and to consider a fee for court bookings when the lights are used.

2. Background

At its meeting on 22 August 2024, Council established a Nyngan Tennis Section 355 Committee and instrument of Delegation.

3. Discussion

The Report to the meeting of 22 August 2024 referred to the need to specifically name the Members of the Committee in order for the Delegations to have effect and the need for further consultation with the interim office bearers of the proposed Tennis Club.

Those discussions have now been completed and the proposed Members of the Committee are:

- President: Nick Simpson
- Vice President: Wayne Judge
- Secretary: Graeme Jackson
- Treasurer: Cathy Lewis

In addition, Council had previously indicated an intention to recover the cost of lighting, when used, from players through the court booking system in much the same way as the cost of lighting for the Larkin Oval.

It has proved difficult to estimate a true actual cost due to the aggregation of locations on Council's electricity bill and it is therefore recommended that, if Council wants to recover lighting costs, a nominal amount be determined. Alternatively, Council may consider not introducing a lighting fee at this stage in order to encourage participation in the sport.

Attachments

Nil

Recommendation

1. That Council appoints the following as Members of the Nyngan Tennis Section 355 Committee:
 - President: Nick Simpson
 - Vice President: Wayne Judge
 - Secretary: Graeme Jackson
 - Treasurer: Cathy Lewis
2. That Council considers whether or not to introduce a lighting charge for court booking at night and, if so, what that should be.

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 BOGAN SHIRE LIBRARY OPERATIONAL REPORT

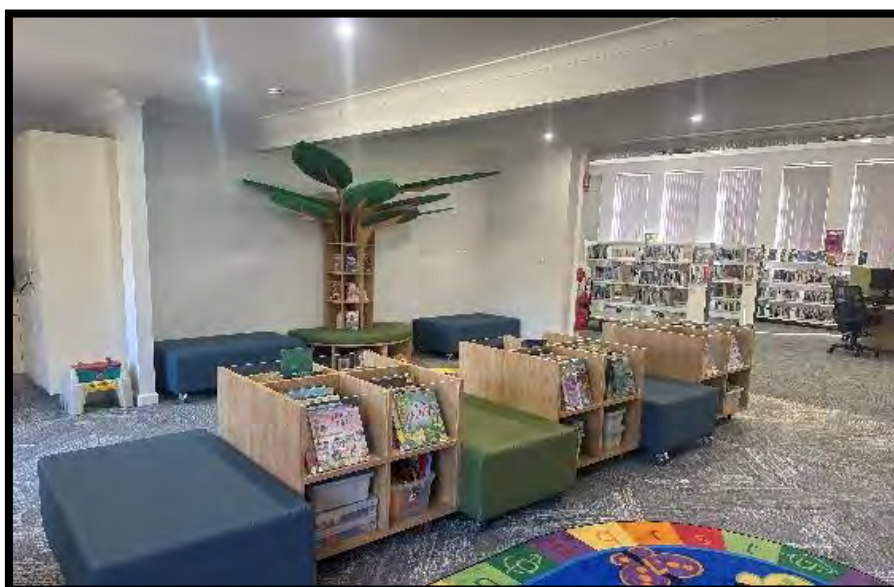
1. Introduction

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Library.

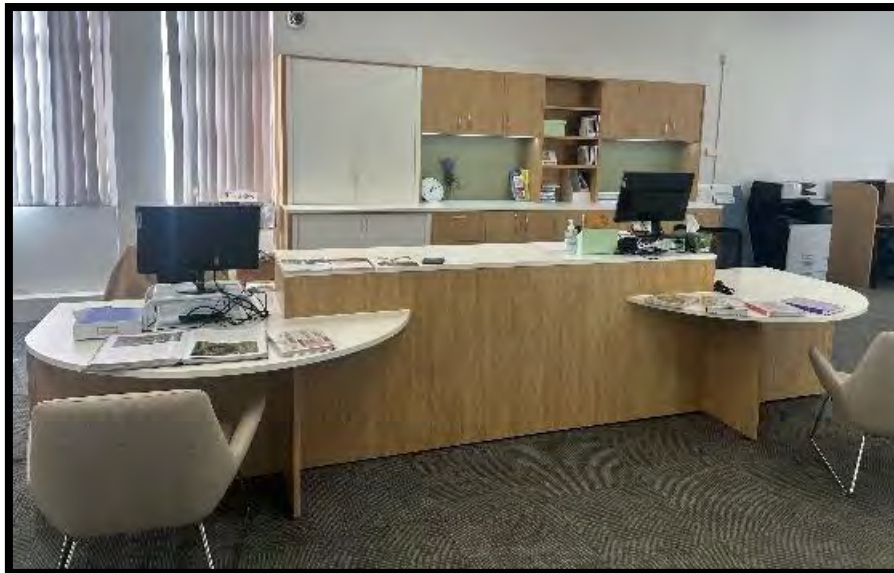
2. Discussion

The following activities were held during the reporting period from April 2025 to June 2025:

- Library staff ran five LEGO and craft activities and attended the GROW Day in O'Reilly Park in the April school holidays including Easter crafts, making collage, Mother's Day crafts and LEGO sessions, with 107 children in attendance.
- National Simultaneous Story Time was held in the Library on Wednesday 21 May. This year's book was Deborah Frenkel's "The Truck Cat". Story Time was attended by 49 children from Nyngan Public School, St Joesph's Catholic School, and Bogan Shire Early Learning Centre. After the reading of the book the children participated in making a cat mask and fluttering butterflies. Staff were able to hold the event in the newly renovated children's area and new extension in the library. This was the first time in over 7 years due to not having enough space to hold it previously.
- Library Story Times have been held every Tuesday and Thursday morning, with 74 children attending. Library staff have also worked with Catholic Care Playgroup and on occasion Barnardo Mini Meez Playgroup to run these sessions.
- The 2023/2024 Public Library Infrastructure Grant of \$180,580 for refurbishment of the circulation desk, children's area, computer area and sitting areas and installation of new furniture was completed in May 2025. Staff and Council have received very positive feedback from the community on these impactful changes.
- Council was successful in receiving \$218,000 under the 2024/2025 Public Library Infrastructure Grant. This funding will complete the third and final stage of upgrades including painting, signage, flooring, improved lighting, and new shelving. The items covered under this grant ensures the entire space is cohesive and aligns with the two previous grants already obtained.
- Council was successful in receiving a grant of \$3,000 through the Aeris Resources Community Grant to support the Dolly Parton Imagination Library program. This funding will help cover some of the costs associated with the 89 children currently enrolled in the program, ensuring continued access to free, age-appropriate books delivered monthly to children aged 0-5 years across Bogan Shire.



Upgraded children's area, including new book shelving, seating and Story Time reading area under the tree with sound proofing foliage.



New accessible circulation desk, comfortable sitting area, and computer area with a bank of 4 computer stations with privacy screens and sound proofing.

The following Library statistics have been submitted to the State Library for 2024-25:

USAGE STATISTICS 24/25													
	Jul 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Jan-25	Feb 25	Mar 25	Apr 25	May 25	Jun 25	Total
Library Visits	358	318	340	317	356	334	612	568	507	639	361	492	5,202
ILLs	0	0	0	0	0	0	0	0	0	0	0	0	0
Reference Enquiries	6	6	6	9	5	4	9	7	8	7	4	6	77
Technology Enquiries	10	8	10	6	6	5	5	4	4	4	3	3	68
Local History Enquiries	0	0	0	0	0	0	0	0	0	0	0	0	0
Wireless Internet	5	2	5	7	14	7	6	5	7	9	2	13	82
Internet Bookings	87	85	52	74	115	68	210	143	66	145	30	123	1,198
Internet Hours	132	81	38	151	266	155	314	196	105	363	56	187	2,044
Non-resident Internet Bookings	3	2	1	2	1	2	4	1	0	2	2	0	20
Non-resident Internet Hours	2	2	1	3	2	2	5	1	0	2	2	0	22

LIBRARY PROGRAMS 24/25					
(Date - optional) and Program Name	No. Sessions	No. Attending (intended audience only)	Program Type	Delivery Mode	Intended Audience (type in full)
Story Time	48	315	LL	LO	Early Childhood
Story Time	1	16	LL	PO	Early Childhood
Baby Time	21	106	LL	LO	Early Childhood
Holiday Activities	34	581	CC	LO	School Age
Holiday Activities	5	167	CC	CL	School Age
Christmas Craft	1	22	CC	LO	School Age
Harmony Week Celebration	1	50	CC	CL	School Age
National Simultaneous Story Time	1	49	LL	LO	Early Childhood

LIBRARY PROGRAMS GUIDE	
PROGRAM TYPE	PROGRAM DELIVERY MODE
Literacy and Lifelong Learning (LL)	Online (O)
Informed and Connected Citizens (CONN)	Library Onsite (LO)
Stronger and More Creative Communities (CC)	Partner Onsite (PO)
	Community Location (CL)

Statistics

Statistics for the past quarter dating from 1.04.25 to 30.06.25 are as follows with a comparison of the previous year figures for the same period:

April 1 – June 30 2024		April 1 – June 30 2025	
Adult Fiction	295	Adult Fiction	194
Western Fiction	26	Western Fiction	7
Large Print	101	Large Print	57
Magazines	57	Magazines	67
Adult Non-Fiction	11	Adult Non-Fiction	65
Talking Books	53	Talking Books	26
Junior Fiction	88	Junior Fiction	61
Junior Non-Fiction	4	Junior Non-Fiction	29
Easy & Easy2 & RR	215	Easy & Easy2 & RR	106
Toys	0	Toys	0
Junior Talking Books	0	Junior Talking Books	0
Young Adult Fiction	3	Young Adult Fiction	1
Equipment	2	Equipment	0
DVD's	72	DVD's	19
TOTAL ISSUES	935	TOTAL ISSUES	634
TOTAL MEMBERS	1,313	TOTAL MEMBERS	1,361
Internet Usage ½ hr sessions	730	Internet Usage ½ hr sessions	606
People Counter	1,695	People Counter	1,492
New Members	13	New Members	18
Reference Inquiries	38	Reference Inquiries	17
IT Help	27	IT Help	10
Wi Fi tickets (2hr per ticket)	55	Wi Fi tickets (2hr per ticket)	24

3. Attachments

Nil

4. Recommendation

That the Bogan Shire Library Report be received and noted.

12 FINANCE AND CORPORATE SERVICES REPORTS

12.1 INVESTMENTS JULY 2025

1. Introduction

The purpose of this report is to outline the performance of Council's investment portfolio for the month of July 2025.

2. Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

3. Discussion

The Investment Report for July 2025 is shown below. At the 31st July 2025 Council had \$32.1 million invested. There has been a decrease \$385,000 due to Councils annual insurance premium being paid.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

Investment Movements for July 2025

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

REF	Source	Maturity	Days	% rate	Bal June 25	Bal July 25
42-150-6894	NAB - Professional Funds	4/05/2016	At Call	4.350%	13,733,495.69	13,348,222.29
11271016	Westpac	17/12/2024	17/12/2025	5.010%	6,000,000.00	6,000,000.00
88-392-4994	NAB	29/05/2025	29/05/2026	4.200%	2,000,000.00	2,000,000.00
32-556-4779	NAB	5/11/2024	5/11/2025	5.050%	2,000,000.00	2,000,000.00
98-544-4756	NAB	30/01/2025	30/01/2026	4.850%	2,000,000.00	2,000,000.00
98-568-5779	NAB	30/01/2025	30/01/2026	4.850%	2,000,000.00	2,000,000.00
	Westpac	17/04/2025	17/04/2026	4.200%	2,000,000.00	2,000,000.00
	Westpac	09/05/2025	11/05/2026	4.250%	2,800,000.00	2,800,000.00
	Balance securities held				32,533,495.69	32,148,222.29
	Balance Ledger 19010.8200.8200				32,533,495.69	32,148,222.29
	Summary by institution					
	Commonwealth				0.00	0.00
	NAB				21,733,495.69	21,348,222.29
	Westpac				10,800,000.00	10,800,000.00
					32,533,495.69	32,148,222.29

4. Attachments

Nil

5. Recommendation

That Council receive and note the Investment Report for July 2025.

12.2 SUMMARY OF RATE AND ANNUAL CHARGES COLLECTION

1. Introduction

The purpose of this report is to provide a comparison of rate collections as at 31st July, 2025, with the same period last year.

2. Background

This report is provided for the information of Councillors.

3. Discussion

Rate Collections	2025-2026	2024-2025
Arrears Prior to 01/07/2024	354,326	625,257
First Instalment in arrears as at 31/7/2025	1,175,008	1,199,897
Second Instalment in arrears as at 31/7/2025	1,341,774	1,326,926
Third Instalment in arrears as at 31/7/202	1,369,934	1,347,145
Fourth Instalment outstanding as at 31/7/2025	1,382,561	1,359,815
Total Arrears	354,326	625,257
Total Outstanding	5,623,603	5,859,040
Monthly Transactions		
Amount Levied & B/Fwd	6,192,744	6,249,484
Add: Adjustments	3,462	7,123
Less: Payments to end of July	-505,979	-326,180
Less: Rebates	-66,623	-71,387
Add: Postponed	0	0
Gross Total Balance	5,623,603	5,859,040
Arrears of total amount levied %	5.7%	10%

Total arrears have decreased from \$625,257 at the 31st July 2024 to \$354,326 as at 31st July this year.

Each instalment amounts to approximately \$1,549,000 (Total Rates, Waste, Water & Sewer Access Charges)

As at 31st July Council had collected \$179,799 more than at the same time last year. At the time of writing this report, Council has collected an additional \$384,102.

4. Attachments

Nil

5. Recommendation

That Council receive and note the Rate and Annual Charges Collection Report for July 2025.

12.3 AUDIT OF 2024/2025 FINANCIAL ACCOUNTS**1. Introduction**

The purpose of this report is to inform Council of the timing of the Audit of the Statutory Accounts for the 2024/2025 financial year and to ask Council to refer these accounts for Audit.

2. Background

Council is required to produce and have audited a set of Statutory Accounts each financial year. The 2024/2025 financial year closed on 30th June 2025 and audited statutory accounts must be lodged with the Office of Local Government by 31st October 2025.

3. Discussion

The auditors have set initial audit dates between 25th and 29th August, providing that certain information was sent in advance.

Council staff were required to have a full set of statutory accounts completed by 11th August 2024 for Auditors. These draft accounts need to be adopted and referred to audit at this meeting.

4. Attachments

Nil

5. Recommendation

That Council refer the 2025 Annual Financial Statements for Audit and that the necessary elected members and staff be authorised to sign the Statement by Councillors and Management on the General Purpose and Special Purpose Financial Statements for the year ended 30th June 2025.

13 INFRASTRUCTURE SERVICES REPORTS**13.1 DEPARTMENTAL ACTIVITY REPORT****1. Introduction**

The purpose of this report is to provide Council with information regarding the activities of the Infrastructure Services Department.

2. Background

A regular activity report is provided for the information of Councillors.

3. Discussion**Roads**

Road work undertaken for the reporting period 10 July 2025, to 13 August 2025 consisted of the following:

No.	Name	Comments
	Local Roads	
24	Canonba Road	Maintenance Grading ongoing
20	Pangee Road	Guidepost maintenance
1	Mulla Road	Sign and Guidepost maintenance
26	Old Warren Road	Sign and Guidepost maintenance
22	Moonagee Road	Minor culvert repairs commenced
24	Canonba Road	Minor culvert repairs commenced
26	Old Warren Road	Minor culvert repairs commenced
1	Mulla Road	Minor culvert repairs commenced
92	Colane Road	Minor culvert repairs commenced

	Regional Roads	
MR 7514	Cockies Road	Re-sheeting completed
MR 461	Cobar Condo Road	Maintenance grading ongoing
MR 57	Tottenham Road	Guidepost maintenance
MR 424	Monkey Bridge Road	3km of re-sheeting under Regional Emergency Road Repair Fund commenced

	State Highways	
HW8	Barrier Highway	Sign Maintenance
HW7	Mitchell Highway	Sign Maintenance
HW70	Arthur Hall VC Way	Sign Maintenance

Council has completed pothole repairs on the following roads:

• Nyngan Town Streets	• Canonba Road
• Mulla Road	• Colane Road
• Old Warren Road	• Buckiinguy Road

The upcoming Road Works Program includes, but is not limited to, the following works:

- Maintenance grading on the following roads: Cockies, Cox's, Merryanbone, Gongolgon, Fords, Bobadah, Billandry & Colbain Road.
- Resources for Regions 6km of Construction on Coffils Lane

Works and Services

The work undertaken during this reporting period consisted of the following:

Civil Works

- Commenced modifications to Gravel/Material bunkers at the depot
- Installed a new safety platform and barricades at No 1 Sewer Pump Station in Wambiana Street, new safety platform has barricades that rise up and form a safety fence when lids are opened, minimising the possibility of falling into the well
- Cleaned out fifty metres of drain from the corner of Hoskin & Jubilee Street towards Storm Water Pump Station. This Section had previously held up water from Jubilee Street back to Merilba Street
- Extended concrete around the drinking fountain located at the Skate Park. This included drainage for any excess water.
- Extended the existing culvert entrance to the Coolabah Hall
- Replaced missing and installed additional bollards at the northern end of Terangion Street, to prevent access to stock route

Building works/maintenance

- Emergency repairs to the roof at the Nyngan Library to resolve water leak.
- Replaced sewer line from Showground arena toilet block to septic tank

Community Facilities

- Mowing/Slashing and general maintenance to the Ovals, Reserves and Highway which approaches Nyngan
- Cleaning of Town Facilities
- Cleaning and sweeping of Nyngan Town Centre
- Pre and post works for the Nyngan Ag Expo
- Spraying of Parks and Ovals for clover
- Carried out cleaning up of Illegal dumping
- Installed water line and prepared trees along Canonbar Street for RSL Avenue of trees

Water & Wastewater

- Carried out repairs to water pump at Coolabah. A replacement part has been ordered. Pumping from Wilga Tank to Coolabah ground tank – Ongoing
- Albert Priest Channel commenced on 25th August 2025. It is ordered to run until 30th September 2025
- Repaired broken main at the corner of Cobar and Dandaloo Streets
- Started annual maintenance of water filtration plant including cleaning of sedimentation tanks and washing of filter beds
- Installed water services to the stormwater pump stations

Cobar Pump Station Works

Discussions with Department of Climate Change, Energy, the Environment and Water (DCCEEW) Project Manager, and Cobar SC operator have commenced regarding shutdowns for construction of the pump station. Shutdowns could impact Hermidale village and other small customers of the Cobar Water Board. DCCEEW have advised maximum 48-hour shutdown(s) between October and March, and up to a week between April to September.

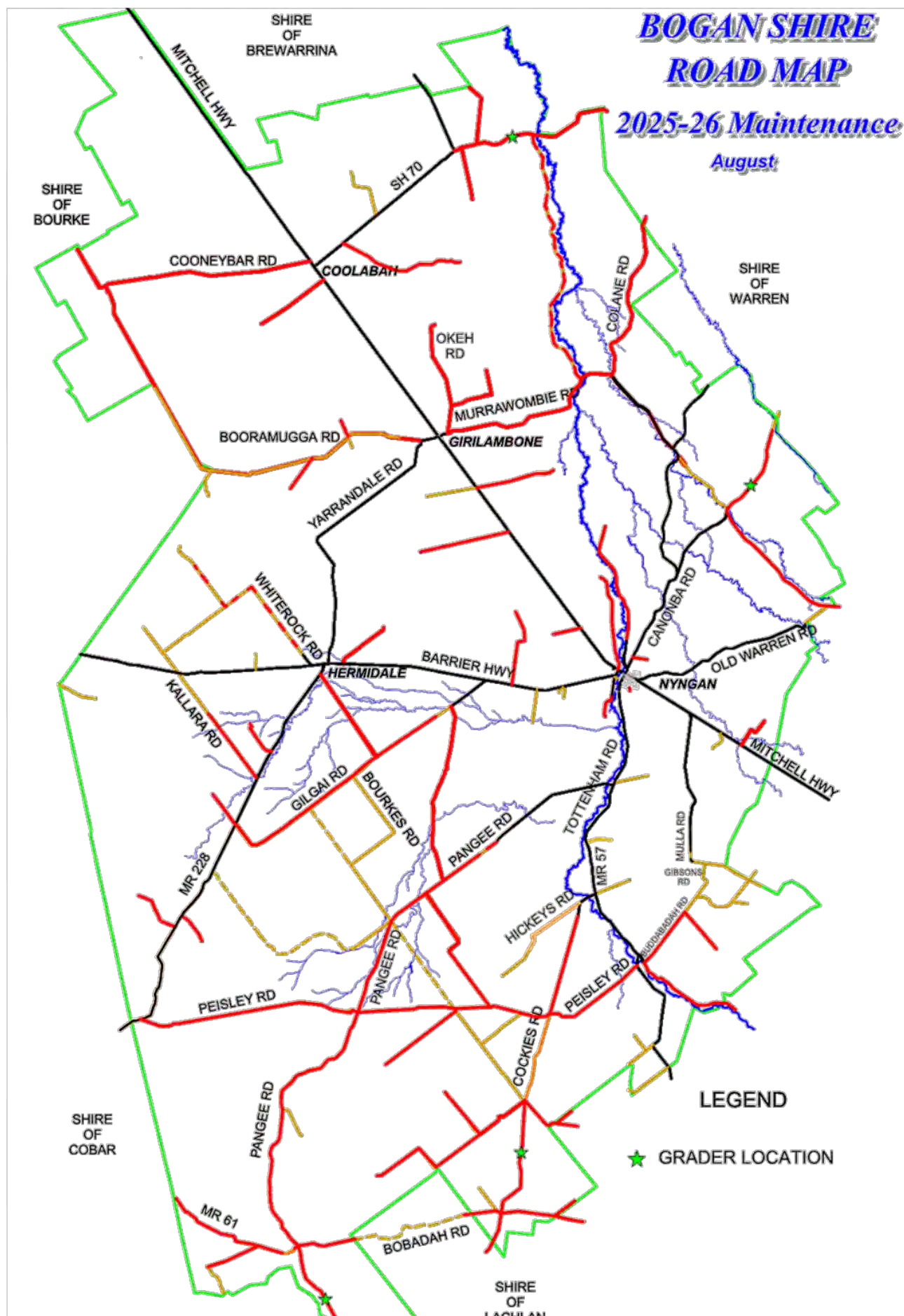
However, with new high and low pump stations at Nyngan and connections to multiple pipelines required, discussions will continue as the construction contractor develops their program and determines how they will do the work.

4. Attachments

1. Roads Maintenance Map

5. Recommendation

That the Infrastructure Departmental Report be received and noted.



13.2 AERODROME LIGHTING

1. Introduction

The aim of this paper is to present information on the likely cost to replace the Pilot Activated Lighting (PAL) system at Nyngan Aerodrome.

2. Background

Approximately four years ago the Pilot Activated Lighting (PAL) system at Nyngan aerodrome ceased to function. The PAL was originally installed circa 1972. Since the system failure, Council has been using battery operated flares on the occasions when a night landing is required. In recent years there have been on average nine night time landings per annum.

It should be noted that standard procedure for night landings when the PAL was operational was for staff to be called out to do a 'roo run' prior to aircraft landing and take-off. This practice continues with the use of flares.

In 2024 Council applied for funding under the Federal Government's Remote Airstrip Upgrade Grant towards the replacement of the PAL. Council was successful in gaining a grant of \$116,550 towards the project which was then estimated to be \$350,000. Council was to contribute the balance of \$233,450. The acquittal date for the completion of the project and final report has already been extended to May 2026. (It is not possible to do part of the project as the funding application was for a complete PAL).

In February 2025 Council applied for funding under the NSW government's Regional Economic Development and Community Investment Program programme in the amount of \$515,533, to add to the previous grant (\$116,550) to complete a PAL. This estimate included a back-up generator, project management and contingency to the combined value of approximately \$165,000. At the time of writing this report, Council has not been advised of an outcome to the grant application.

3. Discussion

Nyngan Aerodrome is not permanently manned and there are no records on daytime usage. Night landings are recorded due to the requirement for staff to be called out.

There is currently one charter flight which lands at the aerodrome weekly (Wednesdays). This flight requires a pavement concession as the plane mass / tyre pressure exceed the runway pavement rating. The pavement concession that has been approved by Director Infrastructure Service on a month to month basis is subject to inspections of the runway before and after each use, and the plane operator confirming that they are responsible for the cost of any damage to the runway and taxiways.

Council does not charge landing fees and therefore there are no direct revenues associated with aerodrome usage. Landing fees can be the subject of a separate report.

The merits of a PAL versus the currently approved project for exclusion fencing of the aerodrome has recently been raised. The estimated cost for Council to complete a PAL with no contingency and without replacing the backup generator is \$467,000.

There is currently \$130,000 allocated for exclusion fencing. This allocation plus the previously approved grant totals \$246,550, leaving a shortfall of \$220,450.

Staff attendance to night landings is required with and without a PAL. If PAL is a higher priority than exclusion fencing, additional funding options could include:

- Loan
- Re-allocation of budgeted funds
- Use of any available unallocated cash.

Council may wish to review the adopted capital program to source funds. A number of projects were the subject of revote at the July 2025 meeting.

These include a couple of programs that could potentially be accessed to fund a PAL.

- Pipe Culvert Renewals Rural Roads Current balance \$160,000
- Bridge Repair Program Current balance \$160,000

A number of failing culverts have recently been identified, and it is recommended that the Pipe Culvert Renewals Rural roads not be fully drawn down.

4. Attachments

Nil

5. Recommendation

For noting.

14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**14.1 DEVELOPMENT APPLICATIONS REPORT****1. Introduction**

The purpose of this report is to advise Council of Development Applications that have been submitted to Council for approval.

2. Discussion

No new Development Applications were received during the reporting period. The table below outlines Development Applications that are currently under assessment.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2024/004	Mr I Bennett	60 Nymagee St, Nyngan	New Awning	\$35,000	Additional Information Required

Council staff continue to receive enquiries and assist the public in relation to Development Applications and the complexity of their lodgment on the NSW Planning Portal.

Attachment 1 contains statistical and historical information in relation to applications received.

3. Attachments

1. Development Applications Statistics

4. Recommendation

That the Development Applications Report be received and noted.

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2025	0	0	0	0	0	0	0	\$0.00
August 2025								
September 2025								
October 2025								
November 2025								
December 2025								
January 2026								
February 2026								
March 2026								
April 2026								
May 2026								
June 2026								
Total 2025/26	0	0	0	0	0	0	4	\$0.00
Total 2024/25	18	2	4	9	1	2	4	\$ 4,476,447.00
Total 2023/24	27	0	8	14	1	0	4	\$ 7,576,651.00
Total 2022/23	33	1	7	12	5	2	8	\$ 7,443,708.00
Total 2021/22	26	0	13	8	2	1	5	\$ 6,354,396.00
Total 2020/21	34	3	5	14	3	5	9	\$ 4,107,610.00
Total 2019/20	24	0	0	10	1	3	10	\$ 11,294,300.00

15 PRECIS OF CORRESPONDENCE

15.1 CORRESPONDENCE FROM NYNGAN SHOW SOCIETY

Correspondence received from The Nyngan Show Society.

Attachments

1. Nyngan Show Society

Recommendation

For Noting.

President: Michael Kennedy
Treasurer: Jessica Finn
ABN: 23 533 966 730



Secretary: Bec George
Telephone: 0499753070
Address: P O Box 163
NYNGAN NSW 2825

20 July 2025

The General Manager
Bogan Shire Council
Nyngan NSW 2825

Dear Sir,

Re: Appreciation for Council Support and Ongoing Accommodation Concerns

On behalf of the organisers of the 2025 Neill Earthmoving Show, I would like to extend our sincere thanks to the Bogan Shire Council staff for their hard work and dedication in preparing the Nyngan Show Grounds for this year's event.

The grounds were presented in excellent condition, and we greatly appreciate the time and effort invested by council personnel in ensuring that all facilities were in readiness. Their support played an important role in the overall success of the event and was noted by both participants and attendees.

We would, however, like to raise an ongoing concern regarding the limited availability of accommodation within Nyngan, particularly during major event weekends. This year, we encountered significant difficulties in securing sufficient lodging for judges, staff, and key personnel associated with the Show. The scarcity of accommodation options during this period was a logistical challenge and may hinder the growth of future events in the region.

We understand that accommodation development is a complex issue, but we believe it is one that requires further attention and planning to support Nyngan's capacity to host large-scale events such as the Neill Earthmoving Show. We would welcome the opportunity to work collaboratively with Council on potential solutions or initiatives that could help alleviate this issue in the future.

Once again, thank you for your continued support and dedication. We look forward to maintaining a strong partnership with the Bogan Shire Council as we plan for future events.

Yours sincerely,

Rebecca George
Secretary Nyngan Show Society

15.2 CORRESPONDENCE FROM NYNGAN LOCAL ABORIGINAL LAND COUNCIL

Copy of Correspondence received from Nyngan Aboriginal Land Council (LALC) regarding Nyngan NAIDOC Celebrations 8 – 19 September 2025.

Attachments

1. Correspondence from Nyngan LALC

Recommendation

For noting.



NYNGAN NAIDOC WEEK

11th August 2025

Bogan Shire Council
P.O. Box 221
Nyngan NSW 2825

RE: Nyngan NAIDOC Celebrations 8th to 19th September 2025

Dear Mr Francis, Mayor Neill & Councillors

Nyngan LALC is current planning NAIDOC with Community agencies; school leaders and we would like to thank Bogan Shire for the continual support of this celebration.

Monday 8th September, we are holding the opening ceremony at Winangali Walk (Winangali means to hear, listen) on the corner of Titanic Drive and Cemetery Road at 10.00am.

We also would like to invite Mayor Glen Neill or General Manager Mr Francis to speak on behalf of Bogan Shire Council.

Schools will showcase their own schools within house activities and Community are welcome to participate over the two weeks, please see calendar attached

On Friday 19th September, between 10am to 2pm we are also planning a community day and would like to seek Bogan Shire Council permission to use Rotary Park. We would also like to ask if Bogan Shire Council could kindly donate the use of the 20 tables, 60 chairs plus bins to use on the day and please turn watering system off on the morning of this event.

In the event of rain would it be possible to pre-book the Town Hall on the 8th and 19th of September for the opening ceremony & Community Day if necessary.

Nyngan LALC would also like to take the opportunity to invite the Councillors of Bogan Shire Council to come along to any of the events, and we look forward to working with you to celebrate NAIDOC within our Community

Kind Regards

Marie Johnson
Chairperson
Nyngan LALC

	
<i>Nyngan NAIDOC Celebrations – Week 1</i>	<i>Nyngan NAIDOC – Celebrations- Week 2</i>
Monday 8th September – NAIDOC Open Ceremony – Winangali Walk, Titanic Drive, Nyngan– 10am. <i>Morning Tea / Brunch</i> – NLALC Office – 102 Pangee Street, Nyngan.	Monday 15th September -Nyngan Preschool Cultural Showcase Day / Morning Tea – 10.30am, 11 Pangee Street, Nyngan.
Tuesday 9th September – Nyngan High School Cultural Show Case Day – 10.08am, 15-37 Cobar Street, Nyngan.	Tuesday 16th September -Girilambone, Hermidale & Marra Creek Public Schools - Cultural Showcase Day, Girilambone PS.
Wednesday 10th September – NPS Sports Gala Day. Catholic Care- 10.30 am, playgroup, lower weir, outdoor classroom.	Wednesday 17th September –Bogan Shire Early Learning Centre, Cultural Showcase Day – 10am, 32 Dandaloo Street, Nyngan.
Thursday 11th September- Nyngan Public School Cultural Show Case Day, Cathundril Street, Nyngan.	Thursday 18th September – NHS Gala Day (TBC)*
Friday 12th September – Saint Joseph’s Primary School, Cultural Showcase Day – 11am, 23 Terangion Street, Nyngan.	Friday 19th September – NAIDOC Community Day 10 -2pm – Bogan River, Rotary Park. <i>Services Providers Stall</i>

15.3 CORRESPONDENCE FROM THE NYNGAN BRANCH OF THE COUNTRY WOMENS ASSOCIATION (CWA)

Correspondence received from the Nyngan Branch of The Country Women's Association (CWA).

Attachments

1. Correspondence from Nyngan CWA

Recommendation

For noting.



Country Womens Association of NSW

Incorporated in 1931 by an Act of NSW Parliament

All Communications to be addressed to the Secretary

ABN 82 316 909 926

Nyngan Branch/Group

BOGAN SHIRE COUNCIL	
FILE	
15 AUG 2025	
R/N	
ASSIGNEE	

PO Box 198

Nyngan 2825

14/08/25

The General Manager & Councillors of Bogan Shire Council,

Dear Derek,

Members of the Nyngan CWA wish to express our concern about Nyngan not having specific green waste bins available for its residents.

We ask Council to consider the installation of a garbage bin service to provide a way to better manage the collection of green waste. Thank you.

Sincerely, Di Donald, Secretary Nyngan CWA Branch.

Pride in our Past - Faith in our Future

15.4 CORRESPONDENCE SPONSORSHIP REQUEST TOUR DE OROC

Correspondence received regarding the Tour De OROC Sponsorship, raising funds for Macquarie Home Stay in Dubbo.

Attachments

1. Tour De OROC Sponsorship request

Recommendation

For Council's consideration

From: Grayden Curry <graydencurry@[REDACTED]>
Sent: Sunday, 20 July 2025 2:23 PM
To: Derek Francis <derek.francis@bogan.nsw.gov.au>
Subject: Tour de OROC

Derek, as you are aware I'm doing the Tour de OROC to raise funds for Macquarie Home Stay.

I would be appreciative if Council could support the cause by donating via the below link
www.rotarydubbosouth.org/fundraisers/graydencurry

Regards

Grayden Curry



On a mission to support...

The Toyota Tour de OROC, an initiative of the Rotary Club of Dubbo South, is a unique biennial cycling event running from 6 to 12 October 2025. Covering more than 700 kilometres across the Orana Region, it is one of the longest and most rewarding charity rides on the global calendar.

First held in 2013, the ride was established to raise funds for Macquarie Home Stay—an essential accommodation facility for people from regional and remote communities needing medical treatment in Dubbo. Since then, the Tour has contributed over \$1 million towards the facility, which officially opened its doors in 2019.

Funds raised through this year's ride will support the ongoing Stage Three expansion of Macquarie Home Stay, which includes the addition of much-needed family accommodation. Your involvement not only helps make this vision a reality, but also demonstrates to government and funding bodies that this is a project backed wholeheartedly by the community.

Help me by donating today!

I've been a recreational cyclist since 2015 when my eldest son introduced me to the sport. Some of my best moments have been riding with my sons. My wife and I have recently moved to Nyngan, and have met a lot of people who've needed Macquarie Homestay.

Where we will ride:

Day	Date	Leave from	Arrive at	Distance (km)	Depart at	Travel time	Arrive at	Mode
1	Monday, October 06, 2025	Dubbo	Warren	129	6:23 am	7:37	2:00 am	Bike
2	Tuesday, October 07, 2025	Warren	Burrina	129	7:32 am	5:28	1:00 am	Bike
2	Tuesday, October 07, 2025	Burrina	Nyngan					Bus
3	Wednesday, October 08, 2025	Nyngan	Cobar	131	8:18 am	3:42	12:00 pm	Bike
4	Thursday, October 09, 2025	Cobar	Bourke	160	6:07 am	0:53	7:00 am	Bus
5	Friday, October 10, 2025	Bourke	Brewarrina	133	7:28 am	6:02	1:30 am	Bike
5	Friday, October 10, 2025	Brewarrina	Walgett	98				Bus
5	Saturday, October 11, 2025	Walgett	Coonamble	115	7:21 am	4:39	12:00 pm	Bike
6	Sunday, October 12, 2025	Coonamble	Dubbo	160	6:23 am	7:37	2:00 am	Bus

15.5 CORRESPONDENCE FROM AARON BENNETT

Correspondence received from Aaron Bennett regarding sponsorship, raising funds for the Burns Unit at the Sydney Children's Hospital.

Note: The City to Surf 2025 has been run, however donations can still be made to:

<https://beattheburn.org/aaron-bennett>

Attachments

1. Correspondence from Aarron Bennett

Recommendation

For Council's consideration

Tuesday, 22 July 2025

To the Mayor and Councillors

Bogan Shire Council

81 Cobar Street Nyngan, NSW, 2825

Dear Mayor and Councillors,

I'm writing to request the support of Bogan Shire Council as I prepare to run in the 2025 City2Surf in support of two incredibly important causes – the Burns Unit and Sydney Children's Hospital.

As a Deputy Captain with Fire + Rescue NSW, I've seen firsthand the impact burn injuries can have – not just physically, but emotionally, especially for young children and their families. The care provided by the Sydney Children's Hospital and their dedicated Burns Unit team is nothing short of lifesaving, and it's a cause I'm passionate about supporting.

This year, I'll be swapping my fire gear for running shoes (though the uphill battles will feel the same!) and taking on the 14km challenge to raise funds and awareness for these life-changing services. Every dollar raised will help support vital medical treatment, rehabilitation, and research – and give kids facing some of life's toughest challenges a better chance.

I'd be incredibly grateful for any support the council might offer – whether through a donation, a mention in your paper or social media pages, or even just help spread the word through our local community.

As a local and proud representative of Fire + Rescue NSW, I hope to represent Bogan Shire with pride on race day – and show that even when we're off duty, we're still committed to protecting and serving those who need it most.

Thank you for your time and consideration

Warm Regards

Aaron Bennett - [REDACTED]

Deputy Captain, Fire + rescue, Nyngan 406

City2Surf 2025 Participant

Raising funds for Burns Unit & Sydney Children's Hospital

15.6 CORRESPONDENCE FROM KAUSHIK PATEL

Correspondence received from Kaushik Patel, regarding request for public toilets on the Mitchell Highway.

Attachments

1. Correspondence from Kaushik Patel

Recommendation

For Council's consideration.

From: Ketan Patel <bpnyngan@[REDACTED]>
Sent: Monday, August 11, 2025 11:34 AM
To: Bogan Shire Council <administrator@bogan.nsw.gov.au>
Subject: Public Toilet need on Mitchell Highway , Nyngan

Hi Admin Team

I would like to talk with someone regarding this matter of having public toilet on main highway Nyngan truck stop toilets getting used by tourist and travellers as well as locals as public toilets instead of my customers only and putting lot of pressure on us

Is it possible to have public toilet on truck car park or at front near to road where public benches are there ?

Can you please call me to discuss this if possible ?

Kaushik Patel

Ph: M: [REDACTED]

15.7 CORRESPONDENCE FROM GILGANDRA NEWSPAPERS PTY LTD

Correspondence received from Gilgandra Newspapers.

Attachments

1. Correspondence from Gilgandra Newspapers

Recommendation

For noting.

To: Bogan Shire Council
From: Advertising NW <advertising@nynganweekly.com.au>
Sent: Tuesday, August 19, 2025 10:21 AM
Subject: Important Update – Welcoming Warren into the Nyngan Weekly

Dear Valued Supporters of the Nyngan Weekly

I am writing to share some important news about the future of the *Nyngan Weekly*.

From **Thursday, September 4**, the *Warren Star* will amalgamate with the *Nyngan Weekly* under a new, rebranded publication. This merger ensures that Warren's stories, businesses, and community life will continue to be represented in print—alongside Nyngan's.

For the past two years, the *Warren Star* has worked tirelessly to bring back local news to its community. While the paper has been embraced by readers, the financial realities of running two small regional newspapers have made it difficult to sustain the *Warren Star* as a stand-alone title. By joining with the *Nyngan Weekly*, we are creating a stronger publication that broadens our readership and provides greater reach for our advertisers.

This is a positive step forward for both communities. For our clients, it means:

- **Wider exposure:** Your advertising will now reach readers across Nyngan *and* Warren.
- **Continued local focus:** Both towns' stories and events will be featured, ensuring a balanced representation.
- **Sustained presence:** By combining forces, we can keep local news alive and relevant in our region.

We want to sincerely thank you for your continued support. Local businesses like yours are the reason regional newspapers survive and thrive, and we are excited to share this next chapter with you.

If you have any questions about advertising or distribution under the new arrangement, please don't hesitate to get in touch.

Thank you once again for your trust and loyalty—we look forward to continuing to work with you in this new and exciting phase.

Warm regards,
Lucie Peart
Editor
Nyngan Weekly

The logo for Nyngan Weekly, featuring the name in a stylized script font with a small illustration of a person standing next to it.

Gilgandra Newspapers Pty Ltd

E: advertising@nynganweekly.com.au

P: 02 6847 2022

16 MEETING CLOSURE