



11th August 2017

NOTICE OF MEETING OF THE COUNCIL

The meeting of the Council will be held at

RIVERINA WATER COUNTY COUNCIL CHAMBERS,
91 HAMMOND AVENUE, WAGGA WAGGA

on

WEDNESDAY, 16th AUGUST 2017 at 9.30 am

and your attendance is requested accordingly

Yours faithfully

A handwritten signature in black ink, appearing to be 'Bede Spannagle', written in a cursive style.

Bede Spannagle
ACTING GENERAL MANAGER

TABLE OF CONTENTS

APOLOGIES

ACKNOWLEDGEMENT TO COUNTRY

DECLARATION OF PECUNIARY & NON-PECUNIARY INTEREST

CONFIRMATION OF MINUTES HELD 28 JUNE 2017

CORRESPONDENCE

GENERAL MANAGER'S REPORT TO THE COUNCIL	2
1. INVESTMENT REPORTS	2
2. FINANCIAL STATEMENTS – FINANCIAL POSITION AS AT 30TH OF JUNE 2017	3
3. FINANCIAL STATEMENTS 2016/2017	4
4. CAPEX BUDGET RESULT 2016/2017	5
5. REVOTED BUDGET 2016/2017	6
6. OPERATIONAL PLAN – PERFORMANCE TARGETS.....	7
7. PECUNIARY INTEREST REGISTER-DISCLOSURE OF INTERESTS.....	8
8. OVERDUE DEBTORS JUNE 2017	8
9. MINUTES AUDIT & RISK COMMITTEE MEETING.....	9
10. REVIEW OF CODE OF CONDUCT	12
11. POLICY 1.2 CODE OF MEETING PRACTICE	13
12. COUNCIL MEETING DATES AND TIMES	14
13. VERBAL UPDATE BY ACTING GENERAL MANAGER ON CURRENT AND PAST ISSUES ON WATER SUPPLY PERFORMANCE & QUALITY AT KAPOOKA ROAD	14
14. VERBAL UPDATE ON GENERAL MANAGER RECRUITMENT BY CLR. G. VERDON	14
15. COUNCIL RESOLUTION SHEET	15
DIRECTOR OF ENGINEERING'S REPORTS TO COUNCIL MEETING	19
1. WORKS REPORT COVERING JUNE 2017	19
2. WORKS REPORT COVERING JULY 2017	20
3. ANNUAL REPORT STATISTICS FOR 2016/2017	21
4. CONTRACT W195 – WATER TREATMENT PLANT (WTP) PROGRESS REPORT.....	22
QUESTIONS & STATEMENTS	23
CLOSURE OF MEETING TO THE PUBLIC (CONFIDENTIAL REPORTS).....	23
1. VERBAL UPDATE ON GENERAL MANAGER RECRUITMENT BY CLR. G. VERDON	24



GENERAL MANAGER'S REPORT TO THE COUNCIL

11th August 2017

The Chairperson and Councillors:

1. INVESTMENT REPORTS

RECOMMENDED that the report detailing Council's external investments for the months of June and July 2017 be received.

-
- Investments – June 2017
 - Investments – July 2017

Monthly Investment Report as at 30/6/17

a) Council's Investments as at 30/6/17

Investment	Inception Date	Term (Days)	Maturity Date	S&P Rating	Interest Rate (%)	Performance Benchmark	Benchmark Rate (%)	Percentage of Portfolio	Principal Value	Market Value
Term Deposits										
ME Bank	23/06/2017	90	21/09/17	A-2	2.52	BBSW	1.62	4.813%	\$1,000,000.00	\$1,000,000.00
Bank Australia	23/06/2017	90	21/09/17	A-2	2.65	BBSW	1.62	7.220%	\$1,500,000.00	\$1,500,000.00
Bank Australia	23/06/2017	90	21/09/17	A-2	2.65	BBSW	1.62	7.220%	\$1,500,000.00	\$1,500,000.00
ME Bank	18/04/2017	86	13/07/17	A-2	2.45	BBSW	1.62	7.220%	\$1,500,000.00	\$1,500,000.00
Beyond Bank	6/06/2017	90	04/09/17	A-2	2.65	BBSW	1.62	7.220%	\$1,500,000.00	\$1,500,000.00
ME Bank	20/06/2017	90	18/09/17	A-2	2.52	BBSW	1.62	4.813%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	13/04/2017	90	12/07/17	A-1+	2.55	BBSW	1.62	4.813%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	22/06/2017	90	20/09/17	A-1+	2.45	BBSW	1.62	9.626%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	7/04/2017	90	06/07/17	A-1+	2.58	BBSW	1.62	9.626%	\$2,000,000.00	\$2,000,000.00
								62.57%	\$13,000,000.00	\$13,000,000.00
Cash Deposit Account										
T Corp				A-1+	2.37	Cash Rate	1.50	18.83%	\$3,911,918.18	\$3,911,918.18
AMP				A-1	2.05	Cash Rate	1.50	18.600%	\$3,864,319.72	\$3,864,319.72
								37.43%	\$7,776,237.90	\$7,776,237.90
TOTAL INVESTMENTS								100.00%	\$20,776,237.90	\$20,776,237.90
Cash at Bank										\$475,649.83
TOTAL FUNDS										\$21,251,887.73

b) Application of Investment Funds

Restricted Funds	Description	Value
Externally Restricted	LIRS Loan Funds	\$0.00
		\$0.00
Internally Restricted	Employee Leave Entitlements (30% of ELE)	\$1,140,647.69
	Asset Replacement	\$1,643,131.00
	Loan Funds	\$0.00
	Sales Fluctuation	\$5,000,000.00
		\$7,783,778.69
Unrestricted Funds		\$13,468,109.04
TOTAL FUNDS		\$21,251,887.73

* Externally & Internally Restricted Reserve figures are subject to final adjustment and external audit at 30 June each year.

CERTIFICATE

I hereby certify that all the above investments have been made in accordance with the provision of Section 625 of the Local Government Act 1993 and the regulations thereunder.

M. L. Curran

M Curran

MANAGER CORPORATE SERVICES

Monthly Investment Report as at 31/7/17

a) Council's Investments as at 31/7/17

Investment	Inception Date	Term (Days)	Maturity Date	S&P Rating	Interest Rate (%)	Performance Benchmark	Benchmark Rate (%)	Percentage of Portfolio	Principal Value	Market Value
Term Deposits										
ME Bank	23/06/2017	90	21/09/17	A-2	2.52	BBSW	1.61	4.698%	\$1,000,000.00	\$1,000,000.00
Bank Australia	23/06/2017	90	21/09/17	A-2	2.65	BBSW	1.61	7.047%	\$1,500,000.00	\$1,500,000.00
Bank Australia	23/06/2017	90	21/09/17	A-2	2.65	BBSW	1.61	7.047%	\$1,500,000.00	\$1,500,000.00
ME Bank	13/07/2017	89	10/10/17	A-2	2.52	BBSW	1.61	7.047%	\$1,500,000.00	\$1,500,000.00
Beyond Bank	6/06/2017	90	04/09/17	A-2	2.65	BBSW	1.61	7.047%	\$1,500,000.00	\$1,500,000.00
ME Bank	20/06/2017	90	18/09/17	A-2	2.52	BBSW	1.61	4.698%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	12/07/2017	90	10/10/17	A-1+	2.40	BBSW	1.61	4.698%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	22/06/2017	90	20/09/17	A-1+	2.45	BBSW	1.61	9.397%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	6/07/2017	91	05/10/17	A-1+	2.40	BBSW	1.61	9.397%	\$2,000,000.00	\$2,000,000.00
								61.08%	\$13,000,000.00	\$13,000,000.00
Cash Deposit Account										
T Corp				A-1+	2.37	Cash Rate	1.50	18.42%	\$3,920,158.96	\$3,920,158.96
AMP				A-1	2.05	Cash Rate	1.50	20.505%	\$4,364,319.72	\$4,364,319.72
								38.92%	\$8,284,478.68	\$8,284,478.68
TOTAL INVESTMENTS								100.00%	\$21,284,478.68	\$21,284,478.68
Cash at Bank										\$482,508.13
TOTAL FUNDS										\$21,766,986.81

b) Application of Investment Funds

Restricted Funds	Description	Value
Externally Restricted	LIRS Loan Funds	\$0.00
		<hr/>
		\$0.00
Internally Restricted	Employee Leave Entitlements (30% of ELE)	\$1,158,264.28
	Asset Replacement	\$1,934,535.96
	Loan Funds	\$0.00
	Sales Fluctuation	\$5,000,000.00
		<hr/>
		\$8,092,800.24
Unrestricted Funds		\$13,674,186.57
TOTAL FUNDS		\$21,766,986.81

* Externally & Internally Restricted Reserve figures are subject to final adjustment and external audit at 30 June each year.

CERTIFICATE

I hereby certify that all the above investments have been made in accordance with the provision of Section 625 of the Local Government Act 1993 and the regulations thereunder.

M. L. Curran

M Curran

MANAGER CORPORATE SERVICES

2. FINANCIAL STATEMENTS – FINANCIAL POSITION AS AT 30TH OF JUNE 2017

RECOMMENDED that the unaudited statements of the financial position as at 30th June 2017 be received.

The unaudited statements of RWCC Financial Position as at 30th June 2017 are submitted for examination by Council.

The anticipated operating result for 2016/2017 is a surplus of \$11,306,000. The original estimate was for a surplus of \$5,016,000.

The items of note in the final operating result variance from Council's original budget are:

	\$ ('000)
Additional Water Sales (due to dry weather)	1,921
Additional Interest Revenue (due to cash on hand from unfinished Water Treatment Plant project & additional water sales)	282
Additional Other Revenue (due to court settlement, water licence temporary allocation & reversal of impairment loss on water licence asset)	318
Reduction in Depreciation (due to external valuation being finalised after 2016/17 budget was finalised)	1,121
Reduction of Material & Contracts (due to works focused on CAPEX projects instead of operational maintenance eg. Sthn Trunk & developer works)	1,568
Reduction of Borrowing Costs (due to capitalising interest to Water Treatment Plant Asset)	574

The draft primary statements follow.

- **Financial Statements 2016/2017 – primary statements following**

Riverina Water County Council

Income Statement

for the year ended 30 June 2017

Budget ¹ 2017 \$ '000		Notes	Actual 2017	Actual 2016
Income from continuing operations				
Revenue:				
4,928	Rates and annual charges	3a	5,221	5,100
19,394	User charges and fees	3b	21,412	21,727
200	Interest and investment revenue	3c	522	922
130	Other revenues	3d	567	1,320
207	Grants and contributions provided for operating purpose	3e,f	648	723
2,718	Grants and contributions provided for capital purposes	3e,f	2,392	3,849
Other income:				
—	Net gains from the disposal of assets	5	78	17
27,577	Total income from continuing operations		30,840	33,658
Expenses from continuing operations				
7,996	Employee benefits and on-costs	4a	8,127	8,032
885	Borrowing costs	4b	163	162
3,594	Materials and contracts	4c	2,026	1,492
7,100	Depreciation and amortisation	4d	5,979	6,945
2,986	Other expenses	4e	3,239	2,976
22,561	Total expenses from continuing operations		19,534	19,607
5,016	Operating result from continuing operations		11,306	14,051
5,016	Net operating result for the year		11,306	14,051
Net operating result for the year before grants and contributions provided for capital purposes				
2,298			8,914	10,202

¹ Original budget as approved by Council – refer Note 16

Riverina Water County Council

Statement of Comprehensive Income for the year ended 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
Net operating result for the year (as per Income Statement)		11,306	14,051
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of I,PP&E	20b (ii)	5,190	86,322
Total items which will not be reclassified subsequently to the operating result		5,190	86,322
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Nil			
Total other comprehensive income for the year		5,190	86,322
Total comprehensive income for the year		16,496	100,373

Riverina Water County Council

Statement of Financial Position

as at 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
ASSETS			
Current assets			
Cash and cash equivalents	6a	21,246	19,890
Receivables	7	3,160	5,079
Inventories	8	2,383	2,770
Total current assets		26,789	27,739
Non-current assets			
Infrastructure, property, plant and equipment	9	337,077	320,524
Intangible assets	25	3,575	3,500
Total non-current assets		340,652	324,024
TOTAL ASSETS		367,441	351,763
LIABILITIES			
Current liabilities			
Payables	10	1,449	826
Borrowings	10	1,582	1,499
Provisions	10	3,861	3,803
Total current liabilities		6,892	6,128
Non-current liabilities			
Borrowings	10	10,680	12,262
Total non-current liabilities		10,680	12,262
TOTAL LIABILITIES		17,572	18,390
Net assets		349,869	333,373
EQUITY			
Retained earnings	20	110,199	98,893
Revaluation reserves	20	239,670	234,480
Total equity		349,869	333,373

Riverina Water County Council

Statement of Cash Flows

for the year ended 30 June 2017

Budget 2017	\$ '000	Notes	Actual 2017	Actual 2016
	Cash flows from operating activities			
	<u>Receipts:</u>			
4,914	Rates and annual charges		5,224	5,130
19,408	User charges and fees		21,474	22,043
229	Investment and interest revenue received		550	1,090
3,197	Grants and contributions		3,074	4,547
	Bonds, deposits and retention amounts received		39	11
702	Other		4,184	2,292
	<u>Payments:</u>			
(7,529)	Employee benefits and on-costs		(8,059)	(8,163)
(4,431)	Materials and contracts		(2,507)	(1,995)
(885)	Borrowing costs		(163)	(162)
(2,986)	Other		(3,697)	(4,707)
12,619	Net cash provided (or used in) operating activities	11b	20,119	20,086
	Cash flows from investing activities			
	<u>Receipts:</u>			
5,136	Sale of investment securities		–	27,500
317	Sale of infrastructure, property, plant and equipment		452	333
	<u>Payments:</u>			
(24,431)	Purchase of infrastructure, property, plant and equipment		(17,716)	(35,016)
(18,978)	Net cash provided (or used in) investing activities		(17,264)	(7,183)
	Cash flows from financing activities			
	<u>Receipts:</u>			
8,000	Proceeds from borrowings and advances		–	–
	<u>Payments:</u>			
(1,642)	Repayment of borrowings and advances		(1,499)	(1,411)
6,358	Net cash flow provided (used in) financing activities		(1,499)	(1,411)
(1)	Net increase/(decrease) in cash and cash equivalents		1,356	11,492
2,000	Plus: cash and cash equivalents – beginning of year	11a	19,890	8,398
1,999	Cash and cash equivalents – end of the year	11a	21,246	19,890

Please refer to Note 11 for information on the following:

- Non-cash financing and investing activities
- Financing arrangements

3. FINANCIAL STATEMENTS 2016/2017

RECOMMENDED that:

- (i) Council's Draft Financial Statements be referred to audit by Council's auditors, Audit Office of New South Wales,
- (ii) Council make a resolution in accordance with section 413 (2c) that the annual financial report is in accordance with:
 - the Local Government Act 1993 (as amended) and the Regulations made there under,
 - the Australian Accounting Standards and professional pronouncements,
 - the Local Government Code of Accounting Practice and Financial Reporting,
 - presents fairly the councils operating results and financial position for the year,
 - accords with Council's accounting and other records, and
 - that Council is not aware of any matter that would render this report false or misleading in any way.
- (iii) That Council adopt the abovementioned Statement and that the Chairman, Councillor and General Manager be authorised to complete the "Statement by Members of the Council" in relation to Council's 2016/17 Financial Statements and Special Purpose Financial Reports and be attached thereto.
- (iv) That Council delegate to the General Manager the authority to "finalise the date" at which the Audit Report and Financial Statements are to be presented to the public.

Council's Financial Statements and Special Purpose Financial reports for 2016/2017 have been completed and are ready to be forwarded to Council's Auditors.

Under the provisions of Section 412(2c) of the Local Government Act 1993, the Financial Statements and Special Purpose Financial Reports shall be accompanied by a statement made in accordance with a resolution by Council, signed by two Councillors, General Manager and Responsible Accounting Officer along the lines of the recommendation (ii) above.

Following receipt of the Auditor's Report, it will be necessary to give public notice for a period of at least seven (7) days prior to the adoption of the Financial Statements.

It is anticipated that the auditor's report will be submitted to Council's Ordinary Meeting on 25 October 2017. Council's Annual Report for 2016/2017 can be adopted at the same meeting.

A copy of the "Statement by Members of the Council" referred above in recommendation (iii) follows:-

- **Statements by Members of the Council**

Riverina Water County Council

General Purpose Financial Statements

for the year ended 30 June 2017

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

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

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

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

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

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

Signed in accordance with a resolution of Council made on 16 August 2017.

Clr G Verdon
Chairperson

Clr Y Braid
Councillor

Mr G Haley
General Manager

Ms M Curran
Responsible accounting officer

Riverina Water County Council

Special Purpose Financial Statements

for the year ended 30 June 2017

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

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

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

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

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

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

Signed in accordance with a resolution of Council made on 16 August 2017.

Clr G Verdon
Chairperson

Clr Y Braid
Councillor

Mr G Haley
General Manager

Ms M Curran
Responsible accounting officer

4. CAPEX BUDGET RESULT 2016/2017

RECOMMENDED that Council receive and note report on the final Capital Expenditure Budget result for the 2016/17 financial year.

The following table summarises Council's Capital Expenditure Budget Result for 2016/17:-

- Capex Budget Result 2016/2017

2016/2017 CAPITAL EXPENDITURE

Description	2016/17 Current Budget	Actual	Budget Remain (excl Committal)
	\$	\$	\$
MANAGEMENT			
LAND & BUILDINGS FOR ADMIN. DEPOTS AND WORKSHOPS			
Administration Office	215,000	186,790	28,210
Depot Buildings	40,000	69,310	-29,310
Workshops	10,000	0	10,000
Access, Parking and Landscaping	217,328	64,092	153,236
SUB-TOTAL LAND & BUILDINGS FOR ADMIN, DEPOTS & WORKSHOPS	482,328	320,192	162,136
PLANT & EQUIPMENT			
IT Equipment	145,000	88,635	56,365
Office Furniture & Equipment	4,000	0	4,000
Working Plant & Vehicle Purchases	858,000	974,694	-116,694
Fixed Plant Tools & Equipment	15,000	10,643	4,357
Telemetry & Control Systems Upgrade	238,000	62,552	175,448
Radio Communications Upgrade/Replacements/Improvements	130,000	115,716	14,284
RTUs - New/Additional	55,000	98,618	-43,618
RTUs - Replacements/Upgrades	0	10,914	-10,914
Energy Efficiency & Cost Minimisation	45,000	61,112	-16,112
CAD/GIS/Asset Management System	0	22,893	-22,893
SUB-TOTAL PLANT & EQUIPMENT	1,490,000	1,445,777	44,223
TOTAL MANAGEMENT	1,972,328	1,765,969	206,359
SOURCES			
Bores-renew/refurbish/decommission	170,000	132,979	37,021
Source Works General Improvements	25,000	17,946	7,054

Description	2016/17 Current Budget	Actual	Budget Remain (excl Committal)
	\$	\$	\$
Switchboards Improvements/Replacements	5,000	1,640	3,360
TOTAL SOURCES	200,000	152,565	47,435
TREATMENT PLANTS			
General Improvements	5,000	0	5,000
Aeration Tower Replacements	30,000	66,593	-36,593
Aeration Tower Covers	30,000	25,343	4,657
Specific Treatment Plant improvements	30,000	4,536	25,464
Treatment Plant refurbishments	11,042,980	8,617,298	2,425,682
Laboratory Facilities Upgrade	50,000	35,429	14,571
Treatment Plant Switchboards/Control Systems Replacement/Upgrade	20,000	41,577	-21,577
TOTAL TREATMENT PLANTS	11,207,980	8,790,777	2,417,203
PUMPING STATIONS			
General Improvements	30,000	15,835	14,165
Magflow Replacements	10,000	1,173	8,827
Pump Stations Renewal/Refurbish/Upgrade	55,000	30,049	24,951
Pump & Motor Maintenance / Replacements	80,000	21,998	58,003
Pump Station Switchboards/Control Systems Replacement/Upgrade	85,000	39,583	45,417
TOTAL PUMPING STATIONS	260,000	108,638	151,362
RESERVOIRS			
General Improvements	21,000	5,202	15,798
New/Replacement Reservoirs	1,482,651	439,299	1,043,352
Reservoirs - Upgrade Ladders and Access	25,000	18,234	6,766
Reservoir Hatches Magflows	48,000	94,104	-46,104
TOTAL RESERVOIRS	1,576,651	556,839	1,019,812

Description	2016/17 Current Budget	Actual	Budget Remain (excl Committal)
	\$	\$	\$
MAINS, SERVICES & METERS			
MAINS			
System Improvements	210,000	120,048	89,952
Reticulation for Developers (including other extensions)	860,000	828,081	31,919
Renew Reticulation Mains	1,499,000	1,349,000	150,000
Renew Trunk Mains	2,757,000	2,206,238	550,762
SUB-TOTAL MAINS	5,326,000	4,503,368	822,632
SERVICES			
Service Connections, new including Meters	550,000	388,689	161,311
Renew Services	130,000	145,252	-15,252
SUB-TOTAL SERVICES	680,000	533,941	146,059
METERS			
Water meters replacement	180,000	109,646	70,354
Remote metering	27,000	28,745	-1,745
Water Filling Stations Upgrade	25,000	2,190	22,810
SUB-TOTAL METERS	232,000	140,582	91,418
TOTAL MAINS, SERVICES & METERS	6,238,000	5,177,891	1,060,109
TOTALS	21,454,959	16,552,679	4,902,280

5. REVOTED BUDGET 2016/2017

RECOMMENDED that expenditure totalling \$1,627,800 be revoted and included in the 2017/2018 budget.

After reviewing the status of the 2016/2017 Operational Plan with management, I am of the opinion that \$1,627,800 should be revoted into the 2017/2018 budget.

The items are listed as follows:-

Project / GL	Description	Revotes
CAPITAL EXPENDITURE		
51	Corporate IT Software Upgrade	16,000
205	Main Low Level Reservoir 2x11ML Investigation & Design - Urban	4,000
150	Shires Reservoir Relocation - Non-Urban	963,000
184	Replace Airconditioning	24,800
231	Oura Aeration Cover	1,000
228	Refurbishment of Operations Office	16,000
52	Office Furniture & Equipment	4,000
235	Main St, Lake Albert	100,000
209	Southern Trunk - Highway to New Reservoir 1.8km 450mm DICL	400,000
156	Alternate access Hammond Ave - Urban	99,000

For the information of Council, the following budget items totalling \$4,421,959 will be carried forward to the 2017/2018 budget. This expenditure was committed to be spent prior to 30 June 2017.

Project / GL	Description	Carry Fwd
CAPITAL EXPENDITURE		
57	West Wagga WTP & Bores Control System Upgrade	106,965
110	West Wagga Shires Pump Upgrade	51,731
116	Reservoirs – Upgrade Ladders & Access	3,610
173	Source Works General Improvements	26,183
184	Replace Airconditioning	2,800
203	Pit Lids Safety Upgrade - Reservoirs	4,247
210	Low & High Level Rising Mains from CWS	2,911
213	Bores – Renew/Refurbish/Decommission	61,504
231	Oura Aeration Cover	4,082
150	Shires Reservoir Relocation - Non-Urban	97,333
133	Radio Telemetry SCADA Upgrade	3,648
137	WTP stage 1 - Urban	3,929,062
224	Radio Communication Analysis	30,225
155	Levee protection stage 2 Hammond Ave - Urban	97,658

6. OPERATIONAL PLAN – PERFORMANCE TARGETS

RECOMMENDATION: That the report detailing progress, as at 30 June 2017, achieved towards the various objectives set out in the 2016/2017 Operational Plan be noted and received.

In accordance with the provisions of Section 407 of the Local Government Act 1993, I report to Council on the progress achieved in the year for the various Key Performance Indicators set out in the 2016/2017 Operational Plan.

Services

Measure	Key Performance Indicator	Progress to 30 June 2017
Customer Satisfaction Rating	>4 (out of 5)	4.21 (out of 5)
Water Quality Satisfaction	>4 (out of 5)	4.17 (out of 5)

Asset Replacement

Measure	Key Performance Indicator	Progress to 30 June 2017
Projects completed from Capital Works Program	>85%	By number 85.1% By budget 92.5%

Demand Management

Measure	Key Performance Indicator	Progress to 30 June 2017
Peak Day Demand (weekly average)	<65 ML	61.23 ML

WHS

Objectives	Key Performance Indicator	Progress to 30 June 2017
Number of days lost through injury	< previous period	2016 1 2017 140
Percentage of sick leave hours to ordinary hours worked	<3.5%	2.8% 3.69%
Total hours worked compared to time lost through injury & illness	< previous period	.0075% .085%

Environmental Protection

Key Performance Indicator	Key Performance Indicator	Progress to 30 June 2017
Power used per ML of water produced KWh	< same period last year	2015/2016 830Wh 2016/2017 835KWh
Power used per ML of water produced \$	< same period last year	\$134 \$143

Equal Employment Opportunity

Key Performance Indicator	Key Performance Indicator	Progress to 30 June 2017
Number of legitimate EEO complaints resolved	100%	Nil lodged
Percentage of staff returning from parental leave	100%	100%

Charges and Fees

Key Performance Indicator	Key Performance Indicator	Progress to 30 June 2017
Level of Water Charges overdue compared to water sales for previous 12 months	<5%	2.13%
Level of Sundry Debtor Accounts overdue compared to debtors raised for previous 12 months	<5%	2.06%

7. PECUNIARY INTEREST REGISTER-DISCLOSURE OF INTERESTS

RECOMMENDED that the information be received and noted.

Sections 441-448 of the Local Government Act, 1993, specify that returns in relation to disclosures of interest, are to be completed by councillors and designated persons, that is, General Manager and other senior staff of councils.

The returns must be completed and lodged with the General Manager within three months after 30th of June 2017.

The returns have been issued to each Councillor and designated person to be completed and lodged with the General Manager by 30 September 2017.

8. OVERDUE DEBTORS JUNE 2017

RECOMMENDATION that the following report on overdue debtors for the period ended 30 June 2017 be received and noted.

Following are details of balances, along with comparative figures for June 2016.

Debtor Category	June 2017		June 2016	
	Overdue	% Annual Revenue	Overdue	% Annual Revenue
Water Billing Debtors	\$548,622	2.13%	\$426,743	1.64%
Sundry Debtors	\$155,958	2.06%	\$42,608	0.75%
TOTAL	\$704,580	2.12%	\$469,351	1.48%

9. MINUTES AUDIT & RISK COMMITTEE MEETING

RECOMMENDED that the Minutes of the Audit & Risk Committee Meeting be noted.

MINUTES of the MEETING of AUDIT & RISK COMMITTEE
held at 91 HAMMOND AVENUE, WAGGA WAGGA,
on MONDAY, 31st JULY 2017 at 9.30 am

PRESENT:

Mr. David Maxwell (Chairperson)
Clr. Yvonne Braid OAM
Mr. Bryce McNair
Mr. Phillip Swaffield (CountPlus)
Mr. Steve Prowse (CountPlus)

IN ATTENDANCE:

General Manager	Graeme Haley
Manager Corporate Services	Michele Curran

The meeting of the Audit and Risk Committee commenced at 9.30 am

Chairperson welcomed new Internal Auditors Phillip Swaffield and Steve Prowse to the Audit and Risk Committee.

2. DECLARATIONS OF PECUNIARY INTEREST

Declaration by David Maxwell. Has an insignificant pecuniary interest in that he supplies software, handbooks and training to Councils.

3. MINUTES OF PREVIOUS MEETING – 5th JUNE 2017

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the minutes of the proceedings of the Audit and Risk Committee meetings held 5th June 2017 be confirmed as true and accurate records.

CARRIED

4. AUDIT & RISK COMMITTEE ACTIONS REGISTER

Recommendation:

On the motion of Clr. Y. Braid OAM and Mr. B. McNair that the Audit and Risk Committee receive and note the report.

CARRIED

5. LEAD ORGANISATIONAL CRITICAL ISSUES

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the Audit and Risk Committee receive and note the report, with extra item added - Risk Death & Injury to employees and contractors as a result of County Council operations.

CARRIED

6. AUDIT & RISK COMMITTEE LEGAL FEES

Recommendation:

On the motion of Clr. Y. Braid OAM and Mr. B. McNair that the Audit & Risk Committee receive and note report on legal expenditure during 2016/17 financial year, with 1 typographical amendment.

CARRIED

7. INTERNAL AUDIT WORK PROGRAM 2017/2018

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the Audit & Risk Committee receive and approve the Draft Internal Audit Work Program for 2017/2018 with changes as discussed and Chairperson consult with Internal and External Auditors to continue with detail test and procurement.

CARRIED

On the motion of Clr. Y. Braid OAM and Mr. B. McNair that Internal Audit Universe and Strategic Plan be received and noted and expanded to cover other areas of testing.

CARRIED

8. GENERAL MANAGER'S UPDATE ON CURRENT LITIGATION MATTERS (VERBAL REPORT ONLY)

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the General Manager's update on current litigation matters be noted.

CARRIED

9. POLICY 1.13 RISK MANAGEMENT

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the Audit & Risk Committee note the contents of Policy 1.13 Risk Management.

CARRIED

10. AUDIT OFFICE – INTERUM MANAGEMENT LETTER DATED 7TH JUNE 2017 AND ANY OTHER CORRESPONDENCE FROM EXTERNAL AUDIT THAT IS NOT OF A PURELY ADMINISTRATIVE NATURE

On the motion of Mr. D. Maxwell and B. McNair that the Audit & Risk Committee receive the external audit management letter and:

1. Confirms the recognition of a provision for untaken sick leave at 30 June 2017 and subsequent years.
2. Expresses the opinion that the estimated liability of \$150,000 is sufficiently immaterial as to not require re-statement of comparative figures in accordance with AASB 101 paragraph 10(f).
3. Confirms the treatment of the stocks of 600mm DICL pipe as inventory.
4. Reports that there are no other matters arising from the letter that it wishes to draw to Council's attention.

CARRIED

11. FOLLOW UP OF PREVIOUS INTERNAL AUDITS

Recommendation:

On the motion of Clr. Y. Braid OAM and Mr. B. McNair that the Follow up of Previous Internal Audits be received and noted.

CARRIED

12. DRAFT AUDIT & RISK COMMITTEE REPORT

Recommendation:

On the motion of Mr. D. Maxwell and Clr. Y. Braid OAM that the Draft Audit & Risk Committee Report be forwarded to Council:

CARRIED

13. GENERAL BUSINESS

Michele Curran: External Auditors will be here in 2 weeks.

Phillip Swaffield: Thank you for appointing CountPlus as Riverina Water's internal auditor Provider.

Chairperson: Referred to format of water charges notices, beautiful, clear and provided all information consumers need to know, but advised that Local Government Regulations stipulate that Rates and Charges Notices need to be in a specific format.

Recommendation:

On the motion of Mr. D. Maxwell and Mr. B. McNair that the Audit and Risk Committee report to Council that:

1. It consider the current water charges account to be well-designed in a clear and informative format.
2. It is concerned that the account may not include all matters required by the Local Government (General) Regulation to be included in a rates and charges notice.
3. As a consequence, Council may not have available all debt recovery options permitted by the Local Government Act.
4. The Committee requests a written report from Management in relation to the above issues.

Chairperson: Queried Greater Hume Shire and Albury City Council water arrangements.

General Manager: Advised that RWCC staff are currently undertaking a feasibility study into this matter, to be completed by the end of the year.

Steve Prowse: Queried capital works risks for WTP project? What provisions of reporting major variations to Council?

General Manager: Advised that any changes are reported to Council including UGL reports on their progress.

Steve Prowse: Any costs change approved by Council?

General Manager: All variations are approved by Council.

Steve Prowse: Any conditions with Bank Guarantees?

General Manager: No.

Steve Prowse: Questioned the date of practical completion?

General Manager: Advised that the WTP is 10 months late already, now expected to be finished in June 2018. Contingency plans in place, at UGL cost, with temporary pipeline, from our existing intake to new WTP.

Next Special Meeting: Friday 25th September 2017 at 9.30 am

Next Meeting: Monday 20th November 2017 at 9.30 am

Meeting Closed 11.10 am

10. REVIEW OF CODE OF CONDUCT

RECOMMENDATION that Riverina Water County Council adopted Draft Policy 1.1 Code of Conduct and Draft Policy 1.1a Procedures for the Administration of the Model Code of Conduct and that Council enter into an arrangement with Riverina Eastern Regional Organisation of Councils (REROC) to share a panel of conduct reviewers

A revised Code of Conduct was adopted by Riverina Water County Council in 2013, taking to account changes to local government regulations and the guidelines issued by the Division of Local Government. The Council Policy relating to its Code of Conduct was due for review in February 2017.

Over the past 9 months the Office of Local Government has been undertaking public consultation over a Revised Model Code of Conduct. A Revised Model Code is yet to be released. At Council's February 2017 Meeting it was resolved to defer consideration of the Code of Conduct until such time as the OLG has released its Revised Model Code of Conduct.

Council is required to revise its Code of Conduct within 12 months of the election of a new Council. This means that the Code should be reviewed prior to September 2017, together with Procedures for the Administration of the Model Code of Conduct.

It is likely that Council will again review its Code of Conduct following the eventual release of the Model Code of Conduct by the Office of Local Government.

Attached for councillors information is the proposed Code of Conduct, Procedures for the Administration of the Code of Conduct for Local Councils.

There are provisions in the Procedures for councils to share a panel of conduct reviewers. Riverina Eastern Regional Organisation of Councils (REROC) has advertised for expressions of interest from suitably qualified persons for appointment to a panel of conduct reviewers.

- **Draft Policy 1.1 Code of Conduct**
- **Draft Procedures for the Administration of the Model Code of Conduct**



POLICY REGISTER

CODE OF CONDUCT

POLICY NUMBER:		REFERENCE	POL 1.1	
Original publication date			23 Feb 2005	
Revision number	Issue Date	Approved	Approval date	
0	23 Feb 2005	Res: 05/08	23 Feb 2005	
1	12 Dec 2008	Res: 08/103	12 Dec 2008	
2	27 Feb 2013	Res: 13/12	27 Feb 2013	
3	23 August 2017	Res: 17/??	23 August 2017	
This document is to be reviewed every 4 years. Next review date: February 2021				
RESPONSIBLE OFFICER		General Manager		

Riverina Water County Council

Code of Conduct (Part 1)

March 2013

TABLE OF CONTENTS

PART 1	INTRODUCTION.....	4
PART 2	PURPOSE OF THE CODE OF CONDUCT.....	4
PART 3	GENERAL CONDUCT OBLIGATIONS.....	5
PART 4	CONFLICT OF INTERESTS	7
PART 5	PERSONAL BENEFIT.....	12
PART 6	RELATIONSHIP BETWEEN COUNCIL OFFICIALS.....	14
PART 7	ACCESS TO INFORMATION AND COUNCIL RESOURCES	16
PART 8	MAINTAINING THE INTEGRITY OF THIS CODE	19
PART 9	DEFINITIONS.....	21

PART 1 INTRODUCTION

This Code of Conduct has been adopted by Council and is based on the Model Code of Conduct for Local Councils in NSW which was subject to a major revision in 2013 with a commencement date of 1st March 2013.

Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, this Code of Conduct comprises all parts of the Model Code of Conduct.

This code is supported by documentation referred to as “Part 2-Procedures for the Administration of the Code of Conduct.”

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s Code of Conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

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

PART 2 PURPOSE OF THE CODE OF CONDUCT

As earlier stated Councils Code of Conduct is based on the Model Code of Conduct which sets the minimum requirements of conduct for council officials in carrying out their functions. The code is prescribed by regulation which has a commencement date of 1st March 2013.

This revised Code of Conduct has been developed to assist council officials to:

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*Section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors

conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Chairperson or Deputy Chairperson or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*Section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*Section 443*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*Section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*Section 353*)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty

- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Chairperson or the general manager. The recipient, supervisor, Chairperson or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Chairperson or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Chairperson or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Chairperson or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

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

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

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

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

Use of council resources

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

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

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

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

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

- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, Chairman's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In this Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

the Regulation the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

Riverina Water County Council

Code of Conduct

Part 2

Procedures for the Administration of the Code of Conduct

March 2013

TABLE OF CONTENTS

PART 1	INTRODUCTION	4
PART 2	DEFINITIONS	4
PART 3	ADMINISTRATIVE FRAMEWORK	5
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?	7
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?	9
PART 6	PRELIMINARY ASSESSMENT	15
PART 7	OPERATIONS OF CONDUCT REVIEW COMMITTEES	19
PART 8	INVESTIGATIONS	21
PART 9	RIGHTS OF REVIEW	29
PART 10	PROCEDURAL IRREGULARITIES	31
PART 11	PRACTICE DIRECTIONS	31
PART 12	REPORTING ON COMPLAINTS STATISTICS	32
PART 13	CONFIDENTIALITY	32

PART 1 INTRODUCTION

These procedures have been developed for the purpose of providing guidance in the administration of Councils code of conduct and are based on the “Model Procedures for the Administration of the Code of Conduct” which was prepared for Councils by the Division of Local Government. The commencement date for the revised Code of Conduct and these procedures is 1st March 2013.

Transitional arrangements applicable to the revised Code of Conduct framework were provided as follows;

- Complaints made or to be finalized before 1st March 2013 to be dealt with under previous Code of Conduct and associated procedures
- Complaints received after 1st March 2013 but where the alleged conduct occurred prior to this date to be assessed against standards provided under the previous Code but using these new procedures
- Complaints relating to alleged conduct that occurred after 1st March 2013 to be assessed against this new Code and Procedures

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

“the Act”	the <i>Local Government Act 1993</i>
“administrator”	an administrator of a council appointed under the Act other than an administrator appointed under section 66
“code of conduct”	a code of conduct adopted under section 440 of the Act
“code of conduct complaint”	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council’s code of conduct
“complainant”	a person who makes a code of conduct complaint
“complainant councillor”	a councillor who makes a code of conduct complaint
“complaints coordinator”	a person appointed by the general manager under these procedures as a complaints coordinator

“conduct reviewer”	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
“council committee”	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
“councillor”	a person elected or appointed to civic office and includes a Mayor/ Chairperson
“council official”	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
“delegate of council”	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
“the Division”	the Division of Local Government, Department of Premier and Cabinet
“investigator”	a conduct reviewer or conduct review committee
“the Regulation”	the <i>Local Government (General) Regulation 2005</i>
“subject person”	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must by resolution establish a panel of conduct reviewers.

Council’s resolution appointing the panel of conduct reviewers is attached as a separate document. This information does not form part of the “Procedures for the Administration of the Code of Conduct”

3.2 The council may by resolution enter into an arrangement with one or
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW – March 2013

more other councils to share a panel of conduct reviewers.

- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.

For the purposes of sections 3.12 and 3.13 the persons appointed to the positions of complaints coordinator and alternate complaints coordinator by the General Manager are contained in the Delegations register.

An extract of this information is attached with this documentation but does not form part of the “Procedures for the Code of Conduct”.

- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct,
 - b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - c) liaise with the Division of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a “code of conduct complaint”?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a “code of conduct complaint” are to be dealt with under council's routine complaints management processes. (Policy 5.19–Complaints

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Chairperson, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Chairperson in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.13 The Chairman or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Chairperson becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.

- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

How is code of conduct complaints about conduct reviewers to be dealt with?

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How is code of conduct complaints about administrators to be dealt with?

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
- c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.

5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.

5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Chairperson must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

- 5.22 Where the Chairperson refers a complaint to the Division under clause 5.21, the Chairperson must notify the complainant of the referral in writing.
- 5.23 Where the Chairperson considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.
- 5.24 Where the Chairperson resolves a code of conduct complaint under clause 5.23 to the Chairperson's satisfaction, the Chairperson must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.25 The Chairperson must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Chairperson or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Chairperson, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or

- d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.33 The general manager or Chairperson or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.

5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Chairperson or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.

5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Chairperson must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.

- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Chairperson.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a “code of conduct complaint” for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Chairperson for resolution

- 6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Chairperson to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Chairperson, recommending the means by which the complaint may be resolved.

- 6.23 The conduct reviewer must consult with the general manager or Chairperson prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Chairperson may decline to accept the conduct reviewer's recommendation. Where the general manager or Chairperson declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Chairperson under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Chairperson, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Chairperson under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Chairperson, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
 - e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
 - f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
 - g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
 - h) whether the conduct complained of forms part of a pattern of conduct,
 - i) whether there were mitigating circumstances giving rise to the conduct complained of,
 - j) the seriousness of the alleged conduct,
 - k) the significance of the conduct or the impact of the conduct for the council,
 - l) how much time has passed since the alleged conduct occurred, or

- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
 - a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.

- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Chairperson.
- 8.3 The general manager or the Chairperson is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Chairperson. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Chairperson, discontinue their investigation of the matter.

- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

8.34 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertakes any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,

- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest?

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Chairperson and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Chairperson. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Chairperson is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Code.

- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and

- ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 9.4 Where the Division makes a practice ruling, all parties are to comply with it.
- 9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e),

may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.

- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Chairperson under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Chairperson, and
 - b) the general manager or Chairperson must review any action taken by them to implement the sanction, and

- c) the general manager or Chairperson must consider the Division's recommendation in doing so.

9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Division's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

PART 11 PRACTICE DIRECTIONS

11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.

11.2 The Division will issue practice directions in writing, by circular to all councils.

11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

PART 12 REPORTING ON COMPLAINTS STATISTICS

12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
- b) the number of code of conduct complaints referred to a conduct reviewer,
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
- d) the number of code of conduct complaints investigated by a conduct reviewer,
- e) the number of code of conduct complaints investigated by a conduct review committee,
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

Code Procedure Flowchart

11. POLICY 1.2 CODE OF MEETING PRACTICE

RECOMMENDATION that Riverina Water County Council adopted Policy 1.2 Code of Meeting Practice

Council last reviewed its code of Meeting Practice in February 2013. It was due for review in February 2017, however Council resolve to await the issuing of a revised Model Code of Meeting Practice by the Office of Local Government.

The Office of Local Government is yet to release its revised Model Code.

Council's Code of Meeting Practice needs to be reviewed with 12 months of Council elections, i.e. before September 2017.

It is likely that Council will again need to revise its code of meeting practice in coming months, following the release of a revised Model Code.

A copy of the current Code of Meeting Practice is attached.

- **Policy 1.2 Code of Meeting Practice**

CODE OF MEETING PRACTICE

POLICY REFERENCE NUMBER:		POL 1.2	
Original publication date		20 June 1997	
Revision number	Issue Date	Approved	Approval date
0	20 June 1997	Res: 97/21	20 June 1997
1	27 Feb 2013	Res: 13/13	27 Feb 2013
2	16 Aug 2017	Res: 17/??	16 Aug 2017
<p>This document is to be reviewed every 4 years. Next review date: February 2021</p>			
RESPONSIBLE OFFICER		General Manager	

Riverina Water County Council

**CODE OF MEETING
PRACTICE**

Table of Contents

PART 1	PRELIMINARY	6
1)	Citation	6
2)	Definitions.....	6
3)	Act, Regulation, Circular, Guidelines and Practice Note.....	7
4)	Notes to Text	7
PART 2	CONVENING OF ,AND ATTENDANCE AT, COUNCIL MEETINGS	7
5)	Frequency of Meetings of the Council	7
6)	Extraordinary Meeting	7
7)	Notice of Meetings.....	8
8)	Quorum.....	8
9)	What Happens When a Quorum is not Present.....	8
10)	Attendance at Council Meetings	9
11)	Circumstances in which annual fees may be withheld	9
PART 3	PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS	9
12)	Chairperson of Council Meetings.....	9
13)	Conduct of Debate.....	10
14)	Chairperson's Duty with Respect to Motions	10
15)	Minutes	11
16)	Order of Business	12
17)	Agenda for Council Meetings	12
18)	Giving Notice of Business.....	13
19)	Agenda for Extraordinary Meeting	13
20)	Chairperson Minutes	14
21)	Report of a Departmental Representative to be Tabled at Council Meeting.....	14
22)	Notice of Motion - Absence of Mover.....	14
23)	Formulation of Motions	15
24)	Motions	15
25)	Amendments to a Motion or Foreshadowed motions	16
26)	Motions of Dissent	16
27)	Petitions May be Presented to the Council.....	17
28)	Questions May be Put to Councillors and Council Employees	17
29)	Mode of Address	17
30)	Limitation as to Number of Speeches.....	18
31)	Motions Put Without Debate	18
32)	Voting at Council Meetings	18
33)	Decisions of the Council	19
34)	Resolutions passed at closed meetings to be made public	19
35)	Rescinding or Altering Resolutions.....	19
36)	Motions of Adjournment.....	20
PART 4	KEEPING ORDER AT MEETINGS	20
37)	Questions of Order	20
38)	Acts of Disorder	21

39)	How Disorder at a Meeting May be Dealt With.....	21
40)	Power to Remove Persons from Meeting after Expulsion Resolution	21
PART 5	COUNCIL COMMITTEES.....	22
41)	Committee of the Whole	22
42)	Council May Appoint Committees	22
43)	Functions of Committees.....	22
44)	Notice of Committee Meetings to be Given	23
45)	Non-Members Entitled to Attend Committee Meetings.....	23
46)	Procedure in Committees	23
47)	Committees to Keep Minutes	23
48)	Chairperson and Deputy Chairperson of Committees	23
49)	Absence from Committee Meetings	24
50)	Reports of Committees.....	24
51)	Disorder in Committee Meetings	25
52)	Committee May Expel Certain Persons from its Meetings	25
PART 6	PECUNIARY INTEREST	25
53)	Pecuniary Interest.....	25
54)	Persons Who Have a Pecuniary Interest.....	25
55)	Interests that do not have to be Declared (S 448 of the Act)	26
56)	Disclosure and Participation in Meetings.....	27
57)	Non Pecuniary Interest.....	27
58)	Disclosures to be Recorded	28
59)	Powers of the Minister in Relation to Meetings.....	28
PART 7	PRESS AND PUBLIC	28
60)	Public Notice of Meetings (S9 of the Act)	28
61)	Who is entitled to Attend Council or Committee Meetings (S10 of the Act).....	28
62)	Closed Meetings.....	29
63)	Public Access to Correspondence and Reports	31
PART 8	MISCELLANEOUS.....	31
64)	Disclosure and Misuse of Information.....	31
65)	Disclosure and Misuse of Information – Prescribed Circumstances.....	32
66)	Inspection of the Minutes of the Council or a Committee	32
67)	Access to Records.....	32
68)	Tape Recording of Meeting of the Council or a Committee Prohibited Without Permission.....	33
70)	Misuse of Confidential Information	33
71)	Councillors, Staff or Delegates must not bring Council into Disrepute	33
72)	Council Seal	33
73)	Amendment of Code.....	34
74)	Public Availability of the Code	34
75)	Defamatory Statements.....	34
76)	Formalising Chairpersons Actions	34
77)	Workshops.....	34

SCHEDULE A

General order of Business

PART 1 PRELIMINARY

1) Citation

This Code may be cited as the Riverina Water County Council Code of Meeting Practice

2) Definitions

a) In this Code:

Amendment, is a change to the motion before the Council and takes place while the motion is been debated. An amendment to a motion must be put forward in the form of a motion itself;

Chairperson,

- i) in relation to a meeting of the Council - means the person presiding at the meeting as Provided by clause 12 of this Code; and
- ii) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 48 of this Code;

Committee means a committee appointed or elected by the Council in accordance with clause 42(a) or the Council when it has resolved itself into a committee of the whole;

Motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council;

Procedural motion is a motion directed at controlling the conduct of a meeting rather than at requiring or acknowledging the need for action.

Point of Order means where a person formally draws the attention of the Chairperson of a meeting to an alleged irregularity in the proceedings of the meeting which the Councillor considers places another Councillor out of order or an act that a Councillor considers to be an act of disorder.

Substantive motion is a proposition that requires or acknowledges action that has to be done or has been done. It can also state a view or a preferred position on a particular issue;

Record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

Resolution is a motion that has been passed by a majority of Councillors at the meeting. While in practice it means the 'council decision', the word 'resolution' also indicates the process by which the decision was made;

Councillor means a person elected or appointed to civic office and includes the Chairperson;

Tabled means a document or material physically presented to a meeting for it to be added to the records of the Council and for it to be accessible to the Councillors, press and public;

General Manager shall include any person properly acting in that role during the absence for any reason of the General Manager.

Relative, in relation to a person, means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, direct descendant or adopted child of the person or of the person's spouse;
- b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

The Act means the Local Government Act 1993, as amended;

The Regulation means the Local Government (*General*) Regulation **2005**;

The Code means the Riverina Water County Council Code of Meeting Practice;

- a) Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.
- b) The Code of Meeting Practice applies to all meetings of Council and to all Committee meetings of Council without exception;
- c) Any matters regarding procedure of meetings are to be determined by the Code of Meeting Practice;
- d) In the absence of a specific matter being contained in the Code of Meeting Practice the meeting shall abide by the ruling of the Chairperson.

3) Act, Regulation, Circular, Guidelines and Practice Note

- a) This Code is made pursuant to section 360(2) of the Act, and amended pursuant to section 363.
- b) It incorporates relevant provisions of the Regulation and the Act.
- c) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.
- d) Guidelines – Division of Local Government Model Code of Conduct Guidelines – June 2008.
- e) Practice Note – Division of Local Government Meetings Practice Note No 16 – August 2009.
- f) DLG Circular 10-10 – Division of Local Government Circular 10-21 May 2010.

4) Notes to Text

- a) Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.
- b) Legislative references are shown in the following manner:
 - i) S345 – Section 345 Local Government Act 1993
 - ii) The Regulation 233(1) Local Government (General) Regulations 2005

PART 2 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

5) Frequency of Meetings of the Council

- a) Council shall meet at least 6 times each year, on a bi-monthly basis (**S396 of the Act**). Ordinary Meetings shall be held on the 4th Wednesday of the month commencing at 1.30 pm. All Council Meetings unless otherwise advised are to be held in the Council Meeting Room – 91 Hammond Avenue, Wagga Wagga. Council meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.
- b) The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.
- c) The Council may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

6) Extraordinary Meeting

At least two (2) councillors can make a written request to the Chairman to call an extraordinary meeting of the council, which must be called to be held “as soon as practicable” but in any event within 14 days after receiving the request (s 366 of the Act) If the Chairperson fails to call an extraordinary meeting to be held within 14 days after receiving the request from the Councillors, those Councillors may, in writing,

request the General Manager to call the extraordinary meeting. The General Manager must call the meeting to be held as soon as practicable.

Where the Chairperson is of the opinion that an emergency exists which warrants an extraordinary meeting of the Council being called to deal with that emergency, the Chairperson may call an extraordinary meeting of the Council being called to deal with that emergency. The Chairperson, in consultation with the General Manager, shall determine the date and time of the extraordinary meeting. Any request submitted in accordance with this clause must clearly state the business proposed to be transacted at the meeting.

Extraordinary meetings are not only held in “extraordinary” circumstances. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required **(cl. 242 of the Regulation)**.

7) Notice of Meetings

- a) the General Manager of the Council must give to each Councillor, at least three (3) clear working days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting. **(S367(1) of the Act and 262 (1) of the Regulation)**

Note: The three day period shall be reckoned exclusive of both the day on which the notice is given to each Councillor, and the day of the meeting.

- b) Notice of less than three (3) clear working days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than 24 hours be given. **(S367(2) of the Act and 262 (2) of the Regulation)**
- c) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. **(S367(3) of the Act)**
- d) A notice of a meeting of Council or of a committee must be published in a newspaper circulating in the local area before a meeting takes place. The notice should specify the time and place of the meeting. (Reg-CI.232 (2). This provision does not apply to an extraordinary meeting of Council or committee.(Reg-CI.232(5) (Refer Part 7 Press and Public for details)

8) Quorum

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. **(S368 of the Act)**

Note: Councillors who have declared a pecuniary interest, and are therefore precluded from voting, should still be counted for the purpose of calculating the quorum, because they continue to hold office and are not suspended from office.

9) What Happens When a Quorum is not Present

- a) A meeting of the Council must be adjourned if a quorum is not present:
 - i) within half an hour after the time designated for the holding of the meeting or
 - ii) at any time during the meeting. **(The Regulation 233 (1))**

Note: Any member of Council can as a point of order draw attention to the lack of a quorum. A call for a check on the quorum should be addressed to the Chair. As it is not possible to continue a

meeting without a quorum, the call for a quorum check takes precedence over any other business before Council.

- b) In either case, the meeting must be adjourned to a time, date and place fixed: **(The Regulation 233(2))**
 - i) by the chairperson, or
 - ii) in his or her absence - by the majority of the Councillors present, or
- c) Failing that, by the General Manager. **(The Regulation 233(3))**
- d) 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.

10) Attendance at Council Meetings

- a) A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. **(The Regulation 235)**
- b) A civic office becomes vacant if the holder is absent without prior leave of the Council from three consecutive Ordinary Meetings of Council (unless the holder is absent because he or she has been suspended from office under Section 482 of the Act 1993) without prior leave of the Council, or leave granted by Council at any of the meetings concerned. **(S.234 (d) of the Act).**
- c) For the purpose of clause 10(b), a Councillor applying for leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor. However, the absence must be granted through a formal resolution of Council and the absence is rescinded upon the first attendance of the Councillor at a meeting of the Council.

(Note: To be present a Councillor must be within the room in which the meeting is being held).

11) Circumstances in which annual fees may be withheld

- a) The Council may resolve that an annual fee will not be paid to a Councillor or that a Councillor will be paid a reduced annual fee determined by the Council for any period of not more than three meetings for which the Councillor is absent with or without leave from an Ordinary Meeting or Ordinary Meetings of the Council.
- b) If a Councillor is absent, with or without leave of the Council, from Ordinary Meetings of the Council for any period of more than six (6) months, the Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of six months. **(Section 254A (a) of the Act)**

PART 3 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

12) Chairperson of Council Meetings

- a) Chairperson, or in the absence of the Chairperson, the Deputy Chairperson presides at meetings of the Council. **(S369(1) of the Act)**
- b) If the Chairperson and the Deputy Chairperson are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council. **(S369(2) of the Act)**
- c) 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. **(Reg-CI. 236(1))**

- d) The election must be conducted:
 - i) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager or;
 - ii) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf. **The Regulation 236(2))**
- e) If, at an election of a Chairperson, 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. **The Regulation 236(3))**
- f) For the purposes of sub clause (e), the person conducting the election must:
 - i) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips. **(The Regulation 236 (4)(a));** and
 - ii) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random. **(The Regulation 236 (4)(b))**
- g) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson. **(The Regulation 236(5))**
- h) In the event the Chairperson should find it necessary to vacate the chair during the course of a meeting the Chairperson should seek leave of the Council and invite the Deputy Chairperson to take the chair, or in the absence of the Deputy Chairperson, whomever a quorum of the Council may elect.

13)Conduct of Debate

- a) Any person wishing to move a motion or amendment or to take part in any discussion or debate should rise and address the chairperson, resuming his/her seat at the close of the remarks.
- b) When the chairperson rises or speaks during a meeting of the Council:
 - i) any Councillor then speaking or seeking to speak must immediately resume his or her seat and
 - ii) every Councillor present must be silent to enable the chairperson to be heard without interruption. **(The Regulation 237)**
- c) If two or more persons rise to speak at the same time, the chairperson decides which of them is entitled to priority. The other persons who have risen should then resume their seats.
- d) Speakers must keep to the particular matter then before the meeting, whether it be a motion, an amendment, a point of order or a personal explanation.

14)Chairperson's Duty with Respect to Motions

- a) 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.
- b) The chairperson must rule out of order any motion that is unlawful or the implementation of which would
- c) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected. **(The Regulation 238)**

- d) The Chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

Note: Reasons for ruling a motion out of order include the following:

- That it is vague and equivocal in its language
- That it is the direct negative of a resolution just passed by the meeting
- That it proposes an action that is unlawful
- That it is ultra vires in that it is outside the scope of the meeting
- That it is defamatory
- That it is inconsistent with a resolution just adopted
- That it is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting;
- That it is vexatious and proposed only as a way to impede the orderly transaction of business.

The guiding rule is that no motion should be put and no resolution can be effectively passed unless it is within the scope of the notice convening the meeting and within the competence of the meeting itself.

15) Minutes

- a) The Council must ensure that full and accurate minutes are kept of proceedings of the Council. **(S375(1) of Act)** The minutes should record the following:
- i) Details of each motion moved at a council meeting and of any amendments moved to it **(The Regulation 254)**
 - ii) the names of the mover and seconder of motions or amendments **(The Regulation 254)**
 - iii) attendance of Councillors
 - iv) declarations of interest
 - v) votes on divisions
 - vi) dissenting votes when requested by a Councillor
 - vii) circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present
 - viii) any instances where the Chair's Casting Vote was used
 - ix) whether the motion or amendment is passed or lost
 - x) a report of the proceedings of the committee of the whole, including any recommendations of the committee **(The Regulation-259(3))**
- xi) **the Act** also provides that the following matters must be included in the minutes of council meetings:
- The grounds for closing part of the meeting to the public **(S10D of the Act)**
 - The report of a Council committee leading to a rescission or alteration motion **(S372(6) of the Act)**

Note Minutes are intended to be a record of the decisions of Council, not the opinions or demands of individual members.

- b) The correctness of the minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.
- c) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

Note: Confirmation is a formal declaration of the correctness of the facts recorded in the minutes; it is not the ratification of any decisions made. A person cannot use the confirmation motion as an attempt to re-open any question previously decided.

- d) Minutes may be confirmed at an extraordinary meeting of the Council.
- e) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting. **(S375 (2) of the Act)**
- f) When motions are amended in the process of confirming the minutes of a previous meeting the amendment should be put by the movers in the form the motion should read. For example:

“That the minutes of the meeting held on.....be confirmed subject to motion.....being corrected to read:.....”

16)Order of Business

- a) At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with the Schedule. **(Reg.239(1))**
- b) The order of business fixed under sub clause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice. **(Reg. 239(2))**
- c) Despite clause 30 of this code, only the mover of a motion referred to in sub clause (2) may speak to the motion before it is put. **(The Regulation 239(3))**

17)Agenda for Council Meetings

- a) The General Manager must ensure that the agenda for a meeting of the Council states:
 - i) all matters to be dealt with arising out of the proceedings of former meetings of the Council or Committees; and
 - ii) if the Chairperson (or the Deputy Chairperson if acting for the Chairperson) is the chairperson - any business that the chairperson may decide to put before the meeting without notice; and
 - iii) any business of which due notice has been given. **(The Regulation 240(1))**
- b) The General Manager must ensure the agenda for a meeting of the Council or a committee of the Council is prepared as soon as practicable before the meeting and is prepared so as to comply with the prescribed Notice of Meeting (Refer Clause 7).**(The Regulation 240 (3)).**
- c) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in Section 10A of the Act, the business may be included in a confidential agenda. All other business to be transacted at the meeting must be included in an ordinary agenda.
- d) All reports to Council, which in the opinion of the General Manager are likely to be considered when the meeting is closed to the public or contain an attachment(s) which is (are) likely to be considered when the meeting is closed to the public, must contain a statement at the beginning of the report identifying:
 - i) that the report, or attachment(s) to the report should be dealt with in confidential session;
 - ii) the reason under section 10A of the Local Government Act why the matter is confidential including, where necessary, an explanation of why it would be contrary to the public interest to deal with the matter in open session;
 - iii) any business of which due notice has been given; **(The Regulation 240 (4))**
- e) 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. **(The Regulation 240 (2))**

- f) Nothing in this clause limits the powers of the Chairperson under clause 20. **(The Regulation 240 (5))**

18) Giving Notice of Business

- a) The Council must not transact business at a meeting of the Council:
- i) unless a Councillor has given notice of the business in writing four (4) clear working days before the meeting and any correspondence six (6) clear working days before the meeting; and
 - ii) unless notice of business has been given to the Councillors at least three (3) clear working days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least 24 hours before the meeting. **(S367 and Regulation 241(1))**
- b) sub clause (a) does not apply to the consideration of business at a meeting if the business:
- i) is already before, or directly relates to a matter that is already before, the council **(The Regulation 241 2(a)),** or
 - ii) reports of committees of the Council;
 - iii) reports from officers which in the opinion of the chairperson or the General Manager are urgent; and
 - iv) reports from officers placed on the business pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the committee.
 - v) the election of a Chairperson to preside at the meeting as provided by Clause 12(c) **(The Regulation 241 (2)(b));** or
 - vi) a matter or topic put to the meeting by the Chairperson in accordance with Clause 20 **(The Regulation 241(2)(c);** or
- c) Despite sub clause (a), business may be transacted at a meeting of the Council when due notice of the business has not been given to Councillors, however, this can happen only if:
- i) a motion is passed to have the business transacted at the meeting; and
 - ii) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. **(The Regulation 241(1)(3))**
- d) Despite clause 30, only the mover of a motion referred to in sub clause (c) can speak to the motion before it is put. **(The Regulation 241(1) (4)).**
- e) In determining whether a matter is of great urgency, the Chairperson must consider:
- i) The principal requirement that a meeting deal with matters before it on the business paper for which notice has been given; and
 - ii) Any potential costs which will be incurred, or irrevocable actions which might occur if the matter is considered at the next ordinary meeting of Council rather than forthwith.

19) Agenda for Extraordinary Meeting

- a) The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
- b) Despite sub clause (a), business may be transacted at an extraordinary meeting of a Council even

though due notice of the business has not been given to the Councillors. However, this can only happen if:

- i) A motion is passed to have the business transacted at the meeting; and
 - ii) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- c) Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of. **(The Regulation 242)**
- d) Only the mover of a motion referred to in sub clause (b) can speak to the motion before it is put. **(The Regulation 242(3))**

20) Chairperson Minutes

- a) If the Chairperson (or the Deputy Chairperson, if acting for the Chairperson) is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge. **(The Regulation 243(1))**
- b) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (or the Deputy Chairperson, if acting for the Chairperson) may move the adoption of the minute without the motion being seconded. **(The Regulation 243(2))**

Note: **Can a Chairperson Minute be amended?** – *Changes to Chairperson minutes should be avoided where such changes will introduce, without notice, matters which need research or a lot of consideration by the Councillors before coming to a decision.*

- c) A recommendation made in a minute of the chairperson (or Deputy Chairperson, if acting for the Chairperson) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council. **(The Regulation 243 (3))**
- d) The Chairperson Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters are better placed on the Agenda with the usual period of notice given to the Councillors. **(DLG Practice Note 16/2009)**

21) Report of a Departmental Representative to be Tabled at Council Meeting

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- a) is laid on the table at that meeting **(The Regulation 244(a));** and
- b) Is subsequently available for the information of Councillors and members of the public at all reasonable times. **(The Regulation 244 (b))**

22) Notice of Motion - Absence of Mover

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 move the motion at the meeting **(Regulation 245(a));** or

- b) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered. **(The Regulation 245 (b))**

23) Formulation of Motions

- a) A motion is a proposal put forward by a Councillor or member of a Committee calling for a specific action to be taken or a decision to be made on a particular matter before the meeting;
- b) A Motion should be simple, easy to understand and very specific in its intention.
- c) Motions should be well structured and if it involves a number of different aspects, there should be different parts to the motion.
- d) If a Motion is complex in its wording and intent, the motion is to be submitted in writing and made available to other Councillors, the General Manager and Minute taker.
- e) In submitting a Notice of Motion, Councillors must balance their civic responsibility for representing the interests of their community with their obligation to use Council's resources effectively and efficiently. **(DLG Practice Note 16/2009)**

24) Motions

- a) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 20(b) and 30(e). **(The Regulation 246).**
- b) The seconder of a motion may reserve the right to speak later in the debate.

Note: If the seconder of a motion reserves the right to speak later this should be stated at the time that the motion is seconded. Before deferring the right to speak to a later stage of the debate, the seconder needs to be aware that:

- a procedural motion can cut off debate before the right is exercised;
- it is not possible to withdraw support for the motion, and
- Councillors cannot move amendments to motions they have seconded

- c) A seconder may second "pro forma" in order to ensure discussion. In this way, the seconder reserves the right to withdraw support if swayed by the contrary argument.
- d) Once a motion has been moved and seconded, it becomes the property of the meeting and it cannot be withdrawn without the consent of the meeting.

Note: The mover of a motion may withdraw it only if he/she gets the leave of the meeting to do so and if it has not already been amended. Permission of the seconder is not sufficient, and a vote of Council should be taken.

- e) Any Councillor may move a procedural motion that a motion be withdrawn. However, a motion cannot be withdrawn while an amendment is under consideration. However, the amendment can first be withdrawn in the usual manner. A procedural motion is a motion that refers to the conduct of a meeting. Procedural motions are not subject to the notice of motion requirements referred in this clause. A procedural motion requires a seconder and has precedence over substantive motions and must be put to the meeting without debate
- f) At any one time there can be only one substantive motion before the meeting.

Note: In the course of debating one motion it is possible to foreshadow another motion. However, the expressed act to foreshadow a motion is to provide information and does not constitute a formally proposed motion. In due course it can be proposed, and if seconded, considered by the meeting.

- g) The Chair may rule that a Motion or an amendment is out of order if, in the view of the Chair, the proposed motion:
 - i) is vague and equivocal in its language;
 - ii) is the direct negative of or is inconsistent with a resolution just passed by the meeting;
 - iii) is an amendment which is a direct negative of the motion which it proposes to amend;
 - iv) proposes an action that is unlawful;
 - v) is ultra vires in that it is outside the scope of the meeting;
 - vi) has defamatory statements contained in the resolution;
 - vii) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and
 - viii) is vexatious and is proposed solely as a way to impede the orderly transaction or business.

25) Amendments to a Motion or Foreshadowed motions

- a) To be accepted, an amendment must clearly relate to the substantive motion, without contradicting it, and must be proposed before the debate on the substantive motion has been concluded. An amendment may propose that some words be omitted from the motion or added to the motion but it should not contradict the motion. Amendments that create a direct negative are not permissible. The proper means of opposing a motion is to vote against it.
- b) The amendment must be moved and seconded but this cannot occur until the original motion has been moved and seconded.
 - i) The mover of an amendment however, has no right of reply and can only speak once to the amendment?
- c) If an amendment is substantially the same as an earlier rejected amendment on the motion, it is not in order to accept it.
- d) While amendments are under discussion debate on the substantive motion is excluded. The meeting must view each amendment in its relation to the substantive motion; but the merits of that motion as first moved cannot be fully debated at that time.
- e) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time. **(The Regulation 247)**

Note: If the amendment is carried, the terms of the original motion are varied accordingly. The motion in its new form now becomes the substantive motion, and it can be further debated. In the event of another amendment being moved, the same procedure is repeated.

- f) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

26) Motions of Dissent

- a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. A point of order is some irregularity in the meeting proceedings. (No seconder is required for the motion). If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. **(The Regulation 248(1)).**

Note the motion is stated in the following terms: *'That the Chair's ruling be dissented from'*. The

Chairperson should vacate the Chair, and the Deputy takes the Chair for so long as the motion of dissent is before the meeting. By convention the question is actually asked in the form *'That the Chair's ruling be upheld'*.

- b) If a motion of dissent is carried, 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course. **(The Regulation 248 (2))**
- c) Despite clause 30, 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. **(The Regulation 248 (3))**

Note A dissent motion is not a motion of no confidence. It is used either to correct a bona fide mistake on the chairperson's part or to give legitimate effect to the will of the meeting. A Motion of dissent cannot be moved from the ruling of the chairperson under clause 241(3) of the L G Reg as to whether business is of "great urgency."

27) Petitions May be Presented to the Council

- a) A Councillor may present a petition to the Council.
- b) The chairperson must not permit discussion on the petition.
- c) The petition will be referred to the General Manager for appropriate action or referred to a future meeting of the Council.

28) Questions May be Put to Councillors and Council Employees

- a) A Councillor:
 - i) may, through the chairperson, put a question to another Councillor **(The Regulation 249 (1)(a))**; and
 - ii) may, through the chairperson and the General Manager, put a question to a Council employee. **(The Regulation 249 (1)(b))**
- b) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. **(The Regulation 249 (2))**
- c) Any such question must be put directly, succinctly, and without argument. **(The Regulation 249 (3))**
- d) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause. **(The Regulation 249 (4))**
- e) Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.
- f) Wherever possible Councillors should, prior to Meetings, seek answers from the General Manager to questions which would otherwise arise at meetings.

29) Mode of Address

Councillors, staff and the public shall at all times address other Councillors by their official designation, as Chairperson or Councillor, as the case may be; and with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

30) Limitation as to Number of Speeches

- a) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. **(The Regulation 250 (1))**
- b) 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. **(The Regulation 250 (2))**
- c) A Councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. **(The Regulation 250 (3))**
- d) Despite sub clauses (a) and (b), if at least 2 Councillors have spoken in favour of a motion or an amendment and at least 2 Councillors have spoken against the motion or amendment, or if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, any Councillor may move that the question be now put. **(The Regulation 250 (4))**
- e) The chairperson must immediately put to the vote a motion, moved under sub clause d), that the question be now put without the motion being seconded and without debate. **(The Regulation 250(5))**
- f) If a motion that the question be now put is passed, the chairperson must, after the mover of the motion has exercised his or her right of reply under sub clause (a), immediately put the question to the vote without further debate. **(The Regulation 250 (6))**
- g) If a motion that the question be now put is rejected, the chairperson must resume the debate on the original motion or amendment. **(The Regulation 250 (7))**
- h) ***Once a mover of a motion or an amendment has exercised their right of reply the debate on the motion or amendment is closed and no further debate may occur on that motion or amendment***

31) Motions Put Without Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

32) Voting at Council Meetings

- a) Each Councillor is entitled to one vote. **(S370 (1) The Act)** Voting is by open means and would usually be on the voices or by show of hands. However, Council could use other open means such as a display of voting on an electronic board.
- b) However, the chairperson has, in the event of an equality of votes, a second or casting vote. **(S370 (2) The Act)**

Should the Chairperson fail to exercise a casting vote the motion being voted upon will be lost as it will be deemed that the Chairperson by failing to cast his or her vote has voted in the negative

- c) 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. This sub clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the motion being moved. **(The**

Regulation 251 (1))

- d) 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. **(The Regulation 251 (2))**
- e) The decision of the chairperson as to the result of a vote is final, unless:
 - i) in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - ii) the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division. **(The Regulation 251 (3))**
- f) When a division on a motion is demanded, 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 respectively recorded in the Council's minutes. **(The Regulation 251 (4))**
- g) Voting in an election at a Council meeting (e.g. for committee) is to be by open means. However, there is an exception that Councillors can elect a Chairman or deputy Chairman by secret ballot. **(The Regulation 251 (5))**

33)Decisions of the Council

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. **(S371 the Act)**

34)Resolutions passed at closed meetings to be made public

- a) If the Council passes a resolution during a meeting, or 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 part of the meeting has ended. **(Section 253 of the Regulation)**
- b) The General Manager will, as soon as practicable, make available for public inspection a resolution passed during a meeting, or part of a meeting, that is closed to the public.
- c) A copy of a resolution passed during a meeting, or part of a meeting, that is closed to the public will be available (free or upon payment of a photocopy charge) by anyone who asks for a copy.
- d) Where it is proposed in a business paper for a Council or committee meeting to consider a matter in a meeting, or part of a meeting, that is closed to the public and the grounds for doing so are specified in accordance with **Section 10A(2)(a-h)** inclusive of the Act and in the event that the Council subsequently decides to consider and determine the matter in a meeting, or part of a meeting, that is open to the public, a copy or copies of reports and accompanying annexure relating to the matter will, as soon as practicable, be made available to the public.

35)Rescinding or Altering Resolutions

- a) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 18. **(S372(1) The Act)**
- b) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- c) If a notice of motion to rescind or alter a resolution is given:

- i) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with **(S372(2) The Act)**; or
 - ii) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with. It is important to note that any delay in lodging a rescission motion, may result in the partial or total completion of the said resolution.
- d) In the case of a motion of alteration, sub clause (c) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
 - e) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clause 18. **(S372(3) The Act)**
 - f) 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 negated by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. **(S372(4) The Act)**
 - g) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same. **(S372(5) The Act)**
 - h) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes. **(S372(6) The Act)**
 - i) The provisions of this clause concerning negated motions do not apply to motions of adjournment. **(S372(7) The Act)**

36) Motions of Adjournment

- a) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- b) If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- c) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, and the chairperson shall make a determination with respect to whichever of these has not been specified.
- d) If the meeting is adjourned to another day any decisions of Council prior to the adjournment to the meeting are to be acted upon by Council Officers. The outstanding matters are to be resubmitted to the adjourned meeting for determination.

PART 4 KEEPING ORDER AT MEETINGS

37) Questions of Order

- a) 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. **(The Regulation 255 (1))**
- b) 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. **(The Regulation 255 (2))**

- c) 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. **(The Regulation 255 (3))**
- d) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. **(The Regulation 255 (4))**

38) Acts of Disorder

- a) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - i) contravenes the Act, any regulation in force under the Act or this Code; or
 - ii) assaults or threatens to assault another Councillor or person present at the meeting; or
 - iii) 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 committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
 - iv) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - v) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt **(The Regulation 256 (1) (a-e);** or
 - vi) reads at length from any correspondence, report or other document, without the leave of the Council.
 - vii) leaves the meeting without the permission of the chairman before all the business has been concluded.
- b) The chairperson may require a Councillor:
 - i) to apologise for an act of disorder referred to in sub clause (a) (i) or (ii); or
 - ii) to withdraw a motion or an amendment referred to in sub clause (a) (iii) and, where appropriate, to apologise without reservation; or
 - iii) to retract and apologise for an act of disorder referred to in sub clause (a) (iv), (v) or (vi). **(The Regulation 256 (2) (a-c))**
- c) The Council or committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under sub clause (b). The expulsion of a Councillor under this sub clause does not prevent any other action from being taken against the Councillor for the act of disorder concerned. **(The Regulation 256 (3))**

39) How Disorder at a Meeting May be Dealt With

- a) If disorder occurs at a meeting of the Council or committee of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well a disorder arising from the conduct of Councillors. **(The Regulation 257 (1))**
- b) The Council or committee may, by resolution, expel a member of the public from a Council or committee meeting on the grounds that the member is engaging in, or has engaged in, disorderly conduct at the meeting. **(The Regulation 257 (2))**

40) Power to Remove Persons from Meeting after Expulsion Resolution

If a meeting of the Council or committee of the Council resolves to expel from the meeting a Councillor for failing to comply with a requirement made under clause 35 or a member of the public for disorderly conduct and the Councillor or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer, or any person authorised by the Council or committee

for the purpose, may remove the person *by using only such force as necessary* from the meeting and, if necessary, restrain the person from re-entering the place where the meeting is being held. **(The Regulation 258)**

PART 5 COUNCIL COMMITTEES

41)Committee of the Whole

- a) The Council may resolve itself into a committee of the whole to consider any matter before the Council. **(S373 The Act)**
- b) 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 a committee of the whole, except the provisions. **(The Regulation 259 (1)):**
 - i) limiting the number and duration of speeches; and
 - ii) requiring Councillors to stand when speaking.
- c) The General Manager is responsible for reporting to the Council proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported. **(The Regulation 259 (2))**
- d) The Council must ensure that a report of the proceedings 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. **(The Regulation 259 (3))**
- e) Unless Council resolves itself into Committee of the Whole, confidential items will be dealt with in the confidential session of the Ordinary meeting.

42)Council May Appoint Committees

- a) The Council may by resolution establish such committees as it considers necessary. **(The Regulation 260 (1))**

Note	Provision for this is provided by Section 355 (b) of the Act and Clause 260 of the Regulations.
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- b) Such a committee is to consist of the Chairperson and such other Councillors as elected by the Councillors or appointed by the Council. **(The Regulation 260 (2))**
- c) The quorum for a meeting of such a committee is to be:
 - i) such number of members as the Council decides; or
 - ii) if the Council has not decided a number - a majority of the members of the committee. **(The Regulation 260 (3))**

Note:	Section 355 (c) of the Act provides for citizen based committees. . These committees are reviewed each September in conjunction with the Chairperson election.
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43)Functions of Committees

The Council must specify the functions of each of its committees when the committee is appointed

or elected, but may from time to time amend those functions. **(The Regulation 261)**

44) Notice of Committee Meetings to be Given

- a) The General Manager of the Council must give to each Councillor, at least three (3) clear working days before each meeting of the committee, a notice specifying:
 - i) the time and place at which and the date on which the meeting is to be held; and
 - ii) the business proposed to be transacted at the meeting. **(The Regulation 262 (1) (a-b))**
- b) However, notice of less than three (3) clear working days may be given of a committee meeting called in an emergency. **(MR CI 35(2) The Regulation 262 (2))**
- c) The provisions of clause 17(b)-(d) apply to the agenda of committee meetings in the same manner as they apply to the agenda of meetings of the Council.

45) Non-Members Entitled to Attend Committee Meetings

- a) Councillors who are not members of a Council committee are entitled to attend and speak at meetings of the committee. However they are not entitled to give notice of business for inclusion in the agenda for the meeting. In addition they are not entitled to move or second a motion at the meeting or to vote at the meeting. **(The Regulation 263 (1) and (2) (a-c))**

Note: Councillors, whether or not they are members of a particular Council Committee, shall be advised of forthcoming meetings in the calendar of meetings issued with the Ordinary Meeting Business Paper.

46) Procedure in Committees

- a) Each committee of the Council may regulate its own procedure. **(The Regulation 265 (1))**
- b) Without limiting sub clause (a), a committee of the Council may decide that, 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. **(The Regulation 265 (2))**
- c) Voting at committee meetings must be by open means. **(The Regulation 265 (3))** This would usually be on the voices or by show of hands. However a Council could use other open means such as a display of voting on an electronic board.

47) Committees to Keep Minutes

- a) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular a Committee must ensure that the following matters are recorded in the Committee Minutes:
 - i) details of each motion moved at a meeting and of any amendments to it.
 - ii) the names of the mover and seconder of the motion or amendment.
 - i) whether the motion or amendment is passed or lost **(The Regulation 266(1))**

As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting. **(The Regulation 266(2))**

48) Chairperson and Deputy Chairperson of Committees

- a) The chairperson of each committee of the Council, must be:
 - i) The Chairperson; or
 - ii) if the Chairperson does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or
 - iii) if the Council does not elect such a member - a member of the committee elected by the committee. **(The Regulation 267 (1) (a-c))**
- b) 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. **(The Regulation 267 (2))**
- c) 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. **(The Regulation 267 (3))**
- d) 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. **(The Regulation 267 (4))**
- e) The Chairperson is, by virtue of holding that office, a member of each committee of the Council.

Note Clause 44 only applies to Committees of Council. Citizen based committees established under Section 355 (c) of the Act have the power to elect their own Chairpersons.

49) Absence from Committee Meetings

- a) A member ceases to be a member of a committee if the member (other than the Chairperson):
 - i) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - ii) has been absent from at least half of the meetings of the committee held during the immediately preceding year [i.e.: the period from 1 July to the following 30 June], without having given to the committee acceptable reasons for the member's absences.

Sub clause (a) does not apply if all of the members of the Council are members of the committee.
(The Regulation 268)

50) Reports of Committees

- a) If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation. **(The Regulation 269(1))**
- b) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council. **(The Regulation 269 (2))**

Note: Committee recommendations to the Council are usually in the form of –

“The Committee recommends to the Council that”

The recommendation shown in the agenda should be the same as the one decided by the Committee. When the Council discusses the recommendation at the Council Meeting, it can adopt; amend and adopt;

or reject the recommendation (Cl 269 of the Regulation)

- c) If a Committee of a 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.

51) Disorder in Committee Meetings

The provisions of the Act, the Regulation 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. **(The Regulation 270)**

52) Committee May Expel Certain Persons from its Meetings

- a) If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with 10(2) of the Act, the committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor. **(The Regulation 271(1))**
- b) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person only using such force as is necessary and if necessary, restrain the person from re-entering, that place. **(The Regulation 271(2))**

PART 6 PECUNIARY INTEREST

53) Pecuniary Interest

- a) For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in clause 54. **(S442(1) of the Act)**
- b) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in clause 54. **(S442(2) of the Act)**

54) Persons Who Have a Pecuniary Interest

- a) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - i) the person **(S 443(1)(a) of the Act)**; or
 - ii) another person with whom the person is associated. **(S 443(1)(b) of the Act)**
- b) A person is taken to have a pecuniary interest in a matter if:
 - i) the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter **(S 443(2)(a) of the Act)**; or
 - ii) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter. **(S 443(2)(b) of the Act)**
- c) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (b):
 - i) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative

- or company or other body; or
- ii) just because the person is a member of, or employed by a council or a statutory body or is employed by the Crown **(S 443(3)(b) of the Act)**; or
- iii) just because the person is member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body. **(S 443(3)(c) of the Act)**

55)Interests that do not have to be Declared (S 448 of the Act)

The following interests do not need to be disclosed for the purposes of this Part:

- a) an interest as an elector
- b) an interest as a ratepayer or a person liable to pay a charge
- c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part
- d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part.**(S.448 of the Act)**
- e) an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not)
- f) an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee
- g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of permissible uses of
 - i) land in which the person has a pecuniary interest; or
 - ii) land adjoining, or adjacent to, land referred to in paragraph (i);or
 - iii) other land in proximity to land referred to in paragraph (i), if the change would affect the value of the land referred to in paragraph (i).
- h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company; **(S448 of the Act)**
- i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership;**(S448 of the Act)**
- j) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts, and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area;
 - i) the performance by the Council at the expense of the relative of any work or service in connection

- with roads or sanitation
- ii) security for damage to footpaths or roads
- iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract
- k) an interest relating to the payment of fees to councillors (including the Chairman and Deputy Chairman) **(S448 of the Act)**
- l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Chairperson and Deputy Chairperson) in accordance with a policy under **Section 252 (S448 of the Act)**
- m) an interest relating to the election to the office of Chairperson arising from the fact that a fee for the following 12 months has been determined for the office of Chairperson; **(S448 of the Act)**
- n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person, **(S448 of the Act)**
- o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committees. **(S448 of the Act)**
- p) an interest arising from appointment of a Councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate. **(S448 of the Act)**

56) Disclosure and Participation in Meetings

- a) A Councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. (on the form titled "Disclosure of Interest")
- b) The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the council or committee:
 - i) at any time during which the matter is being considered or discussed by the Council or committee, or **(S.451(2) of the Act)**
 - ii) at any time during which the Council or committee is voting on any question in relation to the matter. **(S.451(2) of the Act)**
- c) A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee must disclose the nature of any pecuniary interest the person has in the matter (on the form titled "Disclosure of Interest") to the meeting at the time the advice is given. **(S456 of the Act)**
- d) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. **(S457 of the Act)**

57) Non Pecuniary Interest

What are non-pecuniary Interests

Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in **the Act**. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a

financial nature.

Managing non-pecuniary conflict of interests

Part 4 “Conflict of Interests” of Council’s Code of Conduct provide information on managing of non-pecuniary conflict of interests. Where such an interest is disclosed the person making the disclosure should complete the form titled “Disclosure of Interest” as soon as practicable.

58)Disclosures to be Recorded

A disclosure made at a meeting of the Council or Council committee must be recorded in the minutes of the meeting. **(S453 of the Act)**

59)Powers of the Minister in Relation to Meetings

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- i) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- ii) that it is in the interest of the electors of the area to do so.

PART 7 PRESS AND PUBLIC

60)Public Notice of Meetings (S9 of the Act)

- a) The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors (except for extraordinary meetings). A notice of meetings is published bi-monthly, in the Daily Advertiser and Border Mail as well as council’s website.
- b) The Council and each such committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda for the meeting. This requirement does not apply to an agenda for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the press and public.
- c) The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors.
- d) The copies of the Business Paper are to be available free of charge.

61)Who is entitled to Attend Council or Committee Meetings (S10 of the Act)

- a) Except as provided in this clause:
 - i) everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, and
 - ii) a Council must ensure that all meetings of the Council and of such Committees are open to the public.
- b) A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of a Committee if expelled from the meeting:

- i) by a resolution of the meeting, or
 - ii) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- c) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulations.
- d) Attendance of General Manager – The General Manager is entitled to attend, but not vote at, a meeting of the Council or at a meeting of a Committee of the Council of which all the members are Councillors.
- e) 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.
- f) However, 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 the employment of the General Manager.

62) Closed Meetings

- a) A Council or a committee of Council of which all the members are Councillors, may close to the public so much of its meeting as comprises the receipt and discussion of any of the matters listed in this Clause as follows:
- i) personnel matters concerning particular individuals (*other than Councillors*);
 - ii) the personal hardship of any resident or ratepayer;
 - iii) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposes to conduct business;
 - iv) commercial information of a confidential nature that would, if disclosed:
 - (1) prejudice the commercial position of the person who supplied it, or
 - (2) confer a commercial advantage on a competitor of the Council, or
 - (3) reveal a trade secret;
 - v) information that would, if disclosed, prejudice the maintenance of law;
 - vi) matters affecting the security of the Council, Councillors, Council staff or Council property;
 - vii) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - viii) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- b) Council, or a Committee of the Council of which all the members are Councillors, 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. **(S10A (2)-(3) of the Act).**
- c) Limitations to closing meetings – A meeting is not to remain closed during the discussion of anything referred to in clause **62(a)**:
- i) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - ii) 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. **(S10B (1) of the Act).**
- d) Discussion of legal matters – A meeting is not closed during the receipt and consideration of information or advice referred to in Clause 62(a)(vii) of this Code unless the advice concerns legal matters that:

- i) Are substantial issues relating to a matter in which the Council or Committee is involved, and
 - ii) are clearly identified in the advice, and
 - iii) are fully discussed in that advice. **(S10B(2) of the Act)**
- e) Motion to close other parts of a meeting – 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 62(a) of this Code), 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 62(b) of this Code. **(S10B(3) of the Act)**
- f) Matters of Public Interest – 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:
 - i) A person may misinterpret or misunderstand the discussion, or
 - ii) The discussion of the matter may cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or cause a loss of confidence in the Council or Committee. **(S10B (4) of the Act)**
- g) Departmental Guidelines – In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director General. **(S10B (5) of the Act)**
- h) Notice of closure not required in urgent cases – Part of a meeting of Council or of a Committee of the Council of which all the members are Councillors 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 as a matter that is likely to be considered when the meeting is closed, but only if:
 - i) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 62(a) of this Code, and
 - ii) The Council or Committee resolves that further discussion of the matter:
 - (1) Should not be deferred (because of the urgency of the matter), and
 - (2) Should take place in a part of the meeting that is closed to the public. **(S10C of the Act)**
- i) Minutes to specify grounds for closing meetings – 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:
 - i) The relevant provision within this code (62(a) and as stated in Section 10A(2) of the Local Government Act;
 - ii) The matter that is to be discussed during the closed part of the meeting;
 - iii) 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. **(S10D of the Act)**

As an example a Motion could look like:

“Moved Cr X seconded Cr Y, that the meeting is closed during the discussion of the matter “Item

Annual tenders for goods and services” in accordance with 10A (2) (c) of the Local Government Act on the basis that:

The discussion of the matter in an open meeting could prejudice the commercial position of tenderers; and

On balance, the public interest in preserving the confidentiality of commercial information supplied by tenderers outweighs the public interest in openness and transparency in Council decision making

by discussing this matter in open meeting". (DLG Practice Note No 16)

- j) Public attendance at Closed Council Meeting – Council is able to invite members of the public to address Closed Council meetings on specific matters where it is necessary for the provision of advice. Invited members would be required to leave the meeting prior to voting being undertaken on the matter. In undertaking such action Council needs to be mindful that invitations may affect its appearance of impartiality and improper conduct in a matter. All persons invited to a Closed Council meeting in accordance with this Clause are subject to the non-disclosure provisions of Section 664 of the Local Government Act. **(DLG Practice Note No 16)**
- k) Conclusion of Closed Meeting – At the conclusion of business in Closed Council, Council must resolve that the meeting be open to the public. **(DLG Practice Note No 16)**
- l) Resolutions to be made public – If a Council passes a resolution during a meeting, or 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 part of the meeting has ended. **(The Regulation 253)**
- m) Adoption of Closed Council Resolutions in Open Council – Council is not required to remake the resolutions made in Closed Council when reverting back to Open Council. The only matters a Council would adopt are the recommendations made during a Committee of the Whole situation or recommendations of another Council Committee. **(DLG Practice Note No 16)**

63)Public Access to Correspondence and Reports

- a) The Council and a committee of which all the members are Councillors 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. **(S11(1) of the Act)**
- b) Sub clause (a) of this clause does not apply if the correspondence or reports:
 - i) relate to a matter that was received or discussed; or
 - ii) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public. **(S 11(2) of the Act)**
- c) If Council, or a committee of Council of which all the members are Councillors, closes any part of a meeting it must, at the meeting, determine by resolution the dates on and from which access to the business papers and the minutes is to be given.

PART 8 MISCELLANEOUS

64)Disclosure and Misuse of Information

- a) Disclosure of Information) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - i) With the consent of the person from whom the information was obtained; or
 - ii) In connection with the administration or execution of this Act; or
 - iii) For the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
 - iv) In accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public Access) Act 2009; or
 - v) With other lawful excuse.
- b) (Meeting closed to the public) In particular, if part of a meeting of a Council or a Committee of Council is closed to the public in accordance with section 10A (1), a person must not, without the authority

of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

c) Subsection b does not apply to:

- i) The report of a Committee of a Council after it has been presented to the Council; or
- ii) Disclosure made in any of the circumstances referred to in subsection (a) (i) – (v); or
- iii) Disclosure made in circumstances prescribed by the regulations, or
- iv) Any agenda, resolution or recommendation of a meeting that a person is entitled to inspect under the provisions of the Government Information (Public Access) Act 2009.

d) (Use of Information) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de-facto partner or a relative of the person.

e) (Influencing decisions) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de-facto partner or a relative of the person, influence;

- i) The determination of an application for an approval; or
- ii) The giving of an order (Maximum penalty: 50 penalty units (Section 664 of the Act))

65) Disclosure and Misuse of Information – Prescribed Circumstances

For the purposes of section 664 (1B) (c) of the Act, any disclosure made with the intention of enabling the Minister or the Director General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

66) Inspection of the Minutes of the Council or a Committee

- a) An inspection of the minutes of the Council or committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes. **(The Regulation 272(1))**
- b) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. **(The Regulation 272(2))**

67) Access to Records

- a) The Chairman or General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- b) If the Chairman or General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- c) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:
 - i) is produced immediately and laid on the table for inspection by the Councillors; and
 - ii) is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within 1 month after the passing of the motion.

- d) Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.

68)Tape Recording of Meeting of the Council or a Committee Prohibited Without Permission (The Regulation 273)

- a) A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of a Council only with the authority of the Council or committee.
- b) The Council or committee may, by resolution, expel from the place where it is holding a meeting any person who uses a tape recorder in contravention of this clause.
- c) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.
- d) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

69)Certain Circumstances do not Invalidate Council Decisions (S 374 of the Act)

- a) Proceedings at a meeting of the Council or a Council committee are not invalidated because of:
 - i) a vacancy in a civic office; or
 - ii) a failure to give notice of the meeting to any Councillor or a committee member; or
 - iii) any defect in the election or appointment of a Councillor or a committee member; or
 - iv) a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
 - v) A failure to comply with this Code.

70)Misuse of Confidential Information

Councillors, staff and delegates must always respect the confidentiality of items which are properly considered confidential pursuant to **Clause 10(2) of the Local Government Act**.

71)Councillors, Staff or Delegates must not bring Council into Disrepute

That Councillors, staff or delegates must make every effort to ensure the reputation of Council is maintained and enhanced subject to their duty to act at all times in the public interest.

72)Council Seal

- a) Council's seal can be affixed to a document only after the Council has resolved that the seal be affixed. The resolution must specifically refer to the document and document must relate to Council business.
- b) The power to authorise the affixing of the seal can only be exercised by the Council. It cannot be delegated to a committee or employee.
- c) The seal of Council may be affixed to a document only in the presence of:
 - i) The Chairman and the General Manager, or

- ii) At least one Councillor (other than the Chairman) and the General Manager, or
 - iii) the Chairperson and at least one other Councillor, or
 - iv) at least 2 Councillors other than the Chairperson
- d) A Council wishing to provide references or certificates of service to employees or congratulatory letters to members of the community can do so by using its letterhead paper or enhanced formats for these purposes. The Council seal cannot be used for these documents

73)Amendment of Code

- a) This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.
- b) In the event of any legislative change, those changes are to be incorporated into this Code without further public exhibition.

74)Public Availability of the Code

This Code of Meeting Practice is a publically available document and can be obtained at the Council Administration during normal Office Hours and can also be viewed on council's website. The photocopying of this document will be subject to the photo copy charges as listed in Councils fees and charges.

75)Defamatory Statements

The NSW Ombudsman publication "Better Service and Communication for Councils" provides the following information about defamation:

"A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person".

Councillors, staff and members of the public can seek legal compensation, apology etc. if they are defamed.

Councillors acting within their official capacity at meetings of Council or Council Committees have a defence of "qualified privilege" to actions in defamation. This recognises that you may need to speak freely and publicly in carrying out your duties. However qualified privilege needs to be treated with great caution. It only covers statements made at a Council or Committee meeting when you are carrying out your duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice.

76)Formalising Chairpersons Actions

A role of the Chairperson is to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council (**Section 226 of the Act**). Such actions, if they occur, to be conveyed to the next Council Meeting.

77)Workshops

A Council can hold a workshop (sometime called a briefing session) under its general powers as a body corporate. Workshops are informal committees and can provide useful background information to Councillors on issues. A workshop may involve Councillors, council staff and invited participants.

SCHEDULE A

General Order of Business

1. Apologies.
3. Declarations of Pecuniary & Non Pecuniary Interest.
4. Confirmation of minutes from previous meetings.
5. Correspondence
6. General Managers Report to Council
7. Director of Engineering's Reports to Council
8. Questions and Statements
9. Closure of Meeting to the Public (Confidential Reports)
10. Return to public Meeting.
11. Close.

12. COUNCIL MEETING DATES AND TIMES

RECOMMENDED that Council's December Council Meeting be held on Wednesday 13th December 2017 commencing at 9.30am.

Council meeting dates are normally the fourth Wednesday of February, April, June, August, October and December, with the December meeting previously being held on the same day as the Staff Christmas Gathering.

The scheduled December Meeting falls between Christmas and New Year. This is not a very convenient day for either Councillors or staff. It is suggested that the meeting be held on Wednesday 13th December, followed by a luncheon at a venue to be arranged.

It should be noted that Greater Hume Shire will probably be holding their Council Meeting later in the afternoon of the 13th December.

The remaining scheduled dates for 2017 are:

25th October
27th December

The Council, in the past, conducted its Ordinary December meeting in conjunction with the staff Christmas function. Council staff have requested a change in venue and date for this year's function. It was felt that this may improve attendance and morale. The date and venue of the staff Christmas function is yet to be determined.

13. VERBAL UPDATE BY ACTING GENERAL MANAGER ON CURRENT AND PAST ISSUES ON WATER SUPPLY PERFORMANCE & QUALITY AT KAPOOKA ROAD

RECOMMENDED that the Council note the Acting General Manager's verbal update on current and past issues on water supply performance and quality at Kapooka

14. VERBAL UPDATE ON GENERAL MANAGER RECRUITMENT BY CLR. G. VERDON

RECOMMENDED that the Council note the Chairperson's "Verbal update on General Manager Recruitment" whilst the meeting is closed to the public as it relating to personnel matters about an individual, as prescribed by Section 10A(2)(a) of the Local Government Act 1993.

15. COUNCIL RESOLUTION SHEET

Council Resolution Sheet – Meeting held 28 June 2017				
Report Ref	Subject	Responsible Officer	Council Decision	Action Taken
Meeting held 12 December 2014				
14/190	Purchase of Land for Alternative Access to Hammond Ave	GM	That Council: 1) Purchase land for operational and access requirements in accordance with Section 187 of the Local Government Act 1993. 2) Delegate authority to the General Manager to negotiate the land purchase and sign the relevant sale documents. 3) Affix Council's Common Seal to documentation as required.	Negotiations continuing. Business Valuation completed. Additional investigations underway.
Meeting held 26 October 2016				
16/208	Replacement of Low Level Reservoir Land Matters	DoE	That Council: 1) Purchase the land on Lot 22 DP 835331 for the replacement of Low Level reservoir (10MG) at Willans Hill. The area to acquire is approximately 11,250m ² . Compensation estimated by OPTEON property group \$130,000.00 ex GST. 2) Lease the land on Lot 22 DP 835331 (adjacent to proposed acquisition area) for Low Level reservoir (10MG) replacement earthworks (for material storage) at Willans Hill. Lease on Approximate area of 9600m ² for 2 years. Lease amount per year estimated by OPTEON property group \$14,400.00 ex GST. 3) Delegate authority to the General Manager to negotiate the land purchase, lease, establishment of easements for the pipeline and access. 4) Affix Council's Common Seal to documents as required.	Proceeding with Council Resolution. Legal process ongoing. Earthworks contract let.
Meeting held 26 April 2017				
17/58	Local Government NSW – 2017 Water Management Conference	GM	That: a) Council be represented at the Local Government New South Wales 2017 Water Management Conference,	Delegates registered. Accommodation booked.

			b) Clr. Funnell to attend as Chairman's nominee (if available) as a delegate, c) Clrs. Braid and Quinn to attend., and d) the General Manager and Director of Engineering or their nominees attend as observers.	
Meeting held 28 June 2017				
17/88	Determination of Remuneration Fees for Councillors and Chairperson 2017/2018	GM	That the fees for 2017/2018 be set at: i) Councillors \$5,790, and ii) Additional fee for Chairperson \$9,510	Noted
17/89	Adoption of Revised Delivery Program 2017/2021 and Operational Plan 2017/2018	GM	That the Draft Revised Delivery Program 2017/2021 and Operational Plan 2017/2018, as exhibited, following close of public comments, be adopted as Council's Delivery Program 2017/2021 and Operational Plan for 2017/2018, subject to the following changes:- 2016/2017 2017/2018 Search /Enquiry Fee – \$603 (as for property transfer) \$75 \$80 Interest on Overdue Accounts 8.0% 7.5%	Noted
17/90	Making of Rates and Charges for 2017/2018	GM	That the rates and charges be made for 2017/2018 year, as outlined in the adopted Operational Plan 2017/2018	Noted
17/91	August 2017 Council Meeting	GM	That Council hold its August 2017 Ordinary Meeting on 16 August 2017 commencing at 9.30 am.	Fresh invitations circulated
17/92	Local Government NSW 2017 Annual Conference	GM	That: a) Council be represented the Local Government NSW 2017 Annual Conference; b) Council delegate be the Chairman and the General Manager (observer); c) Nominations be invited from any other Councillor to attend as an observer. d) Council determine motions that it believes are of concern and should be discussed at the Conference. Clrs. Braid OAM and Keenan nominated to attend the Local Government NSW 2017 Annual Conference	Accommodation booked. Registrations to be made at appropriate time.
17/94	Advocacy for Murray Darling Medical School	GM	That Riverina Water County Council support the Murray Darling Medical School as requested	Support indicated in latest Customer Newsletter.
17/95	Remuneration of Independent Members of Audit & Risk Committee	GM	That Council pay remuneration to the two independent members of the Audit and Risk Committee as follows: 1. Chairperson \$442 per meeting	Noted

			2. Committee Member \$331 per meeting	
17/96	Audit and Risk Committee Minutes	GM	That Council receive and note the minutes of the Audit and Risk Committee Meeting held 5th June 2017 and endorse the recommendations contained therein	Noted
17/97	Internal Policy 3.25 Leave	GM	That Riverina Water County Council adopt Internal Policy 3.25 Leave	Revised Policy on Intranet
17/98	Policy 1.15 Public Access to Information	GM	That Riverina Water County Council adopt Policy 1.15 - Public Access to Information	Policy on RWCC Web Page
17/99	Policy 1.20 – Privacy	GM	That Riverina Water County Council adopt Policy 1.20 – Privacy	Policy on RWCC Web Page
17/100	Policy 2.8 – Water Billing Hardship	GM	That the Policy 2.8 – Water Billing Hardship, be adopted	Policy on RWCC Web Page
17/108	Contract W221 – 1in100 Levee Review of Environmental Factors (REF)	DoE	That Council: 1) Adopt the updated REF completed by Hunter Water Australia and Nghenvironmental and, 2) Determine to proceed with the construction of 1 in 100 Levee	
17/109	Investigation into the Incorporation of GHSC Water Function into RWCC	DoE	That Council continue to investigate the option of incorporating all or part of GHSC's water operations into RWCC's operations	Investigations continuing
17/110	Provision of Financial Assistance for Holbrook Residents Affected by Asbestos Insulation	GM	that Council: <ul style="list-style-type: none"> • Not provide direct, voluntary financial assistance to homeowners affected by asbestos, where other funding programs already exists. • Confirm with GHSC its in-principle support, pending the availability of other funding options. • Council waive connection fees of \$2,532 for 14 Croft Street. • Delegate authority to General Manager to provide assistance in individual cases that aren't already covered and report back to Council. 	Noted GHSC advised Customer advised Noted
17/114	Chairperson's Minute	Chairperson	Motion congratulating Clr. Braid OAM on Queens Birthday Award and thanked her for service to the community.	Noted
17/118	Consideration of Quotations for Internal Audit Services	GM	That Riverina Water County Council accept to the quotation from CountPlus National Audits for Internal Audit Services.	CountPlus National Audits advised, others notified.

17/119	Tender W219 for the Construction of Reservoirs Pad and Access Road at Willans Hill, Wagga Wagga	DoE	That accept the Stephen Shaw tender for Tender W219 – Construction of Reservoirs Pad and Access Road at Lot 22 DP 835331 Willans Hill Wagga Wagga for \$390,000 ex GST	Earthworks contract let.
17/120	Tender W.220 for Cleaning of Facilities at Various Buildings of Riverina Water located at 91 Hammond Avenue	MP	That Council accept the Tender submission from International Cleaning Services for a price of \$72,521.67 per annum incl. GST	Contract commenced. Satisfactory performance review 31 July 2017.

QUESTION TRACKING

Meeting held 28 June 2017

Cr Funnell	Passed on his congratulations to Clr. Braid OAM on being awarded an OAM.	
Cr Koschel	Queried UGL reports, figures don't appear to add up DoE advised, Will discuss after meeting	Discussion held, UGL have rectified error.
Cr Braid OAM	Thanked for congratulations, do believe a lot of other people helped her along the way	
Cr Verdon	Reminded Councillors that Third Party Disclosure statements need to be returned ASAP. Thanked Ian Kreutzberger on his continued presence at meetings and service to the former Urana Shire Council and Riverina Water and best wishes in next election.	Councillors reminded.



Bede Spannagle
ACTING GENERAL MANAGER

DIRECTOR OF ENGINEERING'S REPORTS TO **COUNCIL MEETING**

16 August 2017

1. WORKS REPORT COVERING JUNE 2017

RECOMMENDATION That this report be received and noted.

-
- Works Report – June 2017

**DIRECTOR OF ENGINEERING'S REPORTS
TO AUGUST 2017 COUNCIL MEETING**

18th July 2017

1 WORKS REPORT COVERING JUNE 2017

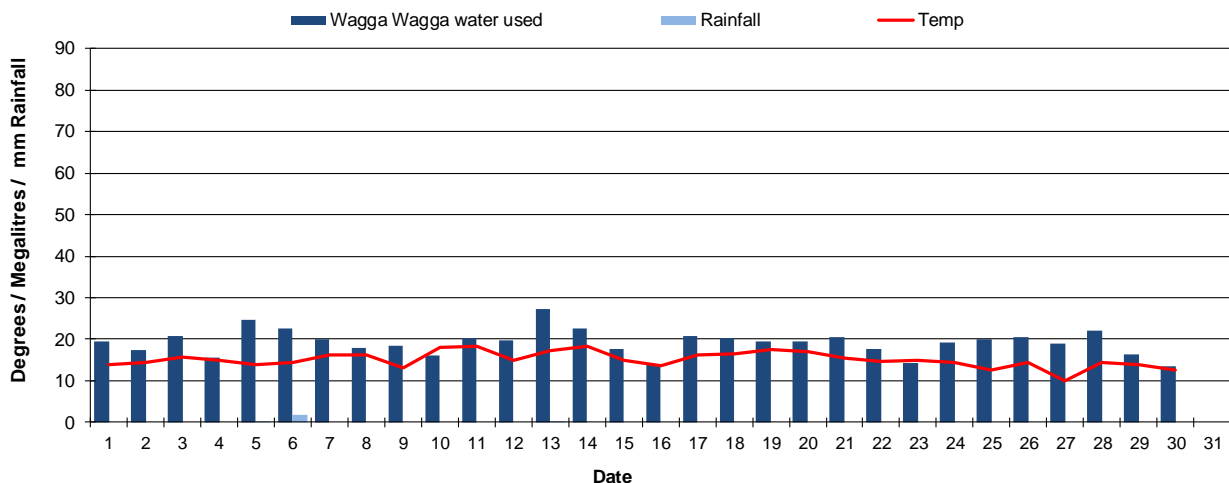
RECOMMENDATION: That this report be received and noted.

1.1 WATER SOURCED AND USED

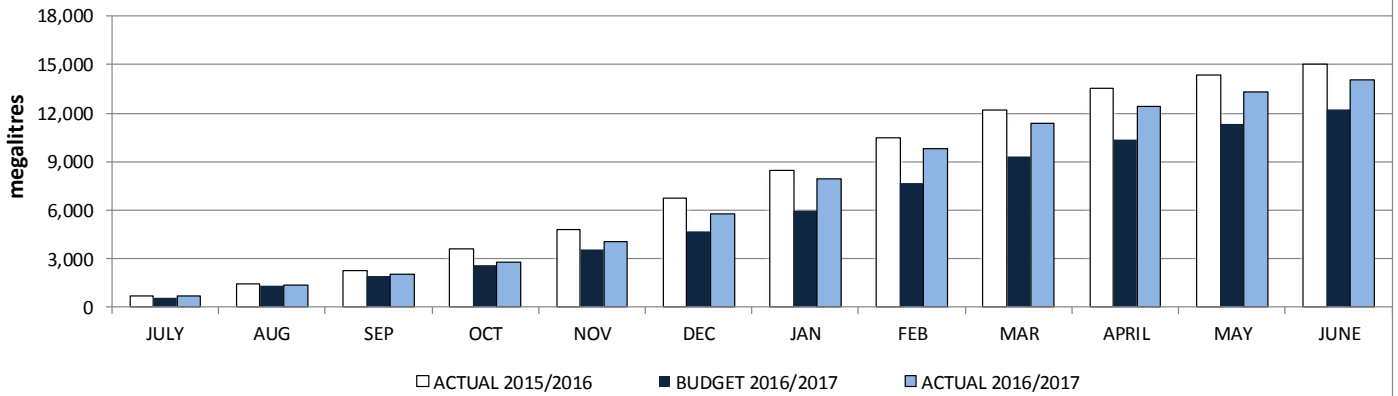
June	2015	2016	2017
Rainfall	100.0	83.4	2.2
Wet Days	8	20	3
WATER SOURCED June 2017 (MI)			
North Wagga bores	161.11	125.69	160.03
West Wagga bores	107.68	187.95	213.13
East Wagga bores	438.96	313.90	363.43
Murrumbidgee River	0.00	0.00	0.00
SUB-TOTAL	707.75	627.54	736.59
Bulgary Bores	25.52	32.60	19.11
Urana Source	0.00	0.00	0.00
Ralvona Bores	16.31	12.40	12.52
Walla Walla Bores	0.00	0.00	0.00
Goldenfields Water Supply System	2.21	6.09	2.08
SUB-TOTAL	44.04	51.09	33.71
Woomargama	0.77	1.02	1.27
Humula	0.52	0.51	0.38
Tarcutta	2.18	1.90	2.08
Oura	1.54	1.79	2.56
Walbundrie/Rand	2.26	2.20	1.87
Morundah	0.50	0.41	0.37
Collingullie	3.84	4.23	2.71
SUB-TOTAL	11.61	12.06	11.24
TOTALS	763.40	690.69	781.54

WATER USED June 2017 (MI)			
	2015	2016	2017
East Bomen	19.83	19.33	22.14
Estella	33.91	35.28	47.53
North Wagga	90.40	53.00	71.18
Wagga Wagga – Low Level	125.86	113.12	114.56
Wagga Wagga – High Level	313.13	282.58	320.52
Wagga Wagga – Bellevue Level	31.58	32.23	41.08
SUB-TOTAL	614.71	535.54	617.01
Ladysmith System	2.09	2.63	4.99
Brucedale Scheme	12.30	14.65	14.41
Currawarna Scheme	9.19	7.59	8.92
Rural south from Wagga Wagga	71.93	64.76	92.52
Rural from Walla Walla Bore	0.00	0.00	0.00
Bulgary, Lockhart and Boree Creek	13.55	24.34	6.94
From Boree Crk to Urana and Oaklands	11.95	8.84	12.56
Holbrook	16.31	12.40	12.52
SUB-TOTAL	137.32	135.21	152.86
Woomargama	0.77	1.02	1.27
Humula	0.52	0.51	0.38
Tarcutta	2.18	1.90	2.08
Oura	1.54	1.79	2.56
Walbundrie/Rand	2.26	2.20	1.87
Morundah	0.50	0.41	0.37
Collingullie	3.84	4.23	2.71
SUB-TOTAL	11.61	12.06	11.24
TOTALS	763.64	682.81	781.11

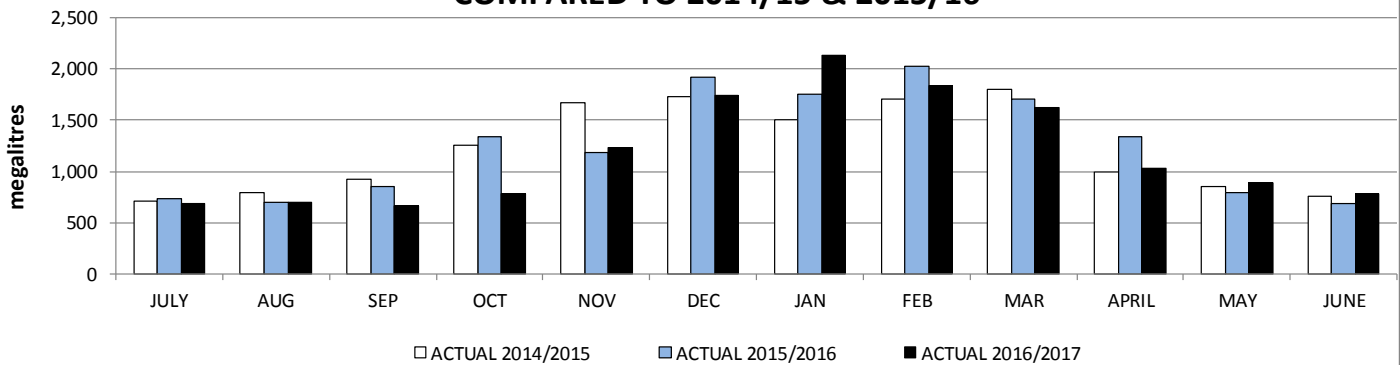
DAILY WATER USED, WAGGA WAGGA, June 2017



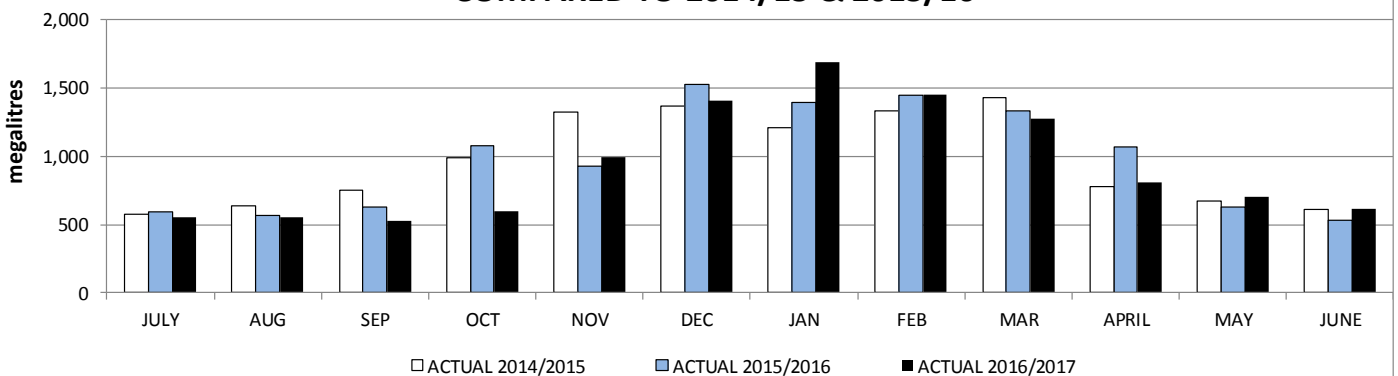
TOTAL CUMULATIVE WATER USED 2016/2017



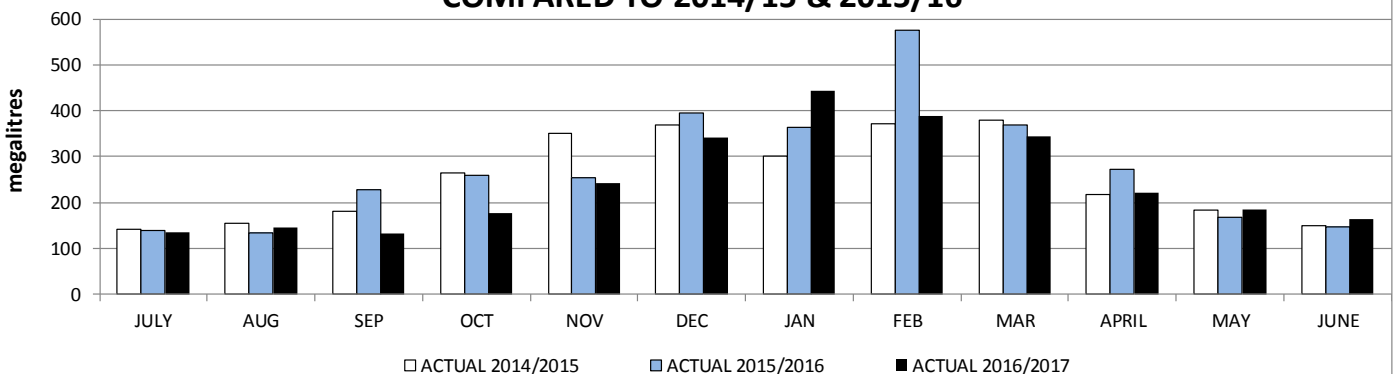
MONTHLY TOTAL WATER USED 2016/17 COMPARED TO 2014/15 & 2015/16



MONTHLY WAGGA WATER USED 2016/17 COMPARED TO 2014/15 & 2015/16



MONTHLY RURAL WATER USED 2016/17 COMPARED TO 2014/15 & 2015/16



1.2 NEW SERVICE CONNECTIONS, REPAIRS, METERS, LOCATIONS & COMPLAINTS FOR THE MONTH OF JUNE 2017

Location	New Connect., Residential	New connect., Non Residential	Services Renewed	Services Repaired	Quality Complaints	Supply Complaints *	Customer dealings complaints	Other Complaints	Frost damage	Meter or Metercock fault	Leaking valves or hydrants	Locations
Wagga	22		4	21	3	4			1	21		4
Brucedale												
Currawarna				1								
Euberta												
Humula												
Ladysmith												
Oura												
San Isidore										1		
Tarcutta										1		
The Gap				2								
Bulgary												
Collingullie				1								
French Park												
Lockhart	1				2							
Mangoplah												
Milbrulong												
Pleasant Hills						1						
The Rock				2							1	
Uranquinty				1							1	
Yerong Creek				1						1		
Culcairn			2									
Henty	1									1	1	
Holbrook			1	3						7		
Morven	1											
Walbundrie					1							
Walla Walla				1		1				1		
Woomargama												
Boree Creek				1								
Morundah												
Oaklands												
Rand												
Urana			1	1								
TOTAL	25	0	8	35	6	6	0	0	1	33	3	4

1.3 WATER SYSTEM REPAIRS

WAGGA WAGGA								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
9	East Bomen	Wagga	300 DICL	Accidental damage	No	4:00	0	0
15	Narrung Street	Wagga	100 AC	Pipe Failure (not	No	2:00	0	0
26	Becks Lane	Wagga	80 PVC	Pipe Failure (not	No	2:30	0	2
25	Main Street -	Wagga	100 AC	Pipe Failure (not	No	26:30	0	0
24	Farrer Road	Wagga	100 AC	Pipe Failure (not	No	1:00	0	0
22	16 Cochrane	Wagga	100 AC	Pipe Failure (not	No	1:30	0	0
29	Tumbarumba	Wagga	100 AC	Pipe Failure (not	No	2:00	0	0
30	5 Inglis Sreet	Wagga	100 AC	Pipe Failure -	No	5:00	0	0
26	Heath Street	Wagga	100 AC	Pipe Failure (not	No	8:00	5	20
TOTALS						52:30	5	22
				Breaks needing		Breaks affecting		
	Total Breaks –	9		shut off -	9		customers –	1
RURAL								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
1	18 Hebden St	Lockhart	100 AC	Leaking collar	No	0:40	15	0
2	Burkes creek	The Rock	32 PE	Pipe Failure -	No	1:00	0	8
6	Schniders	Walla Walla	100 AC	Pipe Failure -	Yes		0	38
15	Avalon ,	Walla Walla	80 CI	Tree Roots	No	0:30	8	0
16	Robin Hood,	Milbrulong	80 PVC	Tree Roots	Yes		0	0
21	31 Bowler st	Holbrook	100 AC	T/ Band	No	2:00	0	14
21	Schneiders Ine	Walla Walla	100 AC	Accidental damage	No	2:00	0	14
27	Schniders Ine	Walla Walla	100 AC	Tree Roots	Yes		0	23
27	35 Baker st	Uranquinty	100	Leaking SS clamp	Yes		0	3
28	Young st	Holbrook	100 AC	Pipe Failure -	Yes		0	4
TOTALS						6:10	23	104
				Breaks needing		Breaks affecting		
	Total Breaks –	10		shut off -	5		customers –	2

1.4 WATER QUALITY COMPLAINTS

Water quality complaints received during June 2017 were:

Date	Location	Problem	Action Taken
1/06/2017	Billabong St, Walbundrie	Scale & corrosion	Water all within ADWG
1/06/2017	13 Yentoo Dr, Glenfield	Sediment in water	Flushed service. All OK
2/06/2017	Harry Davis Dr, Lockhart	Dirty water	Flushed main
5/06/2017	6 Rockliffe Court, Lockhart	Dirty water	Flushed main & meter
6/06/2017	10 Allunga Pl, Wagga	Dirty water	Flushed service. All OK
19/06/2017	7 Kobi Pl, Glenfield	Dirty water	Unable to contact owner
19/06/2017	7 Ilex St, Lake Albert	Strong Cl taste & odour	All Cl within ADWG
20/06/2017	133 Fernleigh Rd, Mt Austin	Milky water	Cleared up overnight
22/06/2017	499 Holbrook-Culcairn Rd, Holbrook	Air & dirt in water	WQ called several times, no reply. Attempting to contact customer

1.5 MAINS CONSTRUCTIONS

1.5.1 MAINS EXTENSIONS AND NEW WORKS

New water mains laid during June 2017 include:

LOCATION	PROJECT	100	150		200		250
		OPVC	DICL	OPVC	DICL	OPVC	OPVC
Boorooma St5	New subdivision			174			
Pine Gully Rd	New subdivision		12		22.8	22.8	
Governors Hill	New subdivision	108				819	
RIFL	New Main						72
	TOTAL	108	12	174	22.8	819	72

1.5.2 REPLACEMENT OF EXISTING MAINS

Mains replaced during June 2017 include:

LOCATION	PROJECT	100		150	150	375	
		OPVC	DICL	OPVC	DICL	OPVC	DICL
Ferneigh Rd	Mains realignment						35
Lake Albert	Angel Street	63					
The Rock	Mixner Street			414	23		
	TOTAL	63	0	414	23	0	35

1.6 OTHER CONSTRUCTION

LOCATION OR PROJECT	WORK DONE
West Wagga Shires Pump	Purchased 315kW motor and 3-stage pump to be installed in 2017/18
Bomen Reservoir Communication Facility	Communications hut installed onsite and commenced upgrading electrical submains to the facility
	Communications hardware purchased
Galore Hill Digital Repeater upgrade	Obtaining engineering assessment and NSW Police approval to install communications equipment
	Communications hardware purchased

1.7 MAJOR REPAIRS / OVERHAULS

Major repairs/overhauls during June 2017 include:

LOCATION OR PROJECT	WORK DONE
North Wagga WTP	Highlift #2 overhauled & recommissioned
Bulgary WTP	Silica dosing pump overhauled & recommissioned
10Mill Reservoir	Shires pump overhauled & recommissioned
10Mill Reservoir	Highlift #3 overhauled & recommissioned
East Wagga Aeration	Drained & cleaned
Collingullie WTP	Filters drained & media washed, recommissioned
Collingullie WTP	CWS & Aeration tanks drained and cleaned

1.8 WATER FILLING STATION ACTIVITY

Water Filling Station activity during June 2017 include:'

LOCATION	NUMBER OF FILLS
Bomen	132
Estella	62
Forest Hill	32
Glenfield	78
Henty	5
Holbrook	8
Lake Albert	31
Lockhart	24
Pleasant Hills	9
The Rock	17
Yerong Creek	1

1.9 STAFF TRAINING & SAFETY

The following training and/or safety activities were undertaken during June 2017:

Training or Programme	Number of Staff
C6 Crane	2
1st Aid Refresher	5

1.10 FLEET DISPOSALS

No fleet disposals made during June 2017.

1.11 FLEET ACQUISITIONS

No fleet acquisitions made during June 2017.



Bede Spannagle
DIRECTOR OF ENGINEERING

2. WORKS REPORT COVERING JULY 2017

RECOMMENDATION That this report be received and noted.

- Works Report – July 2017

DIRECTOR OF ENGINEERING'S REPORTS TO AUGUST 2017 COUNCIL MEETING

9th August 2017

1 WORKS REPORT COVERING JULY 2017

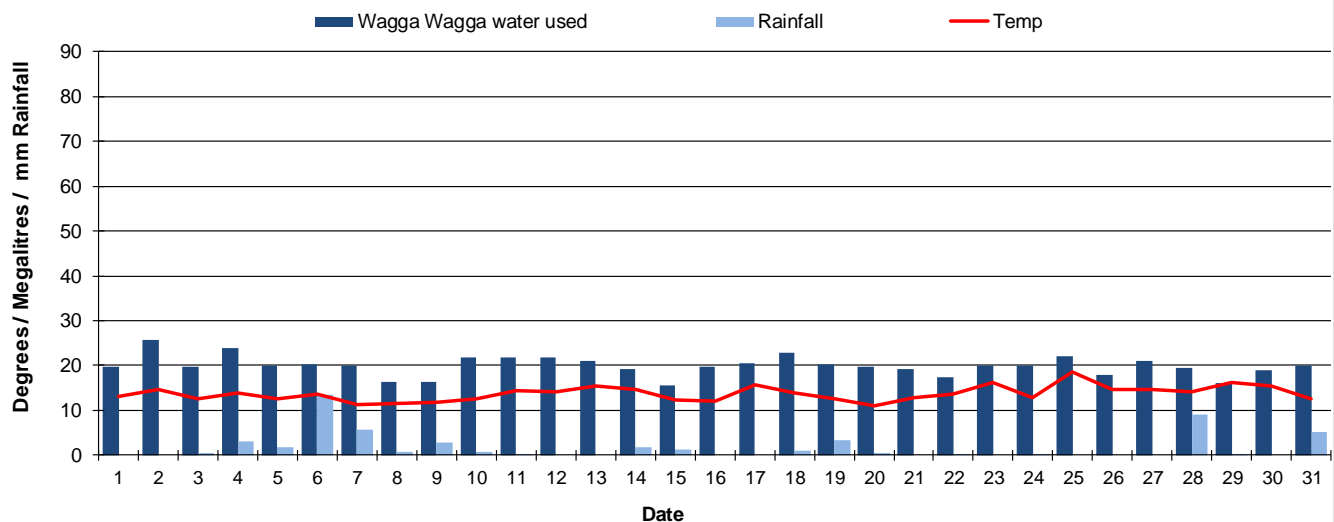
RECOMMENDATION: That this report be received and noted.

1.1 WATER SOURCED AND USED

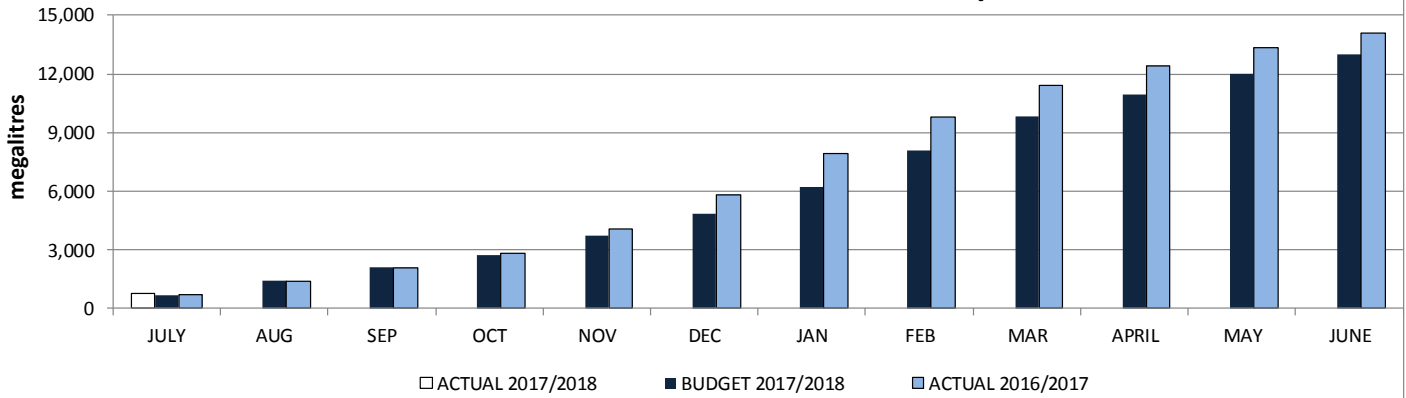
July	2015	2016	2017
Rainfall	100.0	83.4	52.2
Wet Days	8	20	19
WATER SOURCED July 2017 (MI)			
North Wagga bores	161.11	125.69	152.58
West Wagga bores	107.68	187.95	200.81
East Wagga bores	438.96	313.90	354.27
Murrumbidgee River	0.00	0.00	0.00
SUB-TOTAL	707.75	627.54	707.66
Bulgary Bores	25.52	32.60	21.04
Urana Source	0.00	0.00	0.00
Ralvona Bores	16.31	12.40	11.74
Walla Walla Bores	0.00	0.00	0.00
Goldenfields Water Supply System	2.21	6.09	2.52
SUB-TOTAL	44.04	51.09	35.30
Woomargama	0.77	1.02	0.90
Humula	0.52	0.51	0.48
Tarcutta	2.18	1.90	2.49
Oura	1.54	1.79	1.87
Walbundrie/Rand	2.26	2.20	1.83
Morundah	0.50	0.41	0.34
Collingullie	3.84	4.23	2.87
SUB-TOTAL	11.61	12.06	10.78
TOTALS	763.40	690.69	753.74

WATER USED July 2017 (MI)			
	2015	2016	2017
East Bomen	19.83	19.33	21.79
Estella	33.91	35.28	45.04
North Wagga	90.40	53.00	69.00
Wagga Wagga – Low Level	125.86	113.12	115.59
Wagga Wagga – High Level	313.13	282.58	309.84
Wagga Wagga – Bellevue Level	31.58	32.23	40.83
SUB-TOTAL	614.71	535.54	602.09
Ladysmith System	2.09	2.63	3.65
Brucedale Scheme	12.30	14.65	13.58
Currawarna Scheme	9.19	7.59	7.67
Rural south from Wagga Wagga	71.93	64.76	92.52
Rural from Walla Walla Bore	0.00	0.00	0.00
Bulgary, Lockhart and Boree Creek	13.55	24.34	7.57
From Boree Crk to Urana and Oaklands	11.95	8.84	13.92
Holbrook	16.31	12.40	11.74
SUB-TOTAL	137.32	135.21	150.65
Woomargama	0.77	1.02	0.90
Humula	0.52	0.51	0.48
Tarcutta	2.18	1.90	2.49
Oura	1.54	1.79	1.87
Walbundrie/Rand	2.26	2.20	1.83
Morundah	0.50	0.41	0.34
Collingullie	3.84	4.23	2.87
SUB-TOTAL	11.61	12.06	10.78
TOTALS	763.64	682.81	763.52

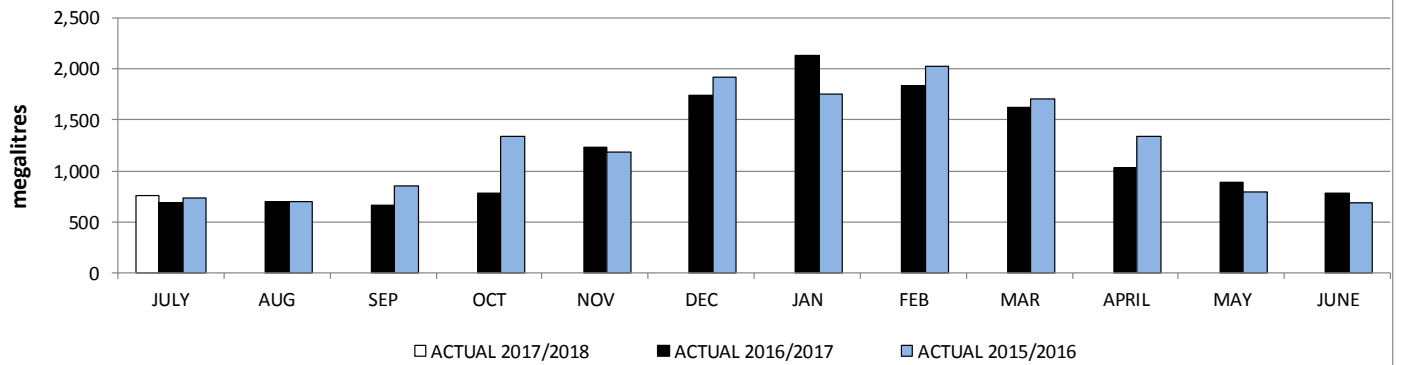
DAILY WATER USED, WAGGA WAGGA, July 2017



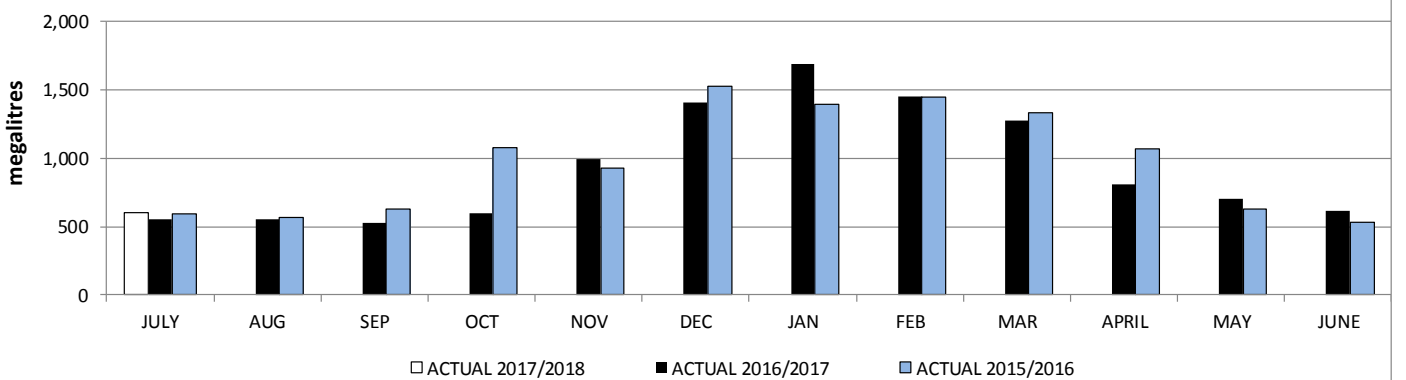
TOTAL CUMULATIVE WATER USED 2017/2018



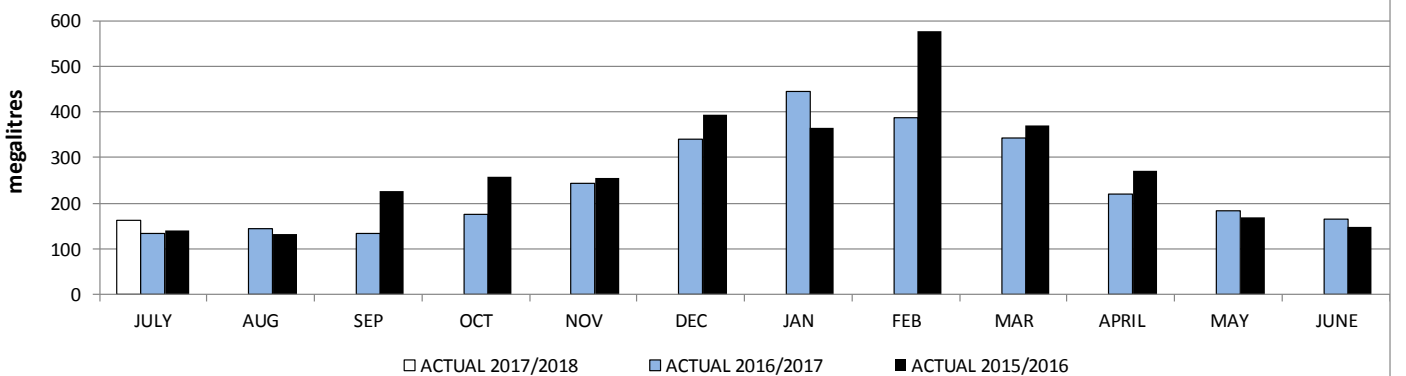
MONTHLY TOTAL WATER USED COMPARED TO PREVIOUS YEARS



MONTHLY WAGGA WATER USED COMPARED TO PREVIOUS YEARS



MONTHLY RURAL WATER USED COMPARED TO PREVIOUS YEARS



1.2 NEW SERVICE CONNECTIONS, REPAIRS, METERS, LOCATIONS & COMPLAINTS FOR THE MONTH OF JULY 2017

Location	New Connect., Residential	New connect., Non Residential	Services Renewed	Services Repaired	Quality Complaints	Supply Complaints *	Customer dealings complaints	Other Complaints	Frost damage	Meter or Metercock fault	Leaking valves or hydrants	Locations
Wagga	18	2	2	34	4	8			43	52	7	3
Brucedale				1							1	
Currawarna												
Euberta												
Humula												
Ladysmith				1		1			2	3		1
Oura												
San Isidore						1			1			
Tarcutta				2						2		
The Gap				1					1			
Bulgary												
Collingullie												
French Park												
Lockhart									9	3		
Mangoplah									1			
Milbrulong												1
Pleasant Hills		1		1								
The Rock		1		4		1			7	2		
Uranquinty			1	1	1				4	6		
Yerong Creek												
Culcairn				1								
Henty	2		1			2			5	1	1	1
Holbrook			1						16	2		
Morven									1			
Walbundrie												
Walla Walla									2	1		
Woomargama									1			
Boree Creek									2			
Morundah												
Oaklands												
Rand												
Urana	1								1			
TOTAL	21	4	5	46	5	13	0	0	96	72	9	6

1.3 WATER SYSTEM REPAIRS

WAGGA WAGGA								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
5	4 Mcdonough Avenue	Wagga	150 AC	Pipe Failure (not	No	3:00	0	10
14	82 Jasmine Crescent	Wagga	100 AC	Pipe Failure (not	No	3:00	0	5
24	130 Ashmont Avenue	Wagga	375 DICL	Pipe Failure (not	No	6:30	0	30
TOTALS						12:30	0	45
Total Breaks – 3				Breaks needing shut off -	3	Breaks affecting customers – 0		

RURAL								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
14	Napier st	Lockhart	150 CI	Pipe Failure -	No	3:30	0	48
24	5 Lyne st	Henty	150 AC	Pipe Failure -	No	4:00	20	56
31	Boree Creek Urana Rd	Boree Creek	200	Tree Roots	No	6:00	4	0
TOTALS						13:30	24	104
Total Breaks – 3				Breaks needing shut off -	3	Breaks affecting customers – 2		

1.4 WATER QUALITY COMPLAINTS

Water quality complaints received during August 2017 were:

Date	Location	Problem	Action Taken
3/07/2017	11 Wellington Ave, Tolland	Dirty water	Flushed main
3/07/2017	4 Brunskill Rd, Lake Albert	Dirty water	
7/07/2017	2 Lilli Pilli Pl, Springvale	Dirty water	WQ called. Water cleared up
24/07/2017	4 Highfield Pl, Wagga	Dirty water	Flushed hydrant
24/07/2017	42 Andrews Ave, Koorringal	Dirty water	Flushed hydrant
24/07/2017	Henwood Dr, Koorringal	Dirty water	Flushed hydrant
24/07/2017	8 Panorama Rd, Koorringal	Dirty water	Flushed hydrant
24/07/2017	74 Bellevue Ave, Mt Austin	Dirty water	Flushed hydrant
28/07/2017	26 Guttler St, Uranquinty	Dirty water	Flushed mains. Dirty reservoir

1.5 MAINS CONSTRUCTIONS

1.5.1 MAINS EXTENSIONS AND NEW WORKS

New water mains laid during July 2017 include:

LOCATION	PROJECT	100	150		200		450
		OPVC	DICL	OPVC	DICL	OPVC	OPVC
Governors Hill	New Subdivision			42		166	
Boorooma Stage 5	New Subdivision	96					
Dunns Road	PipeFor New Res						165
TOTAL		96		42		166	165

1.5.2 REPLACEMENT OF EXISTING MAINS

Mains replaced during July 2017 include:

LOCATION	PROJECT	100		150	150	375	
		OPVC	DICL	OPVC	DICL	OPVC	DICL
RIFL	Mains Replacement						156
The Rock	Mains Replacement			54			
Main Street	Mains Replacement	302					
	TOTAL	302		54			156

1.6 OTHER CONSTRUCTION

Other construction works during July 2017 include:

LOCATION OR PROJECT	WORK DONE
Bardia St	100mm Fire Service
Peter St	100mm Fire Service
Woomargama	Install 2 magflow meters

1.7 MAJOR REPAIRS / OVERHAULS

Major repairs/overhauls during July 2017 include:

LOCATION OR PROJECT	WORK DONE
Morundah WTP	Replace filter media x 2
Morundah WTP	Replace filter pipework
Wheel of Fortune Road	Replace pressure reducing valve
Tarcutta WTP	Remove and clean iron filter media, underdrain and recommission

1.8 WATER FILLING STATION ACTIVITY

Water Filling Station activity during July 2017 include:

LOCATION	NUMBER OF FILLS
Bomen Hereford	41
Estella Rd	19
Forest Hill Elizabeth Avenue	7
Glenfield Red Hill Rd	19
Henty Olympic Way	0
Holbrook Millswood Rd	4
Lake Albert Plumpton Rd	15
Lockhart Napier Rd	6
Pleasant Hills Manson St	0
The Rock	6
Yerong Creek Finlayson St	2

1.9 STAFF TRAINING & SAFETY

The following training and/or safety activities were undertaken during July 2017:

Training or Programme	Number of Staff
Workcover Licence - C6	1
Ad Dip - Procurement	1
WT-Chemical Dosing	2
1st Aid Refresher	2

1.10 FLEET DISPOSALS

Fleet disposals made during July 2017 are:

Vehicle Details					
Vehicle No	Description	Vehicle Type	Make & Model	Year	kms
342	The Rock	Extra cab with tray	ISUZU D-MAX	2015	
291	Carpenters	Extra cab with tray	Nissan Narvara D40	2012	
319	Fitters	Extra cab with tray	ISUZU D-MAX	2013	
312	Plumbing	Dual cab ute, hard co	PX Ford Ranger	2013	
204	Carpenters	Extra cab with tray	Ranger Supercab 3ltd	2007	

1.11 FLEET ACQUISITIONS

Fleet acquisitions made during July 2017 are:

New Vehicle Details					
Vehicle No	Tenders Received	Accepted Tenderer	Vehicle Type	Make & Model	Price exc GST
375	8	Lieschke Motors	Extra cab with tray	Holden Colorado	\$30,248
376	8	Lieschke Motors	Extra cab with tray	Holden Colorado	\$30,248
377	8	Lieschke Motors	Extra cab with tray	Holden Colorado	\$30,248
378	7	Lieschke Motors	Dual cab ute, hard cover	Holden Colorado	\$33,279
379	9	Lieschke Motors	Extra cab ute with canopy	Holden Colorado	\$36,897

1.12 MAJOR CAPITAL PROJECTS PROGRESS

Water Main construction

July saw the continuation of water supply infrastructure to the Governor's Hill, Pine Gully and Booroma subdivisions. A total of 1230m was installed. Work also continued on the RIFL development for WWCC with 72m of 250mm pipe being laid. There is one section of main left to be completed for all water supply works to be finished. A crew has been renewing the main in Main Street, Lake Albert. They will move on to Inglis Street when finished. Works associated with the Southern Trunk Main and the new Shires reservoir, including underboring the highway and railway line was undertaken this month. Work will continue on the Southern Trunk main next month.

	- On track
	- Behind Schedule
	- Unlikely this Financial Year

MAJOR PROJECTS 2017/18 (> Over \$100,000) - July 2017

Description	2017/18 Budget	Actual & Committed to Date	Comments
MANAGEMENT			
Land & Buildings for Admin, Depot & Workshops			
Access, Parking and Landscaping			
Levee protection stage 2 Hammond Ave - Urban	\$1,597,658	\$101,347	Linked to WTP construction, so delayed. Tenders for construction expected to be advertised in October.
PLANT & EQUIPMENT			
IT Equipment			
Corporate IT software upgrade/improvements - Urban	\$162,500	\$37,523	Annual IT asset replacement program in progress
Working Plant & Vehicle Purchases			
Routine plant & vehicle replacements	\$739,000	\$163,697	
Telemetry & Control Systems Upgrade			
West Wagga WTP & Bores Control System Upgrade	\$106,965	\$107,322	Contract let, committed not complete.
Radio Telemetry SCADA Upgrade	\$168,648	\$3,648	
Radio Communications Upgrade/Replacements/Improvements			
Radio Communication	\$388,225	\$43,332	
SOURCES			
Bores-renew/refurbish/decommission			
Humula well replacement	\$180,000	\$0	
Bores-renew/refurbish/decommission - Urban	\$61,504	\$61,478	Contract let, committed not complete

TREATMENT PLANTS			
Aeration Tower Covers			
East Wagga Aeration Basin cover - Urban	\$160,000	\$0	Project deferred until WTP complete and site handed back to RWCC
Treatment Plant Refurbishments			
WTP Stage 1 - Urban	\$9,929,062	\$3,358,875	Commissioning anticipated in November 2017.
Urana WTP replacement - Non-Urban	\$1,500,000	\$65	Design commenced.
RESERVOIRS			
New/Replacement Reservoirs			
Shires Reservoir Relocation - Non-Urban	\$2,560,333	\$101,872	Contract awarded and design commenced.
MAINS, SERVICES & METERS			
MAINS			
System Improvements			
System Improvements - Urban	\$150,000	\$268	
System Improvements - Non Urban	\$20,000	\$6,930	
Reticulation for Developers (including other extensions)			
Reticulation for Developers - Urban	\$800,000	\$51,755	
Renew Reticulation Mains			
Renew Reticulation Mains - Non-Urban	\$60,000	\$0	
Renew Reticulation Mains - Urban	\$400,000	-\$49,017	
Lake Albert Rd Replacement	\$0	\$2,163	Completed
The Gap / Brucedale System - Non-Urban	\$100,000	\$0	
Main St, Lake Albert - Urban	\$100,000	\$79,758	In progress
McDonnell St, Collingullie	\$60,000	\$0	

Renew Trunk Mains			
Bomen Trunk Main B (north of river) - Urban	\$0	\$239	Completed
Southern Trunk - Highway to New Reservoir 1.8km 450mm DI CL	\$400,000	\$98,625	In progress
The Rock-Milbrulong BT trunk main replacement	\$1,000,000	\$0	Project pre-planning and procurement commenced.
Low & high Rising Mains from CWS	\$2,911	\$3,065	
SERVICES			
Service Connections, new including Meters			
Service Connections, new - Urban	\$500,000	\$43,087	
Renew Services			
Renew Services - Urban	\$100,000	\$564	
METERS			
Water Meters Replacement			
Water meters replacement - Urban	\$150,000	\$9,923	
Remote Metering			
Remote metering - Urban	\$250,000	\$0	Project under review



Bede Spannagle
DIRECTOR OF ENGINEERING

3. ANNUAL REPORT STATISTICS FOR 2016/2017

RECOMMENDATION: That the Director of Engineering's Report covering 2016/2017 annual statistics be accepted and the contents noted.

- Annual Statistics for 2016/2017

DIRECTOR OF ENGINEERING'S REPORTS TO COUNCIL MEETING AUGUST 2017

9th August 2017

3. ANNUAL REPORT STATISTICS FOR 2016/2017

RECOMMENDATION: That the Director of Engineering's Report covering 2016/2017 annual statistics be accepted and the contents noted.

Statistics and activities of Riverina Water County Council have been compiled in the following report for Councillors and staff information and reference:

3.1. Annual water sourced and water used for the last four years is summarised in Tables 3.1.1 & 3.1.2

Table 3.1.1 - Water Sourced:

	2012/13	2013/14	2014/15	2015/16	2016/17
Rainfall (mm)	427	454	452.8	652.2	595.8
Wet Days	97	125	108.0	121.0	114.0
	Megalitres	Megalitres	Megalitres	Megalitres	Megalitre,s
North Wagga bores	2389	2495	2,512	2,489	2,434
West Wagga bores	5410	4550	4,956	4,637	5,003
East Wagga bores	3397	4027	3,930	4,607	4,202
Murrumbidgee River	2524	2400	2,121	2,200	1,390
TOTAL WAGGA SOURCES	13721	13472	13519	13933	13,030
Bulgary bores	494	470	496	512	412
Urana Source	45	43	52	38	34
Ralvona bores	285	300	301	260	245
Walla Walla bores	146	185	183	162	169
Goldenfields Water Supply System	34	56	32	53	65
TOTAL RURAL SOURCES	1005	1053	1064	1026	924
Woomargama	17	19	16	19	17
Humula	10	10	9	9	7
Tarcutta	41	48	45	42	42
Oura	48	39	34	41	41
Walbundrie (Rand)	34	36	40	38	32
Morundah	10	8	10	11	11
Collingullie	68	66	73	63	58
TOTAL INDEPENDENT SOURCES	227	225	228	224	208
GRAND TOTALS	14953	14750	14811	15183	14,162
PROPORTION FROM SURFACE	17.3%	16.7%	14.8%	14.9%	
PROPORTION FROM GROUNDWATER (BORES)	82.7%	83.3%	85.2%	85.1%	89.9%

2016 / 2017 WATER SOURCED

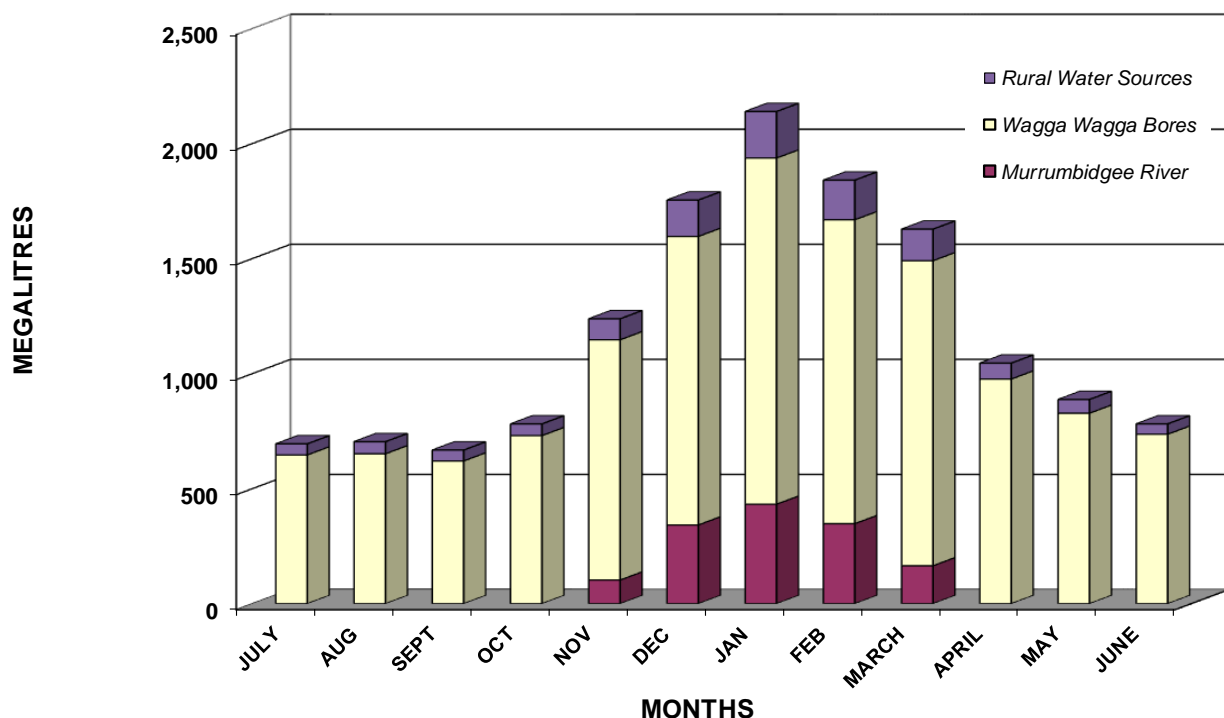
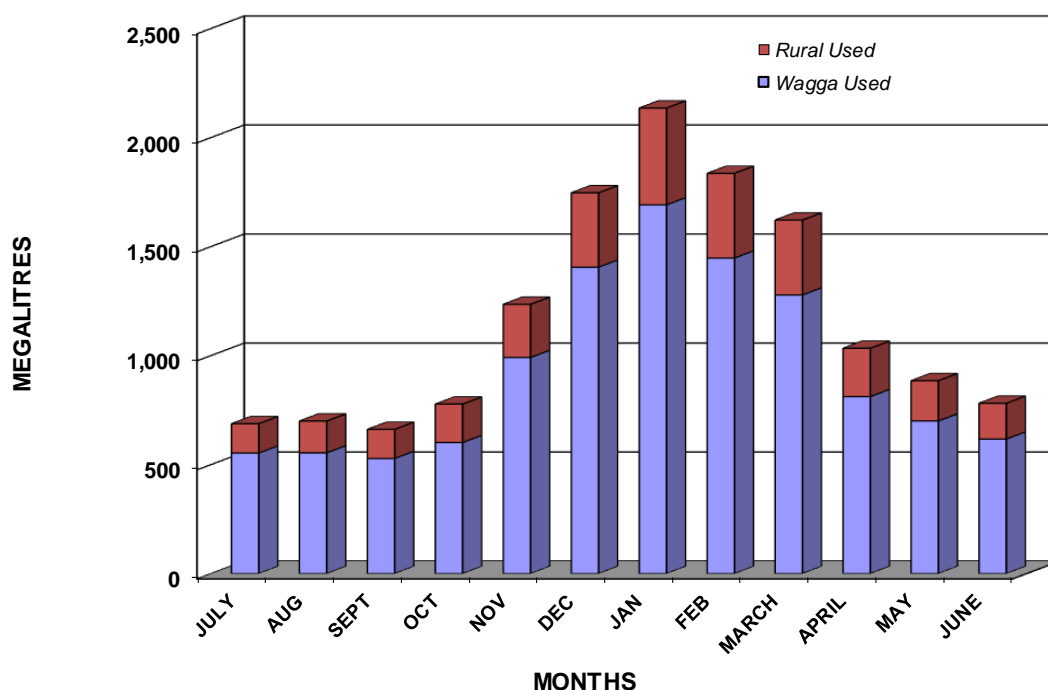


Table 3.1.2 – Water Treated:

	MEGALITRES USED				
	2012/13	2013/14	2014/15	2015/16	2016/17
East Bomen	260	285	291	288	338.83
Estella	720	736	729	838	880.51
North Wagga	1,023	990	1,150	1,012	847.39
Wagga Wagga - Low Level	2,161	1,960	2,004	1,985	1,846.03
Wagga Wagga - High Level	6,934	6,474	6,628	6,756	6,429.41
Wagga Wagga - Bellevue Level	868	782	869	844	834.91
SUB-TOTAL	11,967	11,226	11,672	11,723	11,177.08
Ladysmith	63	67	62	60	57.89
Brucedale	250	243	246	268	302.46
Currawarna	166	162	152	164	161.58
Rural south from Wagga Wagga	1,337	1,151	1,368	1,415	1,323.82
Rural from Walla Walla Bore	146	185	183	162	169.05
Milbrulong, Lockhart and Boree Creek	264	267	322	319	232.19
Urana and Oaklands	249	218	231	239	220.71
Holbrook	285	283	301	260	244.54
SUB-TOTAL	2,762	2,576	2,865	2,888	2,712.24
Woomargama	17	17	16	19	17.21
Humula	10	9	9	9	6.92
Tarcutta	41	45	45	42	42.16
Oura	48	37	34	41	40.80
Walbundrie	34	33	40	38	32.39
Morundah	10	8	10	11	10.86
Collingullie	68	64	72	63	57.69
SUB-TOTAL	227	214	227	224	208.03
TOTAL	14,956	14,016	14,765	14,835	14,097.35
AVERAGE RESIDENTIAL CONSUMPTION					
Urban (Wagga Wagga)	337	311	308	310	310
Non-Urban (Townships and Rural)	406	390	384	436	436

2016 / 2017 WATER USED

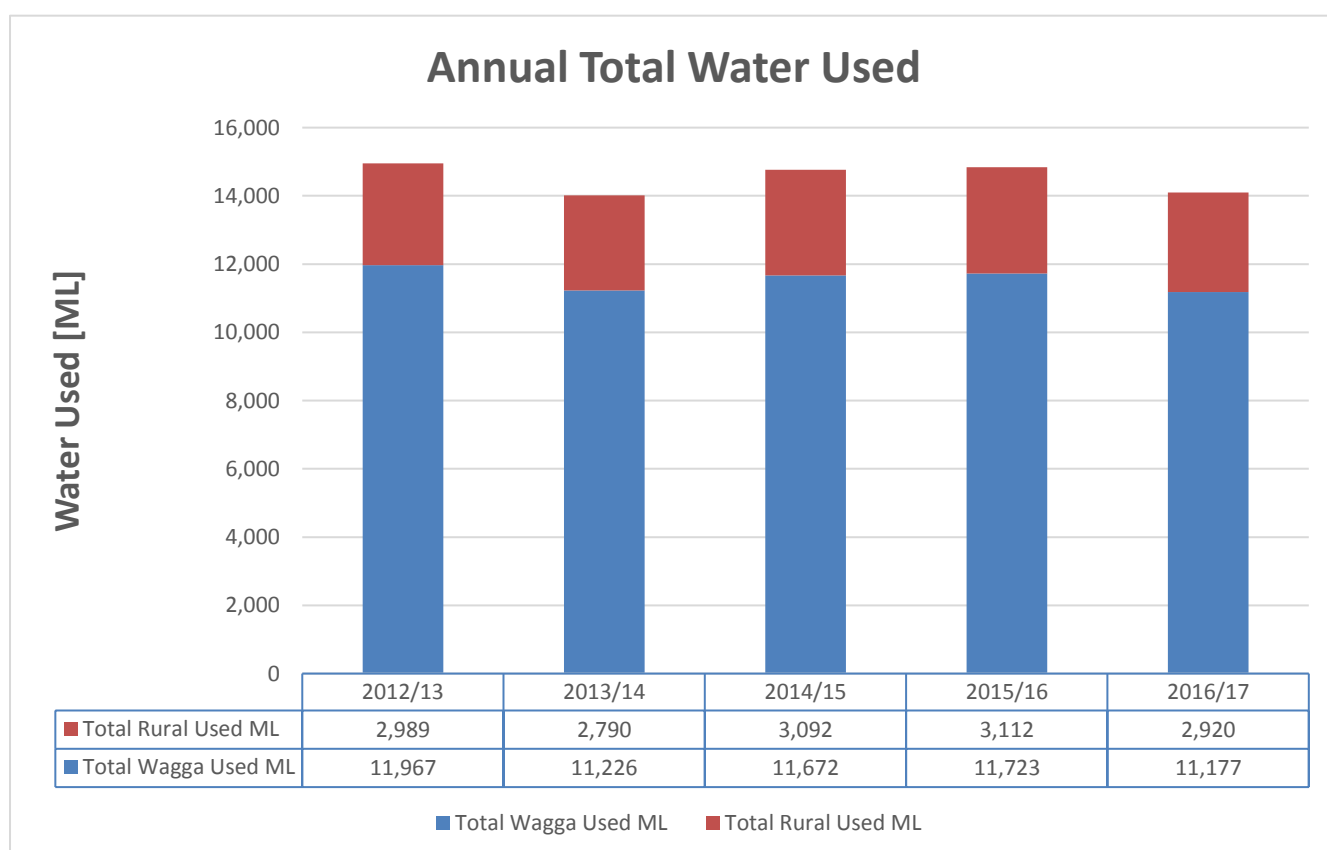


The full year's total treated water production of 14,097 ML is a decrease of 5% from 2015/16.

Total monthly treated water production peaked at 2,135 ML in January 2017 compared to a high the previous year of 2,027 ML in February 2016. The maximum Wagga Wagga peak 24-hour demand was 78 ML (recorded on 10th February 2017) compared to 81.8 ML (recorded on 24th February 2016).

The 2016/17 rainfall was 631.8mm (over 114 wet days), compared to 2015/16 rainfall of 652mm (over 121 wet days). Note: the long term average annual rainfall in Wagga Wagga is 572.6mm (derived from historical BoM data).

Graph – Historical Water Used Comparison for Wagga & Rural Systems

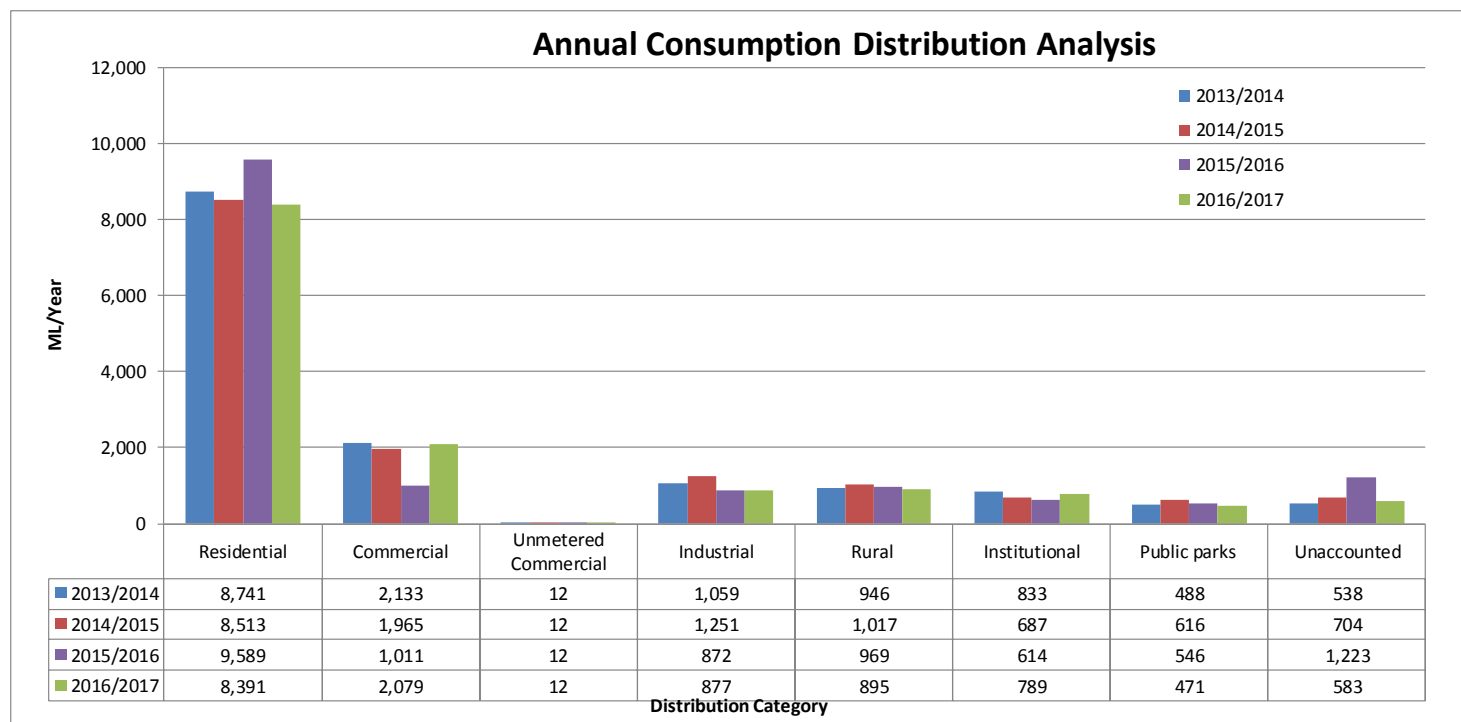


Distribution

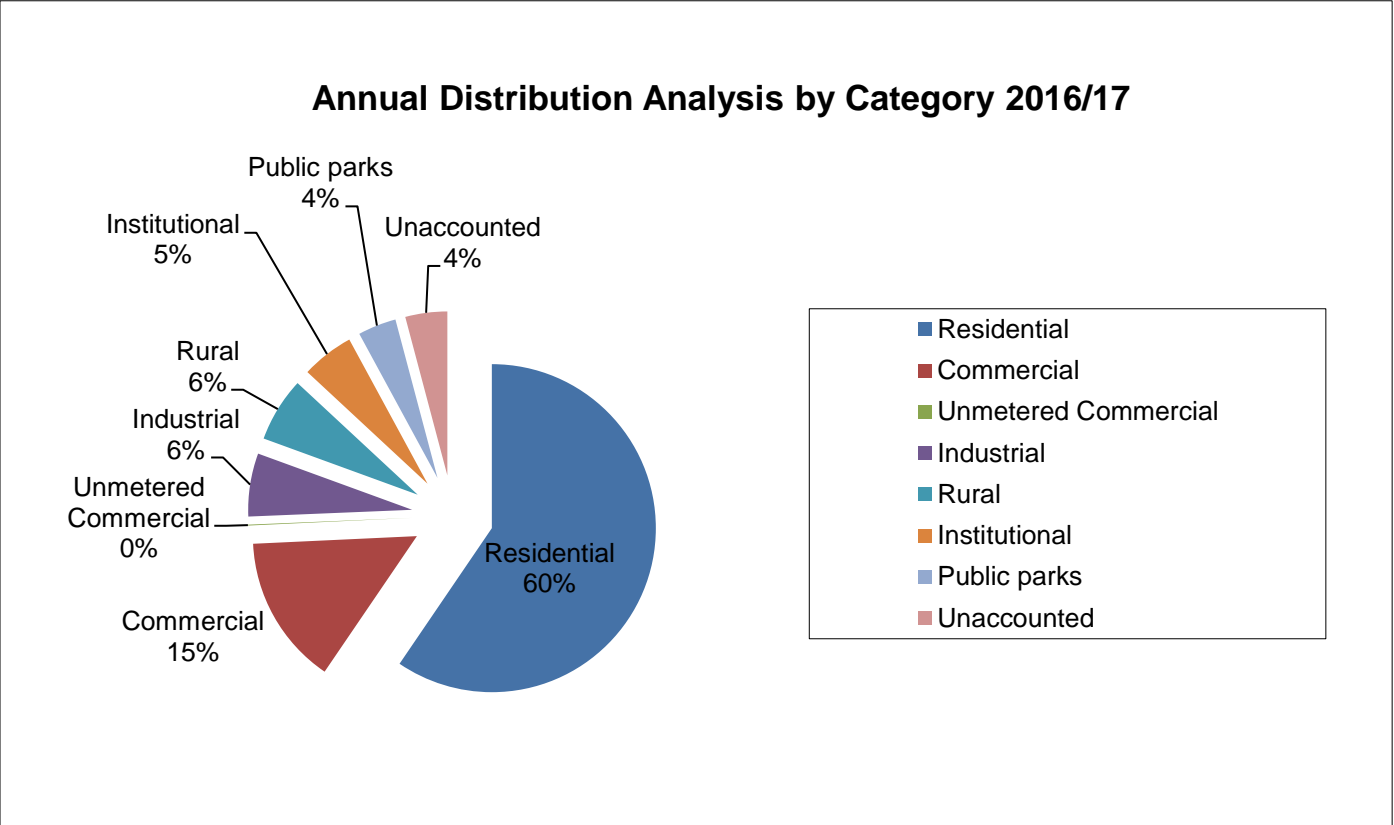
Table 3.2.1 – Annual Distribution Analysis

	2015/2016		2016/2017		% change from previous year
	Consumption	Percentage	Consumption	Percentage	
	(MI)		(MI)		
Residential	9,589	64.8%	8,390	59.5%	-5.3
Commercial	1,011	6.7%	2,078	14.7%	8.0
Commercial Unmetered	12	0.08%	12	0.1%	0.0
Industrial	872	5.8%	877	6.2%	0.4
Rural	969	6.5%	895	6.3%	-0.2
Institutional	614	4.1%	729	5.2%	1.1
Public parks	546	3.7%	533	3.8%	0.1
Unaccounted (Including flushing, firefighting, unmetered use)	1,223	8.3%	583	4.1%	-4.2
	14,835	100.00%	14,097	100.0%	

Graph – Annual Consumption Distribution Analysis



Graph – Annual Distribution Analysis by Category 2016/17



New Customers

New consumers were connected at the various centres listed below:

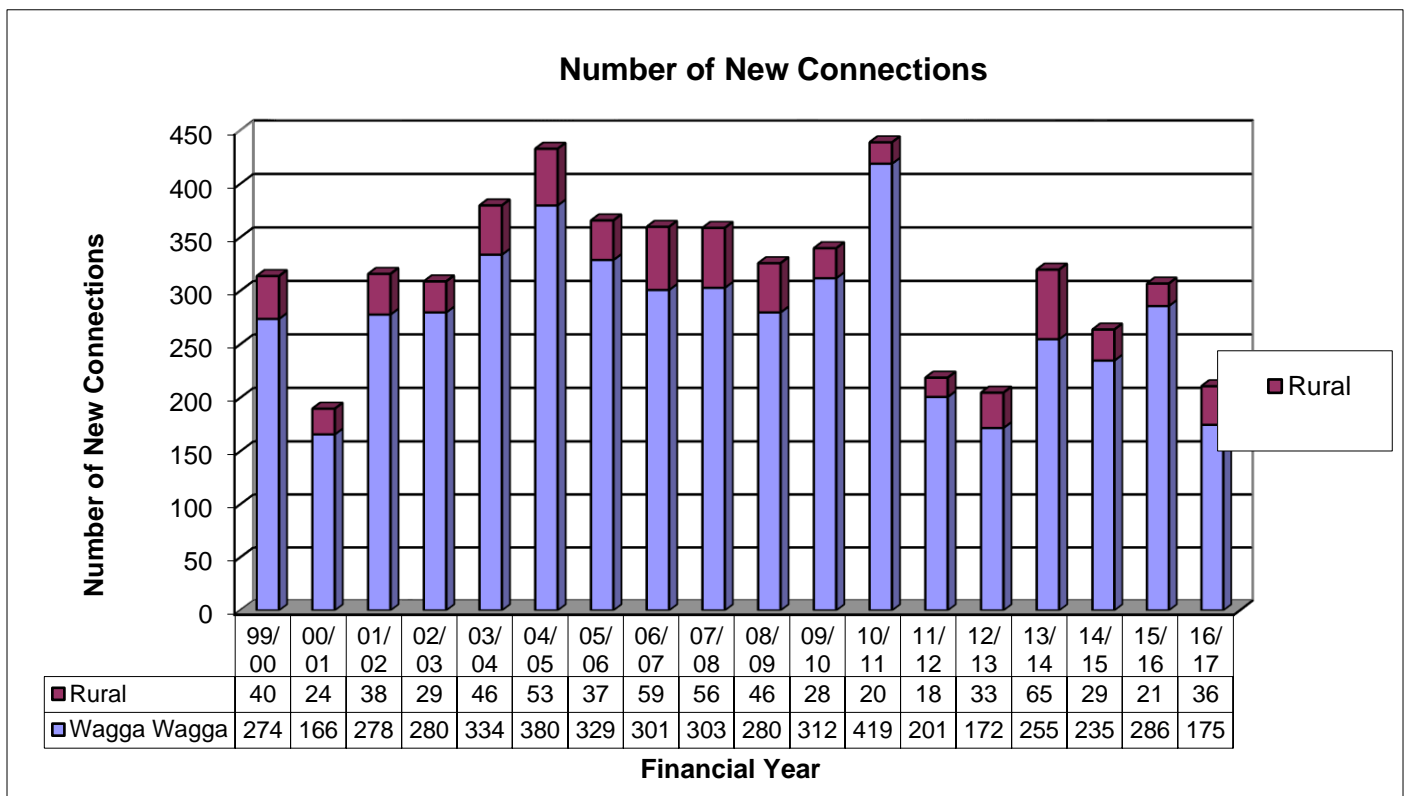
Table 3.2.2 – New Customers

LOCATION	NUMBER CONNECTED					
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Bidgeemia						
Boree Creek						
Brucedale - The Gap	1	1		1		
Bulgary			1			
Collingullie			1			2
Coorabin						
Culcairn						
Currawarna	2	1		1		
French Park						
Forest Hill			24			
Henty	1	3	4		3	5
Holbrook		8	5	2	3	2
Humula						
Ladysmith			2	1		2
Lockhart	6	7	6	4	6	5
Mangoplah		1			1	
Milbrulong						
Morundah					1	
Morven		1	2	2	1	2
Oaklands			3			2
Oura	2	1		2		1
Pleasant Hills		2	1	1		2
Rand						
San Isidore						
Tarcutta				1		
The Rock	1		4	1		2
Urana			1			
Uranquinty	3	2	8	4	5	7
Wagga Wagga	201	172	255	235	286	175
Walbundrie		1				1
Walla Walla	1	3	2	3		1
Woomargama			1	4	1	1
Yerong Creek	1	2		2		1
TOTALS	219	205	320	264	307	211

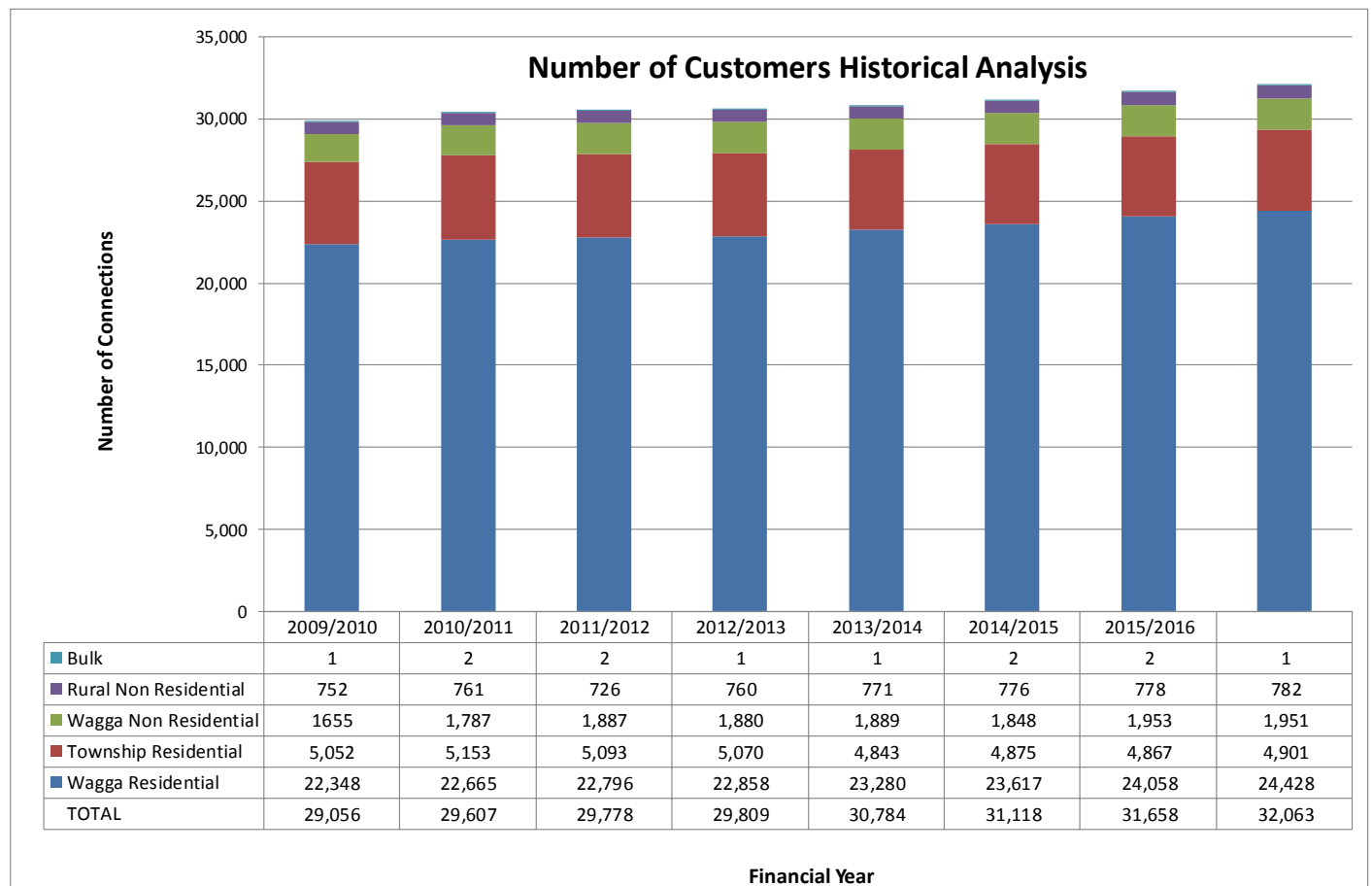
Total customers at 30th June 2017: 32,063

The data shows a minor increase of our township residential connections during 2016/17 and an overall growth in total customers across all areas of 1.3% for the year. The long term growth rate has averaged 1.3% per annum over the past 8 years, so 2016/17 was right on average growth.

Graph – Number of New Connections 1999/2000 to 2016/2017



Graph – Number of Customers Historical Analysis



3.2. Plant & Motor Vehicles

Table 3.3.1 - Total distances travelled covered by Council's fleet over the past 6 years:

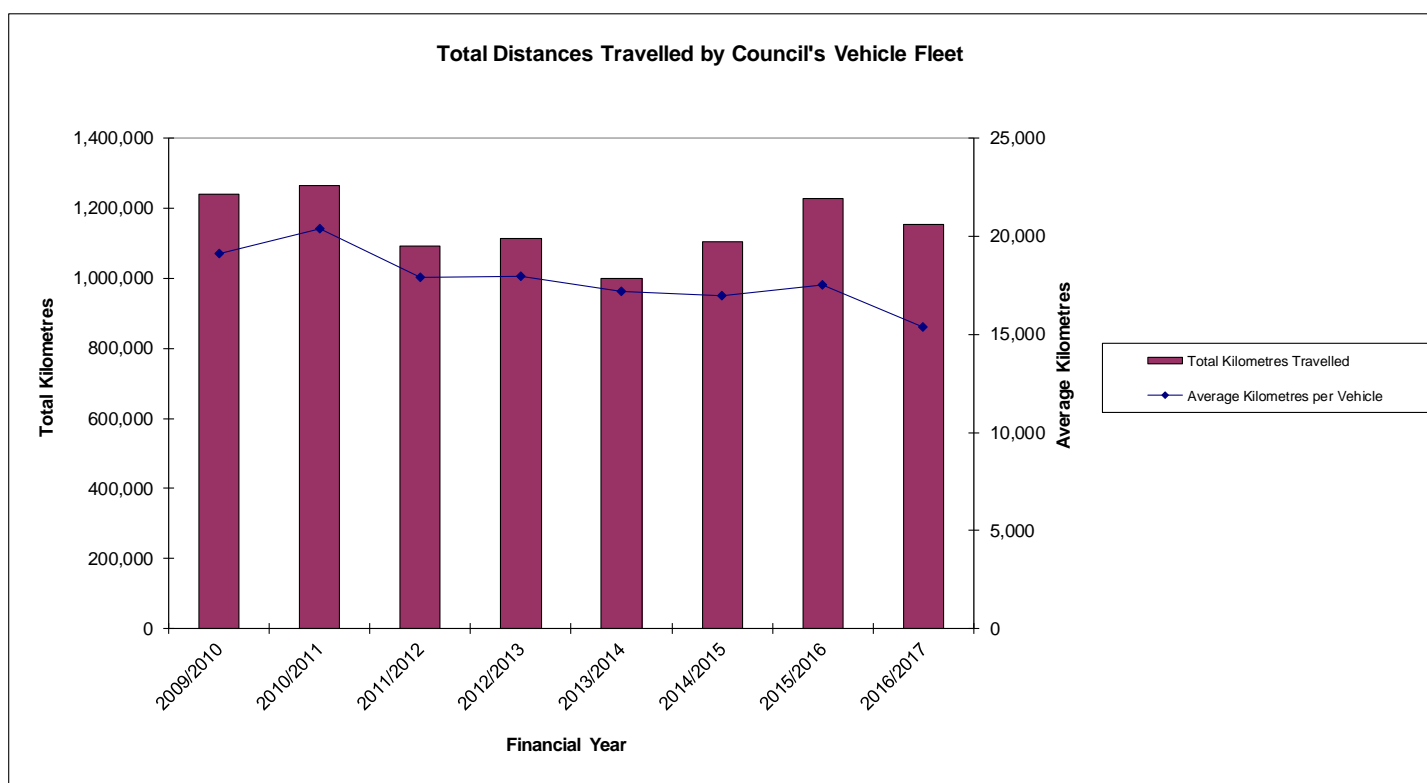
YEAR	TOTAL KILOMETRES	NUMBER OF VEHICLES	AVERAGE KILOMETRES PER VEHICLE
2011/2012	1,092,224	61	17,905
2012/2013	1,113,376	62	17,958
2013/2014	997,874	58	17,205
2014/2015	1,104,040	65	16,985
2015/2016	1,227,382	70	17,534
2016/2017	1,154,170	75	15,389

Table 3.3.2 - Vehicle disposals and purchases made in 2016/2017:

Existing Vehicle					
Vehicle No	Description	Vehicle Type	Make & Model	Year	kms
306	Water operators	Dual cab Tray	Isuzu D-Max	2013	107747
314	Depot	Extra cab tray	Ford Ranger	2013	82543
304	Plumbing	Dual cab ute	Isuzu D-Max	2013	110974
325	Rural operations	Extra cab tray	Ford Ranger	2014	105912
300	meters	Dual cab ute	Ford Ranger	2013	95974
266	depot	Extra cab tray	Isuzu D-Max	2011	88927
68	trades	Skid steer	Cat 226	2003	2116Hr
323	Rural operations	Extra cab tray	Ford Ranger	2014	138035
284	meters	Extra cab tray	Isuzu D-Max	2011	83613
103	Depot	Single cab truck	Hino Dutro	2004	131967
149	Depot	tipper truck	Isuzu Giga	2005	
307	Depot	Extra cab tray	Isuzu D-Max	2013	84837
321	Engineering	wagon	Toyota Pardo	2014	95838
180	Depot	Bachoe	JCB 3CX	2007	7589hr
257	Trades	Ute	Holden Commadore	2010	67515
334	Water Quality	wagon	Hyundai	2014	118728
327	Engineering	wagon	Toyota Pardo	2014	86870
320	The Rock	Extra cab tray	Ford Ranger	2013	104696
295	Water Quality	Wagon	Hyundai	2012	82489
94	Trades	Plant Trailer	Home Made	2006	Nil

Disposal Details		
Vehicle No	Method	Price exc GST
306	Auction	\$23,181.82
314	Auction	\$26,818.18
304	Auction	\$23,636.36
325	Auction	\$26,818.18
300	Auction	\$25,000.00
266	Auction	\$18,636.36
68	aution	\$21,363.64
323	Auction	\$24,090.91
284	Auction	\$20,000.00
103	Auction	\$15,454.55
307	Auction	\$22,954.55
321	Auction	\$42,500.00
180	Auction	\$40,909.09
257	Auction	\$17,500.00
334	Auction	\$22,272.73
327	Auction	\$41,136.36
320	Auction	\$25,000.00
295	Auction	\$21,590.91
94	Auction	\$4,545.45

Vehicle Acquisition				
Tenders Received	Accepted Tenderer	Vehicle Type	Make & Model	Price exc GST
7	Wagga Motors	Dual cab with tray	Isuzu D-Max	\$29,637.00
	Wagga Motors	Dual cab ute	Isuzu D-Max	\$31,760.36
	Wagga Motors	dual cab ute with canopy	Holden Colorado	\$30,674.83
	Wagga Motors	Extra cab with tray	Isuzu D-Max	\$ 30,622.00
	Wagga Motors	Extra cab with tray	Isuzu D-Max	\$ 30,622.00
	Wagga Motors	Holden Colorado 7 wagon	Holden Colorado	\$ 34,852.09
	Westra	skid steer	Cat 239D	\$ 77,100.00
	Wagga Motors	extra cab with tipper	Holden Colorado	\$28,460.00
	Wagga Motors	extra cab with tray	Holden Colorado	\$28,460.00
3	Wagga Motors	truck with tray and work boxes	Isuzu NQR 450	\$84,508.18
2TL	Wagga Trucks	10 m tipper	Hino FS2848 Proshift 700	\$178,200.00
5	Blacklocks	Space cab 4x4	Isuzu D-Max	\$29,736.82
8	Blacklocks	Wagon	Isuzu MU-X LST	\$39,522.27
7TL	Cadmac	Backhoe	JCB 3CX	\$158,950.00
7	Lieschke Motors	Dual cab ute	Holden Colorado	\$33,078.73
10	Riverina Motor group	Wagon	Kia Sorento 4wd	\$36,232.64
8	Thomas Bros	Wagon	Toyota Prado	\$51,678.27
5	Hillis Motor Group	Extra cab 4x4	Ford Ranger	\$32,107.27
10	Thomas Bros	wagon	Mitsubishi Outlander	\$34,060.91
2	Northstar trailers	Plant trailer	Northstar	\$25,990.00



3.3. Pipeline Losses

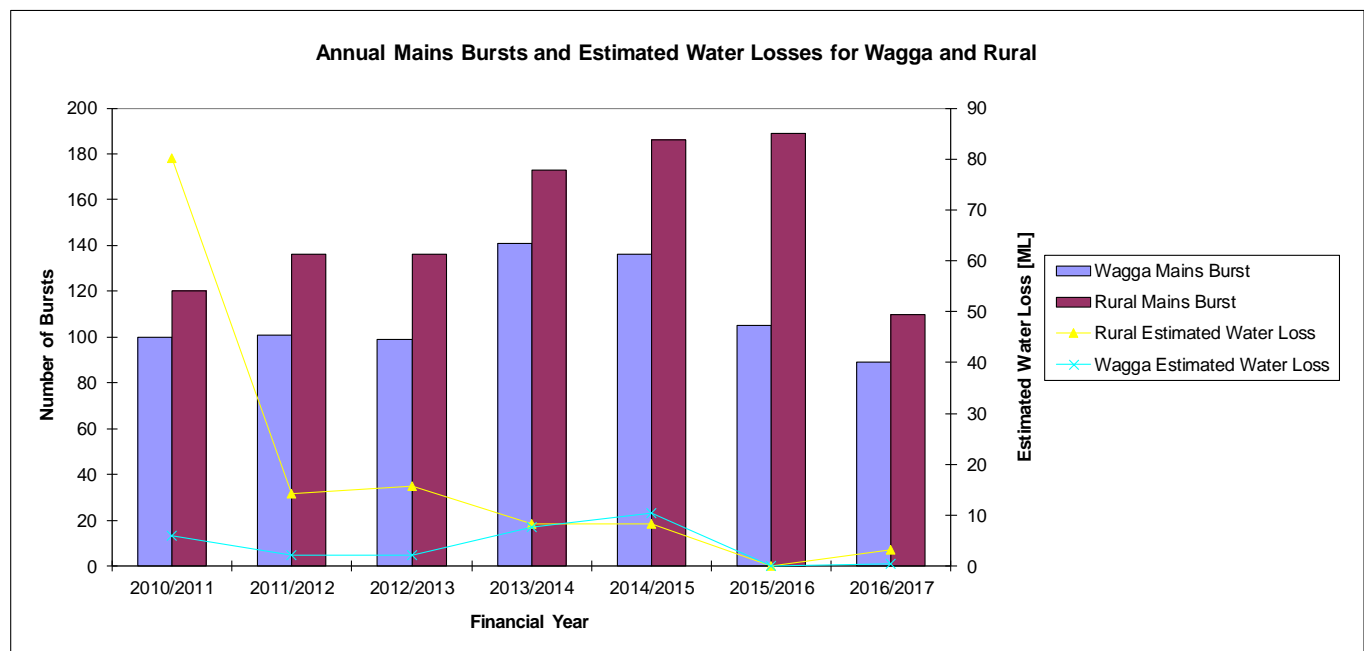
Estimated pipeline losses due to bursts for each month are shown in Table 3.4.1. The daily average over the past 6 years is shown in Table 3.4.2 for comparison.

Table 3.4.1 - Monthly analysis of pipeline breaks and rainfall for July 2016 - June 2017:

MONTH	RAINFALL (Wagga Wagga AMO)	WET DAYS (<1.0mm)	WAGGA MAIN BREAKS	WAGGA MAIN LOSSES (kl)	RURAL MAIN BREAKS	RURAL MAIN LOSSES (kl)
Jul-16	92.6	6	5	66	10	219
Aug-16	58.8	4	3	10	7	84
Sep-16	171.0	5	13	1	3	756
Oct-16	64.0	1	13	82	4	142
Nov-16	25.0	-	5	1	7	79
Dec-16	42.2	-	3	20	16	252
Jan-17	27.8	1	5	25	19	1,190
Feb-17	18.0	2	11	165	11	98
Mar-17	44.8	2	13	92	16	86
Apr-17	32.4	-	9	45	7	139
May-17	20.2	1	0	0	0	0
Jun-17	2.2	2	9	22	10	104
TOTALS	1,184	24	89	529	110	3,149

Table 3.4.2 – Average daily losses due to burst mains over the past 6 years:

	WAGGA WAGGA		RURAL	
YEAR	BURST MAINS	ESTIMATED LOSS KL	BURST MAINS	ESTIMATED LOSS KL
2011/2012	101	2.2	136	14.1
2012/2013	99	2.1	136	15.6
2013/2014	73	7.6	173	8.2
2014/2015	136	10.5	186	8.3
2015/2016	105	2.1	189	49.4
2016/2017	89	1	110	3.15



3.4. Mains Construction

Table 3.5.1 – Pipes Laid – New & Extensions – Size, length (metres) and location of all watermains constructed during 2016/2017:

NEW MAINS - WAGGA WAGGA	Month	100 OPVC	100 DICL	150 OPVC	150 DICL	200 OPVC	200 DICL	250 DICL	300 OPVC	300 DICL	375 DICL	450 DICL	600 DICL	All Sizes
Temora St Cootamundra, Cootamundra	Jul-16	24			18									42.0
Estella, Pine Gully	Jul-16	270												270.0
Lloyd Stage 6, Wagga	Aug-16		36											36.0
Pine Gully Rd, Wagga	Aug-16	185		15		20								220.0
Pine Gully Rd, Wagga	Sep-16			24										24.0
Farrer Rd, Wagga	Sep-16					52								52.0
Estella Rise, Stage 5	Sep-16	69												69.0
Lloyd West	Sep-16	55.6												55.6
Farrer Rd, Wagga	Oct-16			204										204.0
Fuller St, North Wagga	Oct-16	282												282.0
Lloyd West	Oct-16		47		23									70.0
Estella Rise	Oct-16	236				63								299.0
Brunblea Park 13a	Oct-16		39											39.0
Estella Rise New Sub-Division	Nov-16	684				364								1048.0
Brunblea Park 13a	Nov-16	270				24								294.0
Dunns Rd, Rural Res	Dec-16											397		397.0
Estella Rise	Dec-16					21								21.0
Lloyd West stage 4a	Dec-16		20											20.0
Brunblea Park 13a	Dec-16	50				36								86.0
Wagga Depot	Jan-17										6		18	24.0
Lloyd Stage 6, Wagga	Jan-17	411		206										617.0
Estella Heights	Jan-17		50		46									96.0
Dunns Rd, Rural Res	Jan-17											671		671.0
Dunns Rd, Rural Res	Feb-17											1362		1362.0
Lloyd Stage 6, Wagga	Feb-17	99												99.0
Estella Heights	Feb-17				22.8									22.8
Crooked Creek, Wagga	Feb-17	6			53									59.0
Lloyd West Stage 9	Feb-17	84		90										174.0
Clear Water Storage	Feb-17									117			50	167.0

Lloyd West stage 4	Mar-17	201		184										385.0
New Bomen Road	Mar-17				84	114				72	490			760.0
Dunns Rd, Wagga	Mar-17											97		97.0
Estella Heights	Mar-17				66									66.0
Booroma Stage 5	Mar-17		24		49									73.0
Dunns Rd, Wagga	Apr-17											70		70.0
Estella Heights	Apr-17	618												618.0
Booroma	Apr-17		36											36.0
Bomen	Apr-17				30					640				670.0
Bomen	May-17				174			120						294.0
Goveners Hill	May-17				11.5			97						108.5
Crooked Creek, Wagga	May-17				51									51.0
Booroma Stage 5	Jun-17			174										174.0
Pine Gully Rd, Wagga	Jun-17				34.8			22.8						57.6
Goveners Hill	Jun-17	108					819							927.0
RIFL	Jun-17								72					72.0
														0.0
		3653	252	897	663.1	1513	119.8	192	0	829	496	2597	68	11279.5

NEW MAINS – RURAL		100 OPVC	100 DICL	150 OPVC	150 DICL	200 OPVC	200 DICL	250 DICL	300 OPVC	300 DICL	375 DICL	450 DICL	600 DICL	All Sizes
Nil														0
Total Rural New		0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL NEW MAINS		3653	252	897	663.1	1513	119.8		0	829	496	2597	68	11279.5

Table 3.5.2 - Pipes Laid – Renewed mains – Size, length (metres) and location of all water mains replaced during 2016/2017:

RENEWED MAINS - WAGGA WAGGA	Month	100 OPVC	100 DICL	150 OPVC	150 DICL	200 OPVC	200 DICL	250 DICL	300 OPVC	300 DICL	375 DICL	450 DICL	600 DICL	All Sizes
Wagga Wagga, Beckwith St	Jul-16				36									36
Lake Albert, Lake Albert Rd	Jul-16			234										234
Lake Albert Rd,	Aug-16			320	12									332
Bomen Rising Main	Aug-16										452			452
Beckwith Street	Aug-16				285									285
Beckwith Street	Sep-16				150									150
Bomen North Rising Main	Sep-16										205			205
Broad Street	Sep-16		18											18
Beckwith Street	Oct-16				149									149
Marshalls Creek	Dec-16												33	33
Main Street,	Dec-16	94												94
The Gap	Dec-16	2160												2160
The Gap	Jan-17	1713												1713
RIFL	Feb-17					318				342	72			732
Hale Street	Mar-17										799			799
Kapooka Pump House	Mar-17											18		18
Kapooka Pump House	Apr-17											12		12
North Wagga	Apr-17										308			308
Bomen	May-17										611			611
Dunns Road	May-17											52		52
Fernleigh Road	May-17										35			35
Fernleigh Road	Jun-17										35			35
Lake Albert Road	Jun-17	63												63
Total Wagga Renewed		4030	18	554	632	318	0	0	0	342	2517	82	33	8526

RENEWED MAINS - RURAL	Month	100 OPVC	100 DICL	150 OPVC	150 DICL	200 OPVC	200 DICL	250 DICL	300 OPVC	300 DICL	375 DICL	450 DICL	600 DICL	All Sizes
Henty Rail Crossing	Aug-16						93							93
The Rock, Yerong Street	Feb-17			239										239
Yerong Street, The Rock	Mar-17			306										306
Mixner Street, The Rock	Jun-17			414	23									437
Total Rural Renewed		0	0	959	23	0	93	0	0	0	0	0	0	1075
TOTAL MAINS RENEWED		4030	18	1513	655	318	93	0	0	342	2517	82	33	9601

**Table 3.5.3 – Water main constructed 2010 to June 2017 (metres)
(New & Replacement)**

Diameter ID	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
25mm							
32mm			300	26	460	227	
40mm		1,150			860	80	
50mm		2,435			120		
63mm	1,540	2,690			199	1350	
80mm	30						
90mm							
100mm	2,665	10,147	813.5	3544	12,846	1666	7953
150mm	829	2,021	1469	1955	5,927	2276	3728
200mm	5,415	2,497	293	1048	10,181	743	2043
250mm	851	1,099	519	991			192
300mm				391	254		1171
375mm	247		4	239	248	854	3013
400mm							
450mm			563	27	5522	4907	2679
500mm		39					
600mm	554	39			215	295	101
WAGGA (all sizes)	4,762	14,048	5,979	6,260	20,623	13,213	19,805
RURAL (all sizes)	7,367	8,102	1,213	1,963	16,209	3,236	1,075
TOTALS (metres)	12,129	22,150	7,192	8,223	36,832	16,449	20,880
Total length of main in the system – 1,742km							

3.5. Staff Movements

Table 3.6.1 - Staff Movements during 2016/2017

	Admin	Engineering	Waterworks	Depot Base	Rural	Totals
Perm.June 2016	10	11	20	40	7	88
Temp.June 2016		3		4		7
TOTAL June 2016	10	14	20	44	7	95
Retired				1		1
Resigned		1		2		3
Terminated						
Appointed				5		5
Casual				4		4
Internal Transfer						
Transfer to Perm.						
Temp. Appointed				1		1
Temp.Terminated		1		3		4
Perm.June 2017	10	10	20	44	7	92
Temp.June 2017	1	2		5		8
TOTAL June 2017	11	12	20	49	7	99

Table 3.6.2 - Training Undertaken 2016/2017:

TRAINING COURSE	NUMBER OF
Blue/Green Algae Training	3
Bonded Asbestos Removal	14
Cabler certification	2
Chainsaw-Trim/Cross Cut	10
Chemcert - Chemical Training	4
Civica Software Training	2
Civil Construction Leadership and Sustainability - Statement of Attainment	15
Civil Construction Plant Operations - Certificate III	27
Confined Space Training	2
Consultative Committee	3
Dangerous Goods Licence	1
Digital Literacy - Statement of Attainment	28
Ductile Pipe-Cut/Install Training	8
Earthmoving-LS, LL, BL, LE	4
Earthmoving-LS,LE	2
Elevated Work Platform	3
Fire Extinguisher Training	24
First Aid	22
Fluoride Operator Training	4
HR Truck Licence	1
Introduction to Asset Mgmt	2
Leadership Development course	12
Local Government Procurement - Diploma	1
Rockwell Automation Training	1
Traineeship – Cert III Civil Construction - Plant	2
Traffic Control- Implement Traffic Mgmt Plan	22
Traffic Control- Traffic Controller	11
Traffic Control-Prepare Work Zone Mgmt Plan	7
Trenching & Ground Support Training	18
Water Industry Operator Training	3
Water Treatment Training	1
WHS Training	1
Work Health & Safety - Diploma	1
Work Safely at Heights	1
Workcover Licence - C6 Crane	2
Workcover Licence - Dogging	5
TOTAL	269

3.6. Capital Works

The capital works programme was carried out in 2016/17 including the following significant projects:

Depots and Buildings

- Installation of new Air-Conditioning system in Administration Building
- Replacement of Carpet in Administration Building

SCADA System

- Installation of communications hut and repeater at Bomen Reservoir

Water Treatment Plants (WTP's)

- Wagga 55ML/day WTP in progress. Permanent works for the Raw Water intake have not commenced, structures for other process units have been completed. Resolving quality issues and reaching agreement on the scope for the Raw Water Intake have delayed the project.
- Urana WTP stainless steel clarifier commissioned. Access stair, platforms and confined space gantry installed
- Aeration tank replaced at Collingullie and a shade cover, access platform and ladder installed
- Access stairs fabricated and installed at the existing WTP that will be re-used to treat waste water
- Our Aeration Basin shade cover installed along with confined space recovery gantry

Pump Stations

- New main switchboard with Variable Speed Drives installed at Gardners Crossing

Reservoirs

- Morundah 130kL reservoir commissioned
- Woomargama 140kL reservoir commissioned complete with Fibre Reinforced Plastic internal access ladder and handrailing perimeter of the roof
- Rural Reservoir pad constructed at Dunns Road

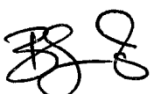
Major Trunk Main Replacements

- Bridge constructed over Marshalls Creek and Clear water mains from Wagga WTP installed
- Bomen rising main from Mason Street to Oura Road
- Southern Trunk – from Olympic Highway to new reservoir site

3.7. Wagga Wagga Sources and Allocations

The following table compares water abstracted at Wagga Wagga to our Town Water Licence Allocations.


	Water Access Licence (ML)	Long term extraction limit (ML)	Used (ML)	% of Allocation
Surface Water - Wagga	7,000	7,000	1,436	20.5
Surface water - other	819	819	52	6.3
Ground water - Wagga	14,000	12,371	12,118	98.0
Ground Water - other	2,535	2,535	1,063	41.9
Total Water	24,354	22,725	14,669	64.6



4. CONTRACT W195 – WATER TREATMENT PLANT (WTP) PROGRESS REPORT

RECOMMENDATION that Council receive and note this report.

The UGL project status reports issued since the last Council will be forwarded by email prior to Council Meeting.

A handwritten signature in black ink, appearing to be 'B. Spannagle'.

Bede Spannagle
DIRECTOR OF ENGINEERING

QUESTIONS & STATEMENTS

CLOSURE OF MEETING TO THE PUBLIC **(Confidential Reports)**