



Meeting of Riverina Water County Council

The meeting will be held in the Lockhart Shire Council, 65 Green Street, Lockhart at 9:00am on Thursday 23 October 2025.

Meeting Agenda

Live Streaming of Council Meetings

Riverina Water advises that Council meetings are live streamed on Council's website www.riverinawater.nsw.gov.au Visitors in the public gallery are advised that their voice and/or image may form part of the webcast. By remaining in the public gallery it is assumed your consent is given in the event your image or voice is broadcast.

Statement of Ethical Reminders

Board members are reminded of the Oath or Affirmation of Office that they made under Section 233A of the Local Government Act 1993. Board members and staff are also reminded of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Acknowledgement of Country

Apologies

Declaration of pecuniary and non-pecuniary interests

Confirmation of Minutes

Minutes of Board Meeting 28 August 2025

Minutes of Extraordinary Board Meeting 11 September 2025

Correspondence

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R1 Recission motion - Proposed REROC membership

Organisational Area Chief Executive Officer

Author Andrew Crakanthorp, Chief Executive Officer

Summary The CEO has received a recission motion lodged in accordance with 2022 Riverina Water Code of Meeting Practice. This report is procedural in nature and includes the recission motion in the business paper for consideration by the Board.

RECOMMENDATION that Council consider, debate and rescind the following motion;

That Riverina Water decline the offer by the Riverina Eastern Regional Organisation of Council's (REROC) to rejoin REROC, for the reasons which informed the decision in August 2020 by Riverina Water to withdraw its membership of REROC.

Report

The CEO has received a recission motion lodged in accordance with 2022 Riverina Water Code of Meeting Practice.

Council at its meeting resolved that;

That Riverina Water decline the offer by the Riverina Eastern Regional Organisation of Council's (REROC) to rejoin REROC, for the reasons which informed the decision in August 2020 by Riverina Water to withdraw its membership of REROC.

As the board is aware, Riverina Water has, for some time been debating various reports regarding an invitation to rejoin REROC. Board members are referred to previous business papers for full context. In addition, Board Members are referred to RP11 In this business paper for further context.

Attached to this report are two scanned document of the recission motion which in effect, comply with Councils Code of Meeting Practice.

During the week following the August meeting of the Board Councillor Driscoll indicated her intent (verbally) to lodge such a recission motion. The CEO received the recission motion on 16 October 2025.

For the purposes of debate only (and for clarity purposes only. management has a view that this decision is a matter for the board), the recommendation has been framed using the words it has, for the purposes of commencing debate of the matter.

› **R1.1 Board Recission Motion - Gail Driscoll** [↓](#) 

Strategic Alignment

Our Community

Actively support and contribute to our community

Financial Implications

Workforce Implications

Not applicable

Risk Considerations

Community and agency partnerships	
High	Riverina Water has a high appetite to partner with our community and other agencies to maximise potential benefits to Riverina Water and the Community.

Risk Alignment

Membership of REROC would satisfy Riverina Water's appetite to be an active player in supporting regional priorities as well and contribute to the broader objectives of many communities in our supply area.



Board recission motion

We the undersigned Board members of Riverina Water, hereby give notice in accordance with the 2022 Riverina Water Code of Meeting Practice (clause 16.3, 16.6 and 3.10) to rescind the following minute of the Board.

Date of Board meeting: 28 August 2025

Resolution

R14 Membership of Riverina Eastern Regional Organisation of Councils (REROC)

25/123 RESOLVED:

On the Motion of Councillors J McKinnon and G Davies

That Riverina Water decline the offer by the Riverina Eastern Regional Organisation of Council's (REROC) to rejoin REROC, for the reasons which informed the decision in August 2020 by Riverina Water to withdraw its membership of REROC.

CARRIED

Record of voting on the Motion

For the Motion Against the Motion

Cr P Bourke

Cr G Davies

Cr G Driscoll

Cr J McKinnon

Cr A Condon

Cr B Liston

Signed

Gail Driscoll

Member

Brian Liston

Member

Member

[Signature]

Signed

Signed

Signed

Rescission notice received by CEO

Date 16.10.25

Andrew Crakanthorp

CEO

Signed

[Signature]



Board recission motion

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CARRIED

Record of voting on the Motion

For the Motion Against the Motion

Cr P Bourke

Cr G Davies

Cr G Driscoll

Cr J McKinnon

Cr A Condon

Cr B Liston

Signed

Gail Driscoll
Member

Jenny McKinnon
Member

Member

Gail Driscoll
Signed

J. McKinnon
Signed

Signed

Rescission notice received by CEO

Date 16.10.25

Andrew Crakanthorp
CEO

Signed *AC Crakanthorp*

Riverina Water Code of Meeting Practice Clause 16.3 and 16.6 state:

Rescinding or altering board decisions

16.3 A resolution passed by the Board may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 16.3 reflects section 372(1) of the Act.

16.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) board members if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 16.6 reflects section 372(4) of the Act.

Riverina Water Code of Meeting Practice Clause 3.10 states:

3.10 A board member may give notice of any business they wish to be considered by the Board at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted four (4) business days before the meeting is to be held.

R2 Riverina Water Audit Risk and Improvement Committee Report 1 July 2024 - 31 August 2025

Organisational Area Corporate Services

Author Wendy Reichelt, Governance & Corporate Planning Officer

Summary This report covers activities of the Riverina Water ARIC from 1 July 2024 to 31 August 2025 and is provided to the Board as a requirement under the reporting obligations contained within the ARIC Terms of Reference. The report is provided by the Committee Chair, Mr David Kortum

RECOMMENDATION that Council receive the report from the Riverina Water Audit, Risk and Improvement Committee (ARIC) for the period 1 July 2024 to 31 August 2025, as prepared by the ARIC Chair, Mr David Kortum.

Report – Year ended 31 August 2025

The Audit, Risk & Improvement Committee (the Committee) is an advisory committee appointed by the Board pursuant to section 355 of the Local Government Act 1993 and the terms and conditions of the Audit Risk & Improvement Committee Terms of Reference.

This report is made in accordance with the Committee's Terms of Reference and covers the year 1 July 2024 to 31 August 2025, this report does not include the special meeting to consider the draft Annual Financial Statements held on 18 September 2025. It incorporates a report on the management of risks and internal controls.

In the view of the Committee, we have fulfilled our obligations and discharged our responsibilities in line with the ARIC Terms of Reference.

Committee meetings during the period

The Committee met on the following dates:

- 14 August 2024
- 6 November 2024
- 13 February 2025
- 8 May 2025
- 14 August 2025

Attendance	
Committee Member	Meetings attended
Bryce McNair	4
David Kortum	5
Shannon Buckley	5
Emma Pryor	1

Bryce McNair completed his term on the Committee following the May 2025 meeting. David Kortum was appointed as incoming chair effective 1 July 2025.

Following a detailed and successful recruitment process, Emma Pryor was appointed as an Independent Member and attended her first meeting in August 2025.

Attendance	
Board Member	Meetings attended
Lea Parker	3
Georgie Davies	1

The Committee's meetings were attended by the CEO, the Director of Corporate Services, Risk & Insurance Officer and the Governance and Corporate Planning Officer, and other staff as necessary. Also in attendance was a representative/s from Riverina Water's contracted Internal Auditor, Centium. Minutes were ably prepared by the Executive Assistant to the CEO.

Reporting lines

The Committee reports to the Board after each meeting in the form of minutes together with the Chairperson's summary report of the meeting proceedings and provides an annual report of activities undertaken each year (this report).

Role of the Audit Risk & Improvement Committee

The Committee's role includes:

- Annually reviewing the Enterprise Risk Register and associated controls
- Monitoring the risk exposure of Council
- Reviewing the scope of internal audit plans and the effectiveness of the function
- Reviewing reports of internal audit and the extent to which management implements recommendations raised by internal audit

- Critically analysing and following up on any internal or external report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues raised
- Identifying and referring specific projects or investigations deemed necessary through the CEO, internal auditor and the Board as appropriate
- Addressing issues brought to the attention of the Committee that are within the parameters of its terms of reference
- Considering and recommending any changes to the Committee's Terms of Reference and the Internal Audit Charter.

External Audit operations during the period

In the reporting period, the Committee reviewed and discussed the Interim management letter for the year ended 30 June 2025. This report identified one current year matter, as it related to IT policies and Business Continuity Plan. The Committee is comfortable with the Management response to this matter and note an uplift in Business Continuity at Riverina Water will occur through the completion of Internal Audit recommendations.

The Committee continue to have oversight of any outstanding external audit recommendations and are monitoring these as per our calendar of work program.

Internal Audit operations during the period

Internal Audit has an independent contract with Riverina Water and reports functionally to the Committee.

Internal Audit services have within the last period changed from National Audits Group to Centium.

In the reporting period, Centium have completed the following audits:

- Fraud and Corruption Control Review; and
- Emergency Management and Business Continuity.

The Fraud and Corruption Control Review assessed Council against four key elements: foundations; prevention; detection; and response. There were several positive findings raised in this audit. Centium identified 15 recommendations as part of this audit, which management have responded to, and the Committee continues to track and monitor.

The Emergency Management and Business Continuity Internal Audit evaluated a range of plans, policies, procedures and risk analysis artefacts that assist Riverina Water plan for, respond to and recover from emergency and disruptive events.

In the reporting period, a detailed survey was conducted on the Internal Audit program at Riverina Water. This survey has equipped management with continuous improvement opportunities which the Committee will continue to review and monitor. One of the

challenges facing the Internal Audit program is ensuring the recommendations are fit-for-purpose, targeted and proportional for the size, complexity and risk profile at Riverina Water.

The Committee will continue to work with management and the Internal Auditors to ensure contextual information is understood, audit scopes are specific and targeted, and recommendations are effective in safeguarding Riverina Water and assist in reducing the risk profile of the organisation.

Overall, the Committee is comfortable that Riverina Water has an effective Internal Audit program.

Other Reports referred to the Committee

The following other reports have been referred to, and considered by, the Committee. There are no specific matters relating to these that the Committee wishes to draw to the attention of the Board.

- Statewide Mutual – Continuous Improvement Program Report – Enterprise Risk Management
- JLT Public Sector Risk Report

The Committee follows up the completion of any specific recommendations that have been agreed to by management.

Risk Management & Internal Controls

In relation to conventional financial internal controls, the Committee's view is that controls will continue to be enhanced following the implementation and bedding down of the Flow modules.

During the year the Committee received ongoing updates on the management of risk and compliance. It is noted that a risk officer was appointed during the 2023-24 financial year to continue to implement the requirements under the *Risk Management & Internal Audit Guidelines* (the Guidelines). The Committee has observed a maturity of the risk management program in the last year.

The Committee also reviews the minutes of the WHS Committee to assess the way the risks associated with workplace operations are being addressed.

Other Committee Operations

As referred to above, where management has accepted recommendations, or developed an action plan, in response to any report received by Council, the Committee monitors progress with implementation and ascertains the reasons for any delays. We view this as an area where we can provide assurance to the Board that agreed improvements are being effectively executed.

Staff

Whilst good governance is fundamentally concerned with providing assurance to the Board and other stakeholders, it can also be seen and used as a management resource.

In the last reporting period, we have observed a maturity of risk culture within the organisation, which is in part due to a strong tone from the top and resources dedicated to risk management and corporate governance.

We congratulate staff on the progress made towards embedding and maturing the risk and compliance program and look forward to working with management in the coming year to further embed risk and compliance activities and create a proportional and targeted risk-based approach across Riverina Water.

Board Matters

In the Committee's view, there are no material matters to be raised to the Board at this time.

Strategic Alignment

Our Operations

Provide effective leadership and governance

Financial Implications

The Operational Plan has allocated annual budget for internal audit which includes membership payments and contracted internal audit services.

Workforce Implications

The ARIC is provided secretariat support and a staff member who functions as the Internal Audit Coordinator as prescribed in the Guidelines and Committee Terms of Reference.

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

The operation of the Riverina Water Audit Risk & Improvement Committee meets the *Internal Audit & Risk Management Guidelines for Councils in NSW* thereby mitigating risks of non-compliance with legislation.

R3 List of Investments

Organisational Area Corporate Services

Author Natasha Harris, Manager Finance & Sourcing

Summary This report details the status of Riverina Water's investment portfolio for the months of August 2025 and September 2025.

RECOMMENDATION that Council receive and note the report detailing external investments for the months of August 2025 and September 2025.

Report

In accordance with the provisions of Clause 212 of the Local Government (General) Regulation 2021, reported are the details of Riverina Water's external investment portfolio as of August 2025 and September 2025.

- › **R3.1** **August 2025 Investment Report** [↓](#) 
- › **R3.2** **September 2025 Investment Report** [↓](#) 

Strategic Alignment

Our Sustainability
Strategically manage our assets and finances

Financial Implications

Not applicable.

Workforce Implications

Not applicable.

Risk Considerations

Financial	
Medium	Investments - Riverina Water has a medium appetite for financial investment to maximise growth.

Risk Alignment

By reviewing the List of Investments we ensure adequate oversight of financial investment to maximise growth.

Monthly Investment Report as at 31/08/2025

Investment	Inception Date	Term (Days)	Maturity Date	S&P LT Rating	Interest Rate (%)	Percentage of Portfolio	Principal Value
Term Deposits							
AMP Bank	29/01/2025	151	29/01/2026	BBB+	4.95	2.826%	\$1,000,000.00
Australian Military Bank	11/02/2025	530	12/02/2027	BBB+	4.71	2.826%	\$1,000,000.00
Bank of Us	18/06/2024	18	18/09/2025	BBB+	5.21	4.239%	\$1,500,000.00
Bank of Us	26/06/2024	288	15/06/2026	BBB+	5.20	2.826%	\$1,000,000.00
Bank of Us	26/06/2024	99	8/12/2025	BBB+	5.27	2.826%	\$1,000,000.00
Bank of Us	3/06/2025	463	7/12/2026	BBB+	4.08	2.826%	\$1,000,000.00
Bank of Us	17/06/2025	655	17/06/2027	BBB+	4.10	2.826%	\$1,000,000.00
Bank of Us	10/07/2025	283	10/06/2026	BBB+	4.11	2.826%	\$1,000,000.00
BankVic	26/07/2024	43	13/10/2025	BBB+	5.30	2.826%	\$1,000,000.00
BankVic	26/07/2024	106	15/12/2025	BBB+	5.30	2.826%	\$1,000,000.00
Heritage and Peoples Choice	25/08/2025	86	25/11/2025	BBB+	4.10	2.826%	\$1,000,000.00
ING	10/07/2024	57	27/10/2025	A	5.35	2.826%	\$1,000,000.00
ING	10/07/2024	162	9/02/2026	A	5.31	2.826%	\$1,000,000.00
ING	10/07/2024	225	13/04/2026	A	5.29	2.826%	\$1,000,000.00
ING	10/07/2024	344	10/08/2026	A	5.25	2.826%	\$1,000,000.00
ING	10/07/2025	771	11/10/2027	A	4.08	2.826%	\$1,000,000.00
State Bank of India (Sydney)	8/05/2025	50	20/10/2025	BBB	4.60	2.826%	\$1,000,000.00
State Bank of India (Sydney)	26/03/2025	192	11/03/2026	BBB	5.00	2.826%	\$1,000,000.00
State Bank of India (Sydney)	26/03/2025	206	25/03/2026	BBB	5.00	2.826%	\$1,000,000.00
State Bank of India (Sydney)	1/05/2025	246	4/05/2026	BBB	4.55	2.826%	\$1,000,000.00
State Bank of India (Sydney)	29/04/2025	316	13/07/2026	BBB	4.70	2.826%	\$1,000,000.00
State Bank of India (Sydney)	21/05/2025	351	17/08/2026	BBB	4.25	2.826%	\$1,000,000.00
State Bank of India (Sydney)	17/04/2025	372	7/09/2026	BBB	4.70	2.826%	\$1,000,000.00
State Bank of India (Sydney)	22/05/2025	379	14/09/2026	BBB	4.25	2.826%	\$1,000,000.00
State Bank of India (Sydney)	3/04/2025	401	6/10/2026	BBB	4.70	2.826%	\$1,000,000.00
State Bank of India (Sydney)	29/04/2025	435	9/11/2026	BBB	4.65	2.826%	\$1,000,000.00
State Bank of India (Sydney)	4/06/2025	442	16/11/2026	BBB	4.15	2.826%	\$1,000,000.00
State Bank of India (Sydney)	6/08/2025	705	6/08/2027	BBB	4.10	4.239%	\$1,500,000.00
Suncorp	9/01/2025	78	17/11/2025	AA-	4.94	2.826%	\$1,000,000.00
Suncorp	15/01/2025	472	16/12/2026	AA-	4.80	2.826%	\$1,000,000.00
Suncorp	17/06/2025	290	17/06/2026	AA-	4.21	4.239%	\$1,500,000.00
Westpac	11/02/2025	165	12/02/2026	AA-	4.75	2.826%	\$1,000,000.00
Westpac	9/01/2025	407	12/10/2026	AA-	4.73	2.826%	\$1,000,000.00
						97.49%	\$34,500,000.00

Cash Deposit Account				
National Australia Bank	AA-	2.75	2.514%	\$889,695.48
			2.51%	\$889,695.48
TOTAL INVESTMENTS			100.00%	\$35,389,695.48
Cash at Bank	AA-	0.00		\$916,216.82
TOTAL FUNDS				\$36,305,912.30

CERTIFICATE

I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2021 and Council's Investments Policy number POL 4.10.



N Harris

MANAGER FINANCE & SOURCING

Application of Investment Funds

Restricted Funds	Description	Value
Internally Restricted		
	Employee Leave Entitlements (50% of ELE)	\$2,377,032.48
	Plant Replacement	\$2,422,286.98
	Sales Fluctuation	\$3,000,000.00
	Water Licences	\$916,385.20
		\$8,715,704.66
Unrestricted Funds		\$27,590,207.64
TOTAL FUNDS		\$36,305,912.30

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

Report

The investment portfolio decreased by \$1,172,043.09 for the month. The decrease was due to receipts from customers being lower than payments to suppliers and staff in August. This resulted in decreased funds in cash and investments.

Portfolio Performance

For the month of August, the portfolio (excluding cash) provided a return of +0.41% (actual) or +4.89% p.a. (annualised), outperforming the benchmark Ausbond Bank Bill Index return of +0.32% (actual) or +3.84% p.a. (annualised).

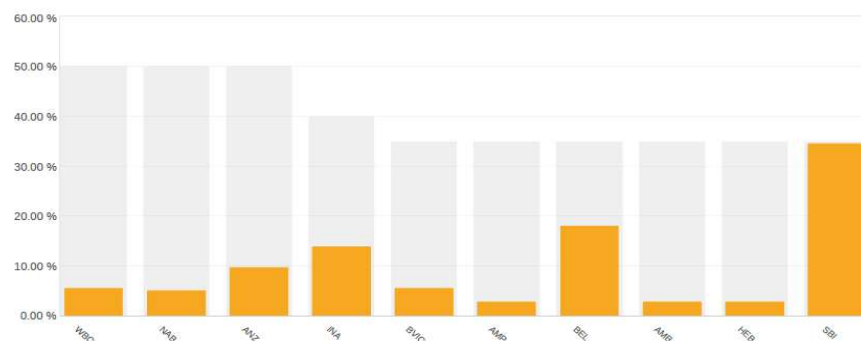
The portfolio's performance is ahead of benchmark again over all time periods out to 12 months.

As maturities occur, Council continues to increase the average duration of the investment portfolio to increase revenue, targeting high yielding deposits with tenors between 1 and 2 years. This provides some income protection against a lower rate environment in coming years.

Interest received in the period totalled \$27,972.27, with \$279,345.26 received and accrued for the year to date.

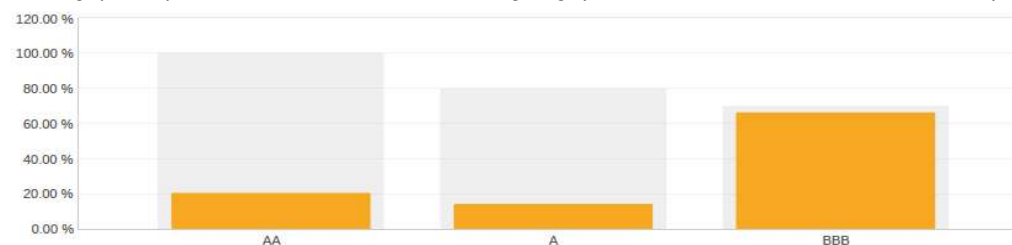
Counterparty Compliance

The below graph compare investments with each financial institution to the limits included in Council's Investment Policy



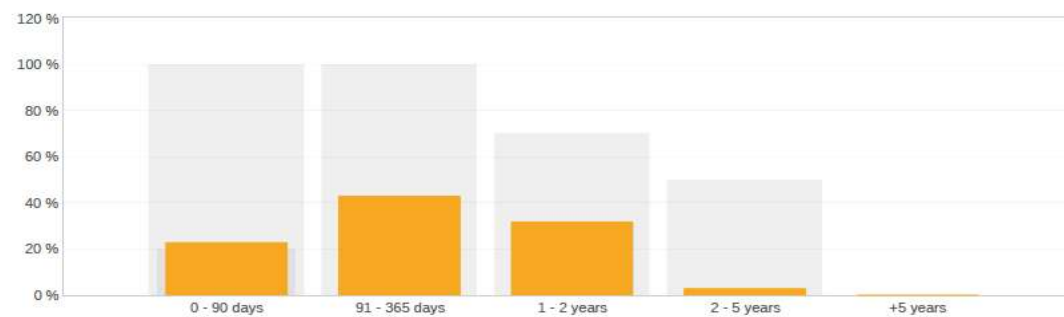
Credit Quality Compliance

The below graphs compare investments with each investment rating category to the limits included in Council's Investment Policy



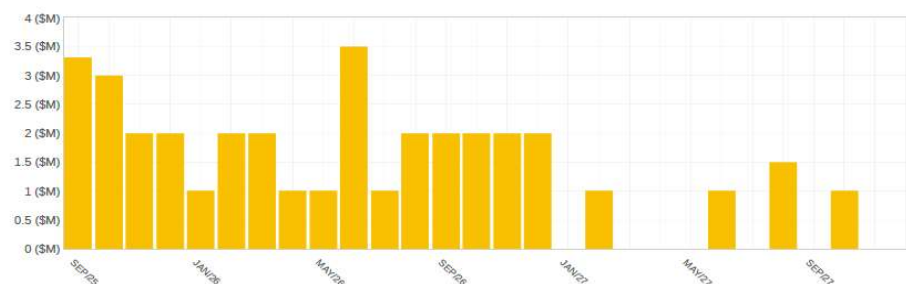
Term to Maturity

The percentage of investments maturing over the next ten years is detailed in the graph below. All maturity limits comply with the Investment Policy, council's cash flow requirements have been managed well with regular maturities typically placed over the next year



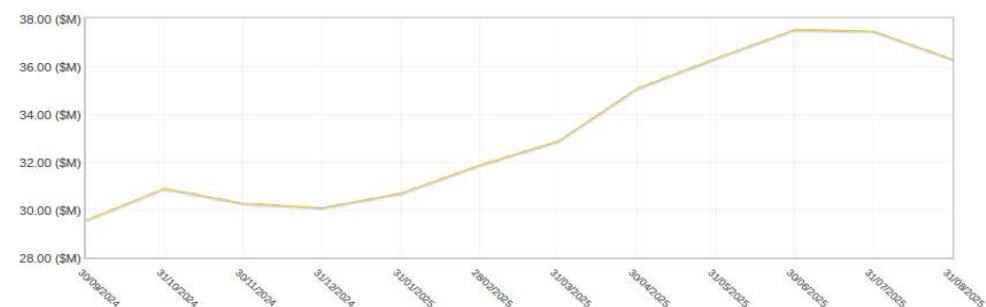
Maturity Cashflow

When investments will mature over time



Historical Portfolio Balances

Indicative of the normal cash cycle of the Council



Monthly Investment Report as at 30/09/2025

Investment	Inception Date	Term (Days)	Maturity Date	S&P LT Rating	Interest Rate (%)	Percentage of Portfolio	Principal Value
Term Deposits							
Australian Military Bank	11/02/2025	500	12/02/2027	BBB+	4.71	2.858%	\$1,000,000.00
AMP Bank	29/01/2025	121	29/01/2026	BBB+	4.95	2.858%	\$1,000,000.00
Bank of Us	26/06/2024	69	8/12/2025	BBB+	5.27	2.858%	\$1,000,000.00
Bank of Us	10/07/2025	253	10/06/2026	BBB+	4.11	2.858%	\$1,000,000.00
Bank of Us	26/06/2024	258	15/06/2026	BBB+	5.20	2.858%	\$1,000,000.00
Bank of Us	3/06/2025	433	7/12/2026	BBB+	4.08	2.858%	\$1,000,000.00
Bank of Us	17/06/2025	625	17/06/2027	BBB+	4.10	2.858%	\$1,000,000.00
BankVic	26/07/2024	13	13/10/2025	BBB+	5.30	2.858%	\$1,000,000.00
BankVic	26/07/2024	76	15/12/2025	BBB+	5.30	2.858%	\$1,000,000.00
Heritage and Peoples Choice	25/08/2025	56	25/11/2025	BBB+	4.10	2.858%	\$1,000,000.00
ING	10/07/2024	27	27/10/2025	A	5.35	2.858%	\$1,000,000.00
ING	10/07/2024	132	9/02/2026	A	5.31	2.858%	\$1,000,000.00
ING	10/07/2024	195	13/04/2026	A	5.29	2.858%	\$1,000,000.00
ING	10/07/2024	314	10/08/2026	A	5.25	2.858%	\$1,000,000.00
ING	10/07/2025	741	11/10/2027	A	4.08	2.858%	\$1,000,000.00
State Bank of India (Sydney)	8/05/2025	20	20/10/2025	BBB	4.60	2.858%	\$1,000,000.00
State Bank of India (Sydney)	26/03/2025	162	11/03/2026	BBB	5.00	2.858%	\$1,000,000.00
State Bank of India (Sydney)	26/03/2025	176	25/03/2026	BBB	5.00	2.858%	\$1,000,000.00
State Bank of India (Sydney)	1/05/2025	216	4/05/2026	BBB	4.55	2.858%	\$1,000,000.00
State Bank of India (Sydney)	29/04/2025	286	13/07/2026	BBB	4.70	2.858%	\$1,000,000.00
State Bank of India (Sydney)	21/05/2025	321	17/08/2026	BBB	4.25	2.858%	\$1,000,000.00
State Bank of India (Sydney)	17/04/2025	342	7/09/2026	BBB	4.70	2.858%	\$1,000,000.00
State Bank of India (Sydney)	22/05/2025	349	14/09/2026	BBB	4.25	2.858%	\$1,000,000.00
State Bank of India (Sydney)	3/04/2025	371	6/10/2026	BBB	4.70	2.858%	\$1,000,000.00
State Bank of India (Sydney)	29/04/2025	405	9/11/2026	BBB	4.65	2.858%	\$1,000,000.00
State Bank of India (Sydney)	4/06/2025	412	16/11/2026	BBB	4.15	2.858%	\$1,000,000.00
State Bank of India (Sydney)	6/08/2025	675	6/08/2027	BBB	4.10	4.287%	\$1,500,000.00
Suncorp	9/01/2025	48	17/11/2025	AA-	4.94	2.858%	\$1,000,000.00
Suncorp	17/06/2025	260	17/06/2026	AA-	4.21	4.287%	\$1,500,000.00
Suncorp	15/01/2025	442	16/12/2026	AA-	4.80	2.858%	\$1,000,000.00
Westpac	11/02/2025	135	12/02/2026	AA-	4.75	2.858%	\$1,000,000.00
Westpac	9/01/2025	377	12/10/2026	AA-	4.73	2.858%	\$1,000,000.00
						94.30%	\$33,000,000.00

Cash Deposit Account				
National Australia Bank	AA-	2.75	5.694%	\$1,992,584.38
			5.69%	\$1,992,584.38
TOTAL INVESTMENTS			100.00%	\$34,992,584.38
Cash at Bank	AA-	0.00		\$1,158,708.61
TOTAL FUNDS				\$36,151,292.99

CERTIFICATE

I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2021 and Council's Investments Policy number POL 4.10.



N Harris

MANAGER FINANCE & SOURCING

Application of Investment Funds

Restricted Funds	Description	Value
Internally Restricted		
	Employee Leave Entitlements (50% of ELE)	\$2,377,032.48
	Plant Replacement	\$2,529,885.29
	Sales Fluctuation	\$3,000,000.00
	Water Licences	\$916,385.20
		\$8,823,302.97
Unrestricted Funds		\$27,327,990.02
TOTAL FUNDS		\$36,151,292.99

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

Report

The investment portfolio decreased by \$154,619.31 for the month. The increase was due to receipts from customers being lower than payments to suppliers and staff in September. This resulted in decreased funds in cash and investments.

Portfolio Performance

For the month of September, the portfolio (excluding cash) provided a return of +0.39% (actual) or +4.86% p.a. (annualised), outperforming the benchmark Ausbond Bank Bill Index return of +0.29% (actual) or +3.62% p.a. (annualised).

The portfolio's performance is ahead of benchmark again over all time periods out to 12 months.

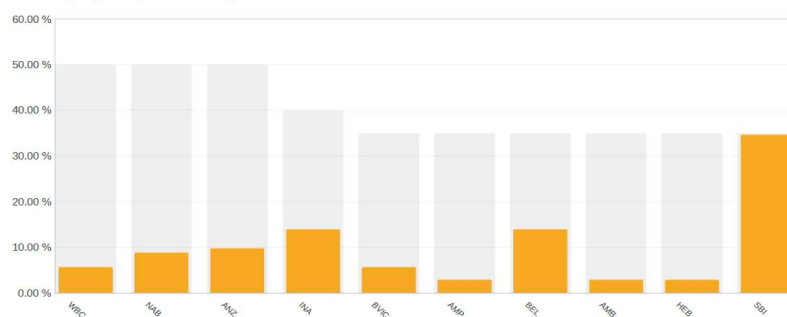
As maturities occur, Council continues to increase the average duration of the investment portfolio to increase revenue, targeting high yielding deposits with tenors between 1 and 2 years. This provides some income protection against a lower rate environment in coming years.

Interest received in the period totalled \$100,736.98, with \$344,304.30 received and accrued for the year to date.

Counterparty Compliance

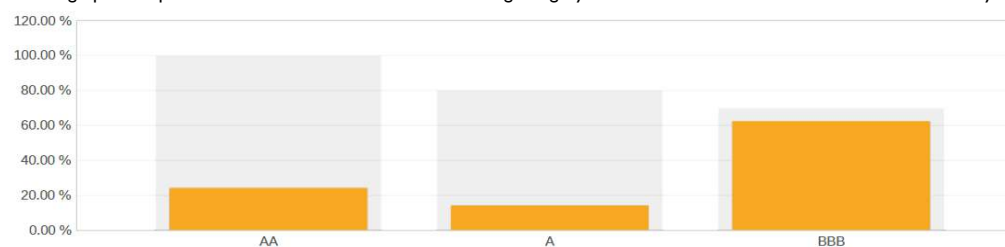
The below graph compare investments with each financial institution to the limits included in Council's Investment Policy

Counterparty Compliance - Long Term Investments



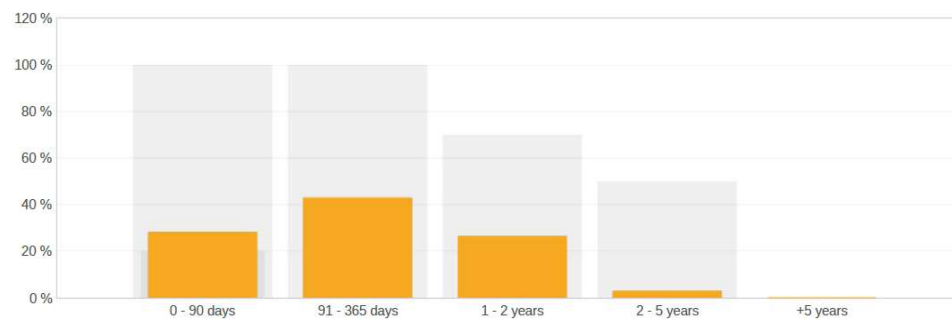
Credit Quality Compliance

The below graphs compare investments with each investment rating category to the limits included in Council's Investment Policy



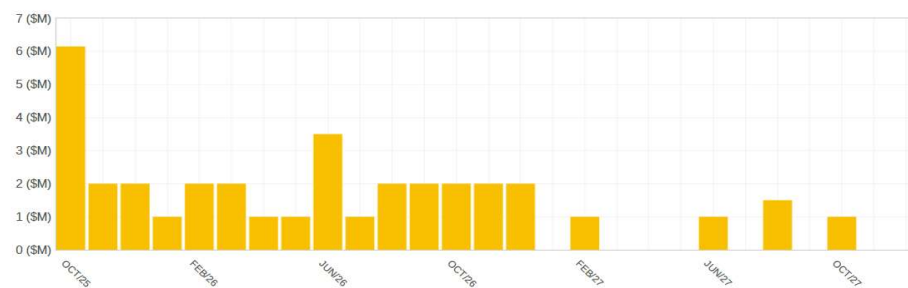
Term to Maturity

The percentage of investments maturing over the next ten years is detailed in the graph below. All maturity limits comply with the Investment Policy, council's cash flow requirements have been managed well with regular maturities typically placed over the next year



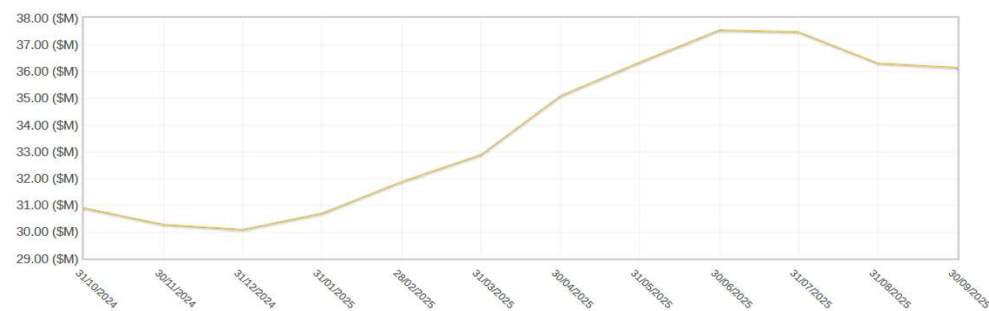
Maturity Cashflow

When investments will mature over time



Historical Portfolio Balances

Indicative of the normal cash cycle of the Council



R4 September 2025 Quarterly Budget Review Statement

Organisational Area Corporate Services

Author Natasha Harris, Manager Finance & Sourcing

Summary The Quarterly Budget Review Statement is presented to the Board in accordance with Clause 203(2) of the Local Government (General) Regulation 2021, for the purpose of periodically reviewing and revising the adopted estimates of income and expenditure.

RECOMMENDATION that Council receive and adopt the Quarterly Budget Review for the period ended 30 September 2025.

Report

The Quarterly Review of Riverina Water's budget for the period ending 30 September 2025 is submitted for review by the Board.

Quarterly Budget Review Statement Guidelines for Local Government

In mid-2025 the Office for Local Government issued new Quarterly Budget Review Statement (QBR) Guidelines for Local Government. The Guidelines were revised to ensure council staff report clearly and consistently to their councillors and communities. The Guidelines outline the purpose and value of effective financial reporting, highlight roles and responsibilities, and establish standardised Quarterly Budget Review Statement (QBRS) reporting templates.

The reporting templates are mandatory for the September QBR and are presented in this report to the Board for the first time. Provided for your reference is reviewing the September QBR is a one-page "How to read your Quarterly Financial Overview" summary provided by the OLG.

Operating Budget

The Operating Result was originally budgeted for a surplus of \$3,683,739 (\$644,601 before grants and contributions provided for capital purposes).

The proposed September quarterly budget review operational adjustments are outlined in detail on page 6 of the attachment. The revised anticipated Operating Result for 2025/26 is a surplus of \$3,784,540 (\$745,402 before grants and contributions provided for capital purposes).

Capital Budget

Also included is a quarterly review for Capital Works projects. The original capital expenditure budget for 2025/26 was \$18,089,624. This was revised to \$22,257,439 inclusive of carryovers, revotes, reprioritisation of capital works, and standalone report resolutions.

Due to the layout of the new mandated quarterly budget review template, all changes from the original budget (\$18,089,624) must be presented as a *Recommended change for council resolution* in the September QBR.

The proposed September 2025 quarterly review adjustments, which are outlined in detail on page 8 of the attachment, result in an increase of \$4,408,865 (or \$241,050 when excluding previous resolutions) to bring the proposed capital expenditure for 2024/25 totals \$22,498,489.

- › **R4.1** **How to read your Quarterly Financial Overview** [↓](#) 
- › **R4.2** **September 2025 Quarterly Budget Review** [↓](#) 

Strategic Alignment

Our Sustainability
Strategically manage our assets and finances

Financial Implications

The recommendation decreases Council's anticipated net cashflow for 2025/26 by \$4,308,064 when incorporated into the revised long term financial plan.

2025/26 Operational Plan Implications

The Quarterly Budget Review is not expected to have any implications for the 2025/26 Operational Plan.

Workforce Implications

Not applicable.

Risk Considerations

Financial	
Low	Financial Loss - Riverina Water has a low appetite for financial loss. We maintain a prudent financial strategy, ensuring stability and sustainable growth

Risk Alignment

The presentation of the Quarterly Budget Review supports effective decision-making, long-term financial sustainability and highlights budget performance, transparency and accountability to the community.

HOW TO READ YOUR QUARTERLY FINANCIAL OVERVIEW

QBRS FINANCIAL OVERVIEW											
(Name) Council											
Budget review for the quarter ended - XX XXXXXXX 20XX											
DESCRIPTION	Previous Year	Current Year	Approved	Approved	Approved	Revised	Recommended	Projected	VARIANCE	ACTUAL	
	Actual 20xx/xx \$000's	Original Budget 20xx/xx \$000's	Changes Review Q1 \$000's	Changes Review Q2 \$000's	Changes Review Q3 \$000's	Budget \$000's	changes for council resolution \$000's	Year End (PYE) Result 20xx/xx \$000's	ORIGINAL budget v PYE 20xx/xx \$000's	20xx/xx \$000's	
Net Operating Result before grants and contributions provided for capital purposes	General Fund	0	0	0	0	0	0	0	0	0	0
	Water Fund	0	0	0	0	0	0	0	0	0	0
	Sewer Fund	0	0	1	0	0	2	3	4	5	6
	Consolidated	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated	0	0	0	0	0	0	0	0	0	0
Borrowings	Total borrowings									0	
Liquidity	External restrictions	0	0	0	0	0	0	0	7	0	0
	Internal Allocations	0	0	0	0	0	0	0	0	0	0
	Unallocated	0	0	0	0	0	0	0	0	0	0
	Total Cash and Cash Equivalents	0	0	0	0	0	0	0	0	0	0
Capital	Capital Funding	0	0	0	0	0	0	0	8	0	0
	Capital Expenditure	0	0	0	0	0	0	0	0	0	0
	Net Capital	0	0	0	0	0	0	0	0	0	0

1. Approved changes – Review – Q1

These are the changes for Q1 that were approved by a previous council resolution. The original budget amount plus the approved changes determine the revised budget in this QBRS.

2. Revised budget

This figure is the original budget plus prior quarter approved changes.

3. Recommended changes for council resolution

Any change to the budget must be approved by council. By resolving to accept this QBRS, Councillors are approving the recommended changes.

4. Projected year end result

This figure is the revised forecast position of the fund at financial year end. The projected year end result is the original budget plus the approved and recommended budget changes.

The Consolidated Fund is the combination of the General, Water and Sewer funds. Some councils do not provide water or sewer to their communities.

5. Variance

This column shows the variance between the original adopted budget and the revised projected year result. Councillors should be aware of the reasons behind the variance.

6. Actual YTD

Actual year to date is the result from 1st July up until the end of the quarter being reported.

7. Internal allocations and unallocated reserves

Internal allocations and unallocated reserves demonstrate the level of liquidity of Council. Specifically, the Council's ability to cover short term liabilities such as employee entitlements.

8. Capital

The capital overview should inform council as to whether the capital works program is on track to deliver programs outlined in the IP&R documentation.

The funds are reported separately to ensure council, and the community have a clear picture of how the respective infrastructure and service delivery streams are performing – independent of councils broader (consolidated) account.

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2. QBRs Financial Overview	3
3. Income & Expenses Budget Review Statement - General Fund	4
4. Income & Expenses Budget Review Statement - Water Fund	5
5. Capital Budget Review Statement	7
6. Cash & Investments Budget Review Statement	9
7. Developer Contributions Summary	10

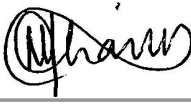
Riverina Water County Council

Quarterly Budget Review Statement
for the period 01/07/25 to 30/09/25

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

It is my opinion that the Quarterly Budget Review Statement for Riverina Water County Council for the quarter ended 30/09/25 indicates that Council's projected financial position at 30/6/26 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:  _____

Date: 10/10/2025

Natasha Harris
Responsible Accounting Officer

QBRS FINANCIAL OVERVIEW											
Riverina Water County Council											
Budget review for the quarter ended 30/09/25											
DESCRIPTION	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD	
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE		
	2024/25 \$000's	2025/26 \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	2025/26 \$000's	2025/26 \$000's	2025/26 \$000's	
Net Operating Result before grants and contributions provided for capital purposes	General Fund	4,207	644	0	0	0	644	101	745	101	-783
	Water Fund	4,207	644	0	0	0	644	101	745	101	-783
	Sewer Fund	0	0	0	0	0	0	0	0	0	0
	Consolidated	0	0	0	0	0	0	0	0	0	0
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0
Borrowings	Total borrowings	1,705	5,618					5,618	0		1,666
Liquidity	External restrictions	0	0	0	0	0	0	0	0	0	0
	Internal Allocations	8,715	8,715	0	0	0	8,715	0	8,715	0	8,823
	Unallocated	28,528	15,121	0	0	0	15,121	-4,308	10,813	-4,308	27,213
	Total Cash, Cash Equivalents and Inves	37,243	23,836	0	0	0	23,836	-4,308	19,528	-4,308	36,036
Capital	Capital Funding	11,540	18,090	0	0	0	18,090	4,409	22,499	4,409	2,204
	Capital Expenditure	11,540	18,090	0	0	0	18,090	4,409	22,499	4,409	2,204
	Net Capital	0	0	0	0	0	0	0	0	0	0
		Opening Balance	Total Cash Contributions Received	Total Interest Earned	Total Expended	Total Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from			
		As at 1 July 2025 \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's			
Developer Contribution	Total Developer Contributions	0	489	0	489	0	0	0			

Income and Expenses Budget Review Statement										
Riverina Water County Council										
Budget review for the quarter ended 30/09/2025										
General Fund										
Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE	
	2024/25 \$000's	2025/26 \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	2025/26 \$000's	2025/26 \$000's	2025/26 \$000's
INCOME										
Rates and Annual Charges	6,147	6,585				6,585		6,585	0	1,659
User Charges and Fees	29,512	27,604				27,604		27,604	0	5,028
Other Revenue	451	492				492		492	0	182
Grants and Contributions - Operating	31	25				25	36	61	36	-162
Grants and Contributions - Capital	1,389	3,039				3,039		3,039	0	530
Interest and Investment Income	1,649	1,571				1,571		1,571	0	443
Other Income						0		0	0	
Net gain from disposal of assets	162					0		0	0	50
Total Income from continuing operations	39,341	39,316	0	0	0	39,316	36	39,352	36	7,730
EXPENSES										
Employee benefits and on-costs	14,556	13,325				13,325		13,325	0	4,630
Materials & Services	10,166	12,585				12,585	-65	12,520	-65	3,309
Borrowing Costs	117	364				364		364	0	15
Other Expenses	224	266				266		266	0	29
Net Loss from Disposal of Assets						0		0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	25,063	26,540	0	0	0	26,540	-65	26,475	-65	7,983
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	14,278	12,776	0	0	0	12,776	101	12,877	101	-253
Depreciation, amortisation and impairment of non financial assets	8,682	9,093				9,093		9,093	0	
Operating result from continuing Operations	5,596	3,683	0	0	0	3,683	101	3,784	101	-253
Net Operating Result before grants and contributions provided for capital purposes	4,207	644	0	0	0	644	101	745	101	-783

Income and Expenses Budget Review Statement Riverina Water County Council Budget review for the quarter ended 30/09/2025 Water Fund										
Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE	
	2024/25 \$000's	2025/26 \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	2025/26 \$000's	2025/26 \$000's	2025/26 \$000's
INCOME										
Access Charges	6,147	6,585				6,585		6,585	0	1,659
User Charges	29,512	27,604				27,604		27,604	0	5,028
Fees	451	492				492		492	0	182
Grants & Contributions - Operating	31	25				25	36	61	36	-162
Interest and Investment Income	1,649	1,571				1,571		1,571	0	443
Other Income						0		0	0	
Net gain from disposal of assets	162					0		0	0	50
Total Income from continuing operations	37,952	36,277	0	0	0	36,277	36	36,313	36	7,200
EXPENSES										
Employee benefits and on-costs	14,556	13,325				13,325		13,325	0	4,630
Materials & Services	9,919	12,228				12,228	-65	12,163	-65	3,185
Borrowing Costs	117	364				364		364	0	15
Water purchase charges	247	357				357		357	0	124
Calculated taxaxtion equivalents						0		0	0	
Debt guarantee fee						0		0	0	
Other Expenses	224	266				266		266	0	29
Net Loss from Disposal of Assets						0		0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	25,063	26,540	0	0	0	26,540	-65	26,475	-65	7,983
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	12,889	9,737	0	0	0	9,737	101	9,838	101	-783
Depreciation, amortisation and impairment of non financial assets	8,682	9,093				9,093		9,093	0	
Surplus / (Deficit) from continuing operations before capital amounts	4,207	644	0	0	0	644	101	745	101	-783
Grants and Contributions - Capital	1,389	3,039				3,039		3,039	0	530
Surplus / (Deficit) from continuing operations after capital amounts	5,596	3,683	0	0	0	3,683	101	3,784	101	-253

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Grants & Contributions - Operating: - \$35,894 - Diesel Rebate - increase due to backclaim of rebates following consultant review.
2	Materials & Contracts - Budget reallocations: - \$9,324 - increase consultancy budget for fee payable for diesel rebate claim review. - \$6,500 - increase corporate memberships budget for Work180 subscription. - (\$80,731) - reduce insurance expense budget as renewal premiums are less than originally budgeted.
Net	\$100,801 - Increase to operating result

Capital Budget Review Statement Riverina Water County Council Budget review for the quarter ended 30/09/2025										
Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE	
	2024/25 \$000's	2025/26 \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	2025/26 \$000's	2025/26 \$000's	2025/26 \$000's
CAPITAL FUNDING										
Rates & other untied funding	8,568	10,651				10,651	4,409	15,060	4,409	1,516
Capital Grants & Contributions	1,389	3,039				3,039		3,039	0	530
Reserves - External Restrictions						0		0	0	
Reserves - Internally Allocated	1,101					0		0	0	108
New Loans		4,400				4,400		4,400	0	
Proceeds from sale of assets	482					0		0	0	50
Other						0		0	0	
Total Capital Funding	11,540	18,090	0	0	0	18,090	4,409	22,499	4,409	2,204
CAPITAL EXPENDITURE										
WIP	7,420					0	4,409	4,409	4,409	2,204
New Assets	883	1,740				1,740		1,740	0	
Asset Renewal	3,237	16,350				16,350		16,350	0	
Other	0					0		0	0	
Total Capital Expenditure	11,540	18,090	0	0	0	18,090	4,409	22,499	4,409	2,204
Net Capital Funding - Surplus /(Deficit)	0	0	0	0	0	0	0	0	0	0

Riverina Water County Council

Quarterly Budget Review Statement
for the period 01/07/25 to 30/09/25

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
	Endorsed changes since original budget:
1	- \$3,390,000 - Plumpton Road Works - \$1,985,466 - Carryovers - \$2,016,349 - Revotes - (\$3,224,000) - Reprtoritised works budget adjustments
	This quarter changes:
2	- \$241,050 - Redevelopment of Depot, The Rock - additional budget as outlined in report to the previous meeting of the Board (CONF-2) - (\$120,000) - System improvements budget distrubution to now identified projects - \$20,000 - Brookong Avenue Mains Replacement - \$100,000 - Gossett Street Mains Replacement
Net	\$4,408,865 - Increase to capital expenditure

Cash and Investments Budget Review Statement										
Riverina Water County Council										
Budget review for the quarter ended 30/09/2025										
Description	Previous Year	Current Year	Approved	Approved	Approved	Revised	Recommended	Projected	VARIANCE	ACTUAL
	Actual	Original	Changes	Changes	Changes	Budget	changes	Year End		YTD
	2024/25 \$000's	2025/26 \$000's	Review Q 1 \$000's	Review Q 2 \$000's	Review Q 3 \$000's	Budget \$000's	for council resolution Q1 \$000's	Result 2025/26 \$000's	ORIGINAL budget v PYE 2025/26 \$000's	2025/26 \$000's
Total Cash, Cash Equivalents & Investments	37,243	23,836				23,836	-4,308	19,528	-4,308	36,036
EXTERNALLY RESTRICTED										
Water Fund						0		0	0	
Sewer Fund						0		0	0	
Developer contributions - General						0		0	0	
Developer contributions - Water						0		0	0	
Developer contributions - Sewer						0		0	0	
Transport for NSW Contributions						0		0	0	
Domestic waste management						0		0	0	
Stormwater management						0		0	0	
Other						0		0	0	
Total Externally Restricted	0	0	0	0	0	0	0	0	0	0
Cash, cash equivalents & investments not subject to external restrictions	37,243	23,836	0	0	0	23,836	-4,308	19,528	-4,308	36,036
INTERNAL ALLOCATIONS										
Employee entitlements	2,377	2,377				2,377		2,377	0	2,377
Plant replacement	2,422	2,422				2,422		2,422	0	2,530
Sales fluctuation	3,000	3,000				3,000		3,000	0	3,000
Water licences	916	916				916		916	0	916
						0		0	0	
						0		0	0	
Other						0		0	0	
Total Internally Allocated	8,715	8,715	0	0	0	8,715	0	8,715	0	8,823
Unallocated	28,528	15,121	0	0	0	15,121	-4,308	10,813	-4,308	27,213

Developer Contributions Summary																						
Riverina Water County Council																						
Budget review for the quarter ended 30/09/2025																						
Purpose	Opening Balance	Developer Contributions Received										Interest Earned	Interest Earned	Interest Earned	Amounts Expended	Amounts Expended	Amounts Expended	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of Internal borrowings (to)/from
		Cash	Cash	Cash	Non-Cash Land	Non-Cash Land	Non-Cash Land	Non-Cash Other	Non-Cash Other	Non-Cash Other												
	As at 1 July 2025 \$000's	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	As at this Q	As at this Q	
Drainage																				0		
Roads																				0		
Traffic facilities																				0		
Parking																				0		
Open space																				0		
Community facilities																				0		
Other																				0		
Total \$7.11 Under plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
\$7.11 Not under plans																				0		
\$7.12 Levies																				0		
\$7.4 Planning agreements																				0		
\$64 Contributions	0	489			0			0			0			489			0			0	0	
Other																				0		
Total Developer Contribution	0	489	0	0	0	0	0	0	0	0	0	0	0	489	0	0	0	0	0	0	0	

R5 Acknowledgement of Country Policy

Organisational Area Corporate Services

Author Josh Lang, Customer and Communications Team Leader

Summary An action of the Reconciliation Action Plan is to review Riverina Water's Acknowledgement of Country Policy

RECOMMENDATION that Council:

- a) Note there were no submissions received during the public exhibition period
- b) Adopt the Acknowledgement of Country Policy

Report

As part of the adopted Reconciliation Action Plan (RAP) actions, the Acknowledgement of Country Policy is to be reviewed.

Consultation via the RAP Working Group with Mawang Gaway took place in the development of the draft policy. No submissions were received during the exhibition period.

› R5.1 Acknowledgement of Country Policy

Strategic Alignment

Our Community

Build stronger relationships with our diverse communities

Financial Implications

There are no financial implications associated with the adoption of the Policy

Workforce Implications

Not applicable

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

The Acknowledgement of Country Policy is a requirement of the Reflect Reconciliation Action Plan in line with 4.1.1.1 of the Delivery Program 2025/26-2028/29. The policy outlines appropriate use of Acknowledgment of Country and Welcome to Country protocols at meetings, events, and official functions.



Acknowledgment of Country Policy 1.16

Purpose

The purpose of this policy is to set out guiding principles for Riverina Water County Council, its management and staff in recognising and respecting the Traditional Custodians of the lands that we supply water on, the Wiradyuri people. The policy outlines appropriate use of Acknowledgment of Country and Welcome to Country protocols at meetings, events, and official functions..

Policy Statement

Riverina Water acknowledges the importance of recognising Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land and waters we work on. An Acknowledgment of Country is a way to pay respect to the Wiradyuri people and to the continuing connection of all First Nations peoples to land, culture, and community..

Scope

This policy applies to the Chairperson, Deputy Chairperson, Board Members, CEO, Directors and staff when conducting board meetings, committee meetings of Council, public-facing activities, or other events coordinated by Riverina Water..

Principles

This policy supports Riverina Water's commitment to reconciliation, inclusion and cultural safety. By incorporating an Acknowledgement of Country, Riverina Water is able to:

- Recognise and pay respect to First Nations Peoples, cultures and heritage
- Communicate First Nations' cultural practices to the broader community to promote respect and understanding
- Demonstrate that First Nations' cultures are living through maintenance and practice of ceremonies and protocols
- Acknowledge First Nations People's unique position which can assist in building relationships and partnerships

Data and document control

Page 1 of 3

Author: Customer and Communications Team
Leader

Version 4.0
Last revised date 1/6/2025
Next scheduled review: June 2029



Policy Implementation

An Acknowledgement of Country takes place at board meetings, committee meetings of Council and major official functions. It may also be included at other events, meetings, community presentations, or communications at the discretion of the presenter.

For official functions or significant public events, may seek to engage a recognised Wiradyuri Elder to conduct a Welcome to Country ceremony. This may include a spoken welcome, traditional dance, music, or smoking ceremony. Appropriate consultation and compensation should be arranged where applicable.

Preferred Acknowledgment of Country wording:

"Riverina Water acknowledges the traditional custodians of the land and waters, the Wiradyuri people, and pays respect to Elders past and present. We extend our respect to all First Nations Peoples across our supply area."

This wording may be adapted slightly to suit the context, such as for written communication, signage, or informal gatherings.

Non Compliance

Non-compliance with adopted policy may be considered a breach under the Code of Conduct. As such, any suspected or known non-compliance will be reported to the CEO.

Policy number	Policy 1.16
Responsible area	CEO
Approved by	Riverina Water Board – Res XX/XXXX
Approval date	XX XXXX 2025
Legislation or related strategy	N/A

Data and document control

Page 2 of 3

Author: Customer and Communications Team
Leader

Version 4.0
Last revised date 1/6/2025
Next scheduled review: June 2029



Documents associated with this policy	Code of Conduct Policy 1.01
	Code of Meeting Practice Policy 1.02
	Reconciliation Action Plan
Policy history	Original 25 August 2020 10/107
	Review 27 February 2013 13/14
	Review 22 February 2017 17/13
Review Schedule	Every 4 years (next review due June 2029), or if required as per current Reconciliation Action Plan

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

END OF POLICY STATEMENT

Data and document control	
Page 3 of 3	
Author: Customer and Communications Team Leader	Version 4.0 Last revised date 1/6/2025 Next scheduled review: June 2029

R6 Donations and Sponsorships 2025-26 progress report

Organisational Area Corporate Services

Author Josh Lang, Customer and Communications Team Leader

Summary An update on approved donations and sponsorships is provided to the Board each meeting.

RECOMMENDATION that the Board receive and note the report.

Report

One of the many meaningful ways Riverina Water gives back and invests in its community is through donations and sponsorships.

As part of the Donations and Sponsorships Policy, this is reported to the Board as required on a per-meeting basis. As at 1 October 2025, \$51,500 had been awarded to 18 recipients during the current financial year.

There is an amount of \$53,500 remaining in the donations and sponsorships budget for 2025/26, not including any long-standing partnerships, other reports to this meeting, or expected applications, to be assessed on their merit. With these in mind, the budget is on track to be expended in 2025/26.

Recipient	Description	Type	LGA	Amount
Cancer Council NSW	2025 Relay for Life Event	Sponsorship	Wagga	\$2,000.00
Ronald McDonald House	Sponsoring nights of accommodation for families	Donation	Wagga	\$3,500.00
Wollundry Rotary Club	Gears and Beers 2025	Sponsorship	Wagga	\$1,000.00

Previously reported:

Recipient	Description	Type	LGA	Amount
Wagga Wagga Takes 2	Golden Buzzer. Funds go directly to a nominated charity	Sponsorship	Wagga	\$3,000.00

Basketball NSW	NAIDOC 3X3 Basketball Gala Day	Donation	Wagga	\$3,000.00
Southern Sports Academy	Community Partner - Incl. Indigenous Talent Program - Talent ID day	Sponsorship	All regions	\$5,000.00
Specialist Medical Foundation	Carols by Candlelight at the Riverside Precinct	Sponsorship	Wagga	\$2,500.00
St Vincent de Paul	Winter Sleepout appeal	Sponsorship	Wagga	\$2,500.00
Spirit of the Land Lockhart Inc	Sponsorship annual Spirit of the Land Festival	Sponsorship	Lockhart	\$2,500.00
Riverina Conservatorium of Music	Christmas with the Con	Sponsorship	Wagga	\$2,500.00
Lockhart Picnic Race Clun Inc.	Picnic Races	Sponsorship	Lockhart	\$2,500.00
Kurrajong	Hildasid Farm	Donation	Wagga	\$2,000.00
The Rock Bowling Club	Rock for a Reason Event	Donation	Lockhart	\$500.00
RDA Riverina	ADF special dinner event	Sponsorship	Wagga	\$2,000.00
Liller Lodge	CanAssist Race Day	Sponsorship	Wagga	\$2,000.00
Fishing For Kynan	2025 event	Donation	Wagga	\$1,000.00
Murrumbidgee Landcare	Riverina Harvest Festival	Sponsorship	Wagga	\$3,000.00
Water Aid	Silver membership	Membership	N/A	\$11,000
Total				\$51,500

Strategic Alignment

Our Community

Actively support and contribute to our community

Financial Implications

The donations and sponsorships are funded annually within the 2025/26 Operational Plan

Workforce Implications

Not applicable

Risk Considerations

Community and agency partnerships	
High	Riverina Water has a high appetite to partner with our community and other agencies to maximise potential benefits to Riverina Water and the Community.

Risk Alignment

Provision of funds to community groups, projects and initiatives is provided under the Donations and Sponsorships Policy. The policy provides eligibility criteria and assessment controls to ensure approved recipients align with strategic objectives.

R7 Code of Meeting Practice - revised policy based on the new model code

Organisational Area Corporate Services

Author Wendy Reichelt, Governance & Corporate Planning Officer

Summary This report presents the new revised *Code of Meeting Practice Policy 1.02*, based on the recently released *Model Code of Meeting Practice for local councils in NSW*

RECOMMENDATION that Council:

- a) Review the draft *Code of Meeting Practice Policy 1.02*
- b) Note that the draft policy will be placed on public exhibition for 28 days following the October meeting; and
- c) Note that the *Code of Meeting Practice Policy 1.02* will be presented to the Board at its meeting in December 2025 for final review and adoption

Report

The revised *Code of Meeting Practice Policy 1.02* was presented to the August 2025 Board meeting for review and endorsement to be placed on public exhibition (Res 25/118). The report advised that management were waiting on the new *Model Code of Meeting Practice* which was yet to be released by the Office of Local Government (OLG).

This *Model Code* was released the day following the August Board meeting. The *Code of Meeting Practice Policy 1.02* that was presented to the August meeting was therefore not placed on public exhibition as there were quite a few changes in the new *Model Code* that needed to be reflected in the *Riverina Water Code of Meeting Practice*.

The *Model Meeting Code* applies to all meeting of councils and committees of councils (or in Riverina Water's case, committees of the Board) of which all the members are councillors. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the *Model Meeting Code* by the end of December 2025.

There has been significant discussion across the sector on some of the new requirements. As well as continuing updates to Q&As relating to the new *Model Code* on the OLG's website, special Q&A sessions have been hosted by DPIE with the Office of Local Government in attendance.

Some key take-aways from these sessions are:

- pre-council briefings are not permissible

- separate workshops can be held, but are to be open to the public (but do not have to be livestreamed)
- where the Code uses the terms **must** or **will** these clauses are mandatory. Where the Code uses the term **may** or **should**, it is up to each council to determine if and how that clause applies
- if a matter is considered in closed session (i.e. is confidential) it is up to the Board to determine if the information contained in confidential reports is to be made available to the public for information and when. Information is only to be released following liaison with affected parties before making information available to the public
- the Model Code may be silent on some matters or have had provisions removed from previous Codes. This does not stop councils from including them in their Code of Meeting Practice, as long as these provisions do not contradict the mandatory provisions of the new Code.
- Councillors can only attend meetings remotely (i.e. by Teams etc) if they are unwell or have unexpected caring duties. They cannot attend meetings remotely due to being elsewhere for business etc. (There are, however, provisions for natural disasters, which may include inability to attend a meeting due to road closures etc, and public health orders.)

The OLG is continuing to update the Q&As concerning the new Model Code on their website and board members are encouraged to review these.

As requested by the Board at the August meeting, the Policy is provided to this meeting with track changes on. This shows changed wording of clauses as well as deletions no longer in the Model Code. Members are encouraged to review this marked up copy to see if there is anything deleted or changed that they wish to include in the revised *Code of Meeting Practice Policy 1.02* (keeping in mind that it must not contradict or overrule a mandatory clause in the new Model Code).

A clean copy (track changes accepted) of the revised *Code of Meeting Practice Policy 1.02* is also provided to assist with readability.

The draft *Code of Meeting Practice Policy 1.02* will be placed on public exhibition for a period of 28 days once the policy is reviewed and any changes made after initial review. Following the exhibition period a further report will be presented to the December Board meeting for review and adoption. This will enable Riverina Water to meet the statutory deadline of implementing the new *Code of Meeting Practice* from 1 January 2026.

› **R7.1** **Code of Meeting Practice Policy 1.02 - changes accepted** [↓](#) 

› **R7.2** **Code of Meeting Practice - review copy** [↓](#) 

Strategic Alignment

Our Operations

Provide effective leadership and governance

Financial Implications

No financial implications

Workforce Implications

Not applicable

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

The *Code of Meeting Practice Policy 1.02* ensures the Riverina Water Board (and its committees) conducts meetings in accordance with the Model Code of Meeting Practice and legislation.



Riverina Water Code of Meeting Practice

Policy 1.02

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1. Introduction

This *Code of Meeting Practice* incorporates the mandatory provisions of the model code of meeting practice for local councils in NSW and some optional provisions as determined by the Board.

The Board and any committees of Riverina Water of which all the members are board members, must conduct its meetings in accordance with this *Code of Meeting Practice*. Riverina Water committees whose members include persons other than board members may adopt their own rules for meetings unless the Board determine otherwise.

2. Meeting principles

2.1 Board and committee meetings should be:

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that Board members and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Board members, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Board member, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Note: The Office of Local Government has issued a [guideline on free speech in local government in NSW](#). The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3. Before the meeting

Timing of ordinary board meetings

- 3.1 The Board shall, by resolution, set the frequency, time, date and place of its ordinary meetings. Under section 396 of the Act, county councils are required to meet at least four (4) times each year.
- 3.2 The Board may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

- 3.4 The chairperson may call an extraordinary meeting without the need to obtain the signature of two (2) board members**

Notice to the public of board meetings

- 3.5 The Board must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Board.

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, notice of a meeting of the Board and of a committee of the Board is to be published before the meeting takes place. The notice must be published on Riverina Water's website, and in such other manner that Riverina Water is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to members of ordinary board meetings

- 3.8 The chief executive officer (CEO) must send to each board member, at least three (3) working days before each meeting of the Board a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.8 reflects section 367(1) of the Act.

- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to board members in electronic form, but only if all members have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to members of extraordinary meetings

- 3.10 Notice of less than three (3) days may be given to board members of an extraordinary meeting of the Board in cases of emergency.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at board meetings

- 3.11 A board member may give notice of any business they wish to be considered by the Board at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted four (4) business days before the meeting is to be held.
- 3.12 A board member may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.13 A board member may, by way of a notice submitted under clause 3.11, ask a question for response by the CEO about the performance or operations of Riverina Water.
- 3.14 A board member is not permitted to ask a question with notice under clause 3.13 that would constitute an act of disorder
- 3.15 The CEO or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Board.

Agenda and business papers for ordinary meetings

- 3.15 The CEO must cause the agenda for a meeting of the Board or a committee of the Board to be prepared as soon as practicable before the meeting.
- 3.16 The CEO must ensure that the agenda for an ordinary meeting of the Board states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Board, and
 - (b) any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.11.
- 3.17 Nothing in clause 3.16 limits the powers of the chairperson to put a chairperson minute to a meeting without notice under clause 9.7.
- 3.18 The CEO must not include in the agenda for a meeting of the Board any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next meeting of the Board.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to board members for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a board member or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Board and committees of the Board, are to be published on Riverina Water's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the administration office of Riverina Water, at the relevant meeting and at such other venues determined by Riverina Water.

Note: Clause 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business that the CEO has identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on Riverina Water's website and made available to the public at a time that is as close as possible to the time they are available to board members.

Note: Clause 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form.

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The Board must ensure that the agenda for an extraordinary meeting of the Board deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the chairperson to put a chairperson's minute to an extraordinary meeting without notice under clause 9.7

- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the Board at which all board members are present, even though due notice of the business has not been given, if the Board resolves to deal with the business on the grounds that is urgent and requires a decision by the Board before the next scheduled ordinary meeting of the Board. A resolution adopted under this clause must state the reasons for the urgency..
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this Code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all board members are not present at the extraordinary meeting, the Board may only deal with business at the meeting that board members have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the Chairperson also rules that the business is urgent and requires a decision by the Board before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing session

- 3.31 Briefing sessions must not be held to brief board members on business listed on the agenda for meetings of the Board or committees of the Board.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the Board to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the Board.

- 3.32 Nothing in clause 3.31 prevents a board member from requesting information from the CEO about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4. Public forums

- 4.1 Riverina Water may hold a public forum prior to each ordinary meeting of the Board for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary board meetings and meetings of committees of the Board.
- 4.2 The Board may determine the rules under which public forums are to be conducted and when they are to be held

- 4.3 The provision of this Code requiring the livestreaming of meetings also apply to public forums.

5. Coming together

Attendance by board members at meetings

- 5.1 All board members must make reasonable efforts to attend meetings of the Board and of committees of the Board of which they are members.

Note: A board member may not attend a meeting as a member (other than the first meeting of the Board after the member is elected or a meeting at which the member takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 The Board may determine standards of dress for board members when attending meetings.
- 5.3 A board member cannot participate in a meeting of the Board or of a committee of the Board unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.
- 5.4 Where a board member is unable to attend one or more meetings of the Board, the member should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the Board grant them a leave of absence from the relevant meetings.
- 5.5 The Board must act reasonably when considering whether to grant a member's request for a leave of absence.
- 5.6 Where a board member makes an apology under clause 5.4 the Board must determine by resolution whether to grant the member a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the Board resolves not to grant a leave of absence for the meeting, it must state the reasons for its decisions in its resolution.
- 5.7 A board member's civic office will become vacant if the member is absent from three (3) consecutive ordinary meetings of the Board without prior leave of the Board, or leave granted by the Board at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Board has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

The quorum for a meeting

- 5.8 The quorum for a meeting of the Board is a majority of the members of the Board who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Board.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the Board must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the Chairperson, or
 - (b) in the Chairperson's absence, by the majority of the members present, or
 - (c) failing that, by the CEO.
- 5.12 The CEO must record in the Board 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 Board together with the names of the members present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and welfare of board members, Riverina Water staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the chairperson may, in consultation with the CEO and, as far as is practicable, with each board member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on Riverina Water's website and in such other manner that Riverina Water is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Board or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the Board or a committee of the Board may be held by audio-visual link where the Chairperson determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of board members and staff at risk. The Chairperson must make a determination under this clause in consultation with the CEO and, as far as is practicable, with each member.

- 5.16 Where the Chairperson determines under clause 5.15 that a meeting is to be held by audio-visual link, the CEO must:
- (a) give written notice to all board members that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all board members can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on Riverina Water's website in such other manner the CEO is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 The Code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where Riverina Water holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting

Attendance by board members at meetings by audio-visual link

- 5.18 Board members may attend and participate in meetings of the Board and committees of Riverina Water by audio-visual link with the approval of the Board or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which an election of Chairperson is to be held
- 5.20 A request by a board member for approval to attend a meeting by audio-visual link must be made in writing to the CEO prior to the meeting in question and must provide reasons why the member will be prevented from attending the meeting in person.
- 5.21 Board members may request approval to attend more than one meeting by audio-visual link. Where a member requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 Riverina Water must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a board member to attend a meeting by audio-visual link.
- 5.23 A board member who has requested approval to attend a meeting of the Board or a committee of the Board by audio-visual link may participate in the meeting by audio-visual link until the Board or committee determines whether to approve their request and is to be taken as present at the meeting. The board member may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a board member to attend a meeting of the Board or a committee of the Board by audio-visual link must be made by a resolution of the Board or the committee concerned. The resolution must state the meetings the resolution

applies to.

- 5.25 If the Board or committee refuses a board member's request to attend a meeting by audio-visual link, their link to the meeting is terminated.
- 5.26 A decision whether to approve a board member's request to attend a meeting by audio-visual link is at the Board's or the relevant committee's discretion. The Board and committees of the Board must act reasonably when considering requests by board members to attend meetings by audio-visual link.
- 5.27 The Board and committees of the Board may refuse a member's request to attend a meeting by audio-visual link where the Board or committee is satisfied that the Board member has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this Code on one or more previous occasions they have attended a meeting of the Board or a committee of the Board by audio-visual link.
- 5.28 This Code applies to a board member attending a meeting by audio-visual link in the same way it would if the member was attending the meeting in person. Where a Board member is permitted to attend a meeting by audio-visual link under this Code, they are to be taken as attending the meeting in person for the purposes of this Code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A board member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The member's camera must be on at all times during the meeting except as may be otherwise provided for under this Code.
- 5.30 A board member must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting, or that are likely to bring the Board or the committee into disrepute.

Entitlement of the public to attend board meetings

- 5.31 Everyone is entitled to attend a meeting of the Board and committees of the Board. Riverina Water must ensure that all meetings of the Board and committees of the Board are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a board member or another person) is not entitled to be present at a meeting of the Board or a committee of the Board if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Board has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: Clauses 14.13 and 14.14 confer a standing authorisation on all chairpersons of meetings of the Board and committees of the Board to expel persons from meetings.

Livestreaming of meetings

- 5.34 Each meeting of the Board or a committee of the Board is to be recorded by means of an audio-visual device.
- 5.35 At the start of each meeting of the Board or a committee of the Board, the Chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and will be made publicly available on Riverina Water's website, and
 - (b) persons attending the meeting should refrain from making any defamatory comments
- 5.36 The recording of a meeting is to be made publicly available on Riverina Water's website at the same time the meeting is taking place
- 5.37 The recording of a meeting is to be made publicly available on Riverina Water's website for at least 12 months after the meeting or for the balance of the Board's term, whichever is the longer period.
- 5.38 Clauses 5.34– 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clause 5.34 – 5.38 reflect section 236 of the Regulation

- 5.39 Recording of meetings may be disposed of in accordance with the *State Records Act 1998*

Attendance CEO and other staff at meetings

- 5.40 The CEO is entitled to attend, but not to vote at, a meeting of the Board or a meeting of a committee of the Board of which all of the members are board members.

Note: Clause 5.40 reflects section 376(1) of the Act.

- 5.41 The CEO is entitled to attend a meeting of any other committee of the Board and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

- 5.42 The CEO may be excluded from a meeting of the Board or a committee while the Board or committee deals with a matter relating to the standard of performance of the CEO or the terms of employment of the CEO.

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other Riverina Water staff at a meeting, (other than as members of the public) shall be determined by the CEO in consultation with the Chairperson.

6. The Chairperson

The Chairperson at meetings

- 6.1 The Chairperson, or at the request of or in the absence of the Chairperson, the Deputy Chairperson (if any) presides at meetings of the Board.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the Chairperson and the Deputy Chairperson (if any) are absent, a member elected to chair the meeting by the members present presides at a meeting of the Board.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the absence of the Chairperson and Deputy Chairperson

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

Chairperson to have precedence

- 6.9 When the Chairperson rises or speaks during a meeting of the Board:
- (a) any board member then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

- (b) every member present must be silent to enable the Chairperson to be heard without interruption.

7. Modes of Address

- 7.1 Where physically able to, board members and staff should stand when the Chairperson enters the chamber and when addressing the meeting.
- 7.2 The Chairperson is to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.3 A board member is to be addressed as 'Councillor [surname]'.
- 7.4 A Riverina Water officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8. Order of business for ordinary board meetings

- 8.1 At a meeting of the Board, the general order of business is as fixed by resolution of the Board.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Board if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 13 allows the Board to deal with items of business by exception.

- 8.3 Despite any other provision of this Code, only the mover of a motion referred to in clause 8.2 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9. Consideration of business at board meetings

Business that can be dealt with at a board meeting

- 9.1 The Board must not consider business at a meeting of the Board:
 - (a) unless a board member has given notice of the business, as required by clause 3.11, and
 - (b) unless notice of the business has been sent to the board members in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the Board, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) is a matter or topic put to the meeting by way of a chairperson minute, or
 - (d) is a motion for the adoption of recommendations of a committee of the Board.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the Board at which all board members are present even though due notice of the business has not been given to the members if the Board resolves to deal with the business on the grounds that is urgent and requires a decision by the Board before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 9.3 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all Board members are not present at a meeting, the Board may only deal with business at the meeting that board members have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the Chairperson also rules that the business is urgent and requires a decision by the Board before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.5.

Chairperson minutes

- 9.7 The Chairperson may, by minute signed by the Chairperson, put to the meeting without notice any matter or topic that the Chairperson determines should be considered at the meeting.
- 9.8 A Chairperson minute, when put to a meeting, takes precedence over all business on the Board's agenda for the meeting. The Chairperson may move the adoption of a Chairperson minute without the motion being seconded.
- 9.9 A recommendation made in a Chairperson Minute put by the Chairperson is, so far as it is adopted by the Board, a resolution of the Board.

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the Board, a resolution of the Board.

Reports of committees of the Board

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

Questions

- 9.13 A question must not be asked at a meeting of the Board unless it concerns a matter on the agenda of the meeting or notice has been given of the question in

accordance with clauses 3.11 and 3.13 unless the Board determines otherwise in accordance with this Code..

- 9.14 A board member may, through the Chairperson, ask another member about a matter on the agenda.
- 9.15 A board member may, through the Chairperson, ask the CEO about a matter on the agenda. The CEO may request another Riverina Water staff member to answer the question.
- 9.16 A board member or Riverina Water staff member to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a board member or Riverina Water staff member to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Board.
- 9.17 Board members must ask questions directly, succinctly and without argument.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a board member or Riverina Water staff member.

10. Rules of debate

Motions to be seconded

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

Notices of motion

- 10.2 A board member who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a board member who has submitted a notice of motion under clause 3.11 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to members, the Chairperson is to note the withdrawal of the notice of motion at the meeting, unless the Board determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a board member who has placed a notice of motion on the agenda for a meeting of the Board:
 - (a) any other board member may, with the leave of the Chairperson, move the motion at the meeting, or
 - (b) the Chairperson may defer consideration of the motion until the next meeting of the Board.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the Chairperson at a meeting of the Board to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

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

Limitations on the number and duration of speeches

- 10.15 A board member who, during a debate at a meeting of the Board, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A board member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

- 10.17 A board member must not, without the consent of the Board, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the Chairperson may permit a board member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a board member may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no member expresses an intention to speak against it, or
 - (b) if at least two (2) board members have spoken in favour of the motion or amendment and at least two (2) members have spoken against it.
- 10.20 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All board members must be heard without interruption and all other members must, unless otherwise permitted under this Code, remain silent while another member is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

11. Voting

Voting entitlements of board members

- 11.1 Each board member is entitled to one (1) vote.
- Note: Clause 11.1 reflects section 370(1) of the Act.**
- 11.2 The person presiding at a meeting of the Board has, in the event of an equality of votes, a second or casting vote.
- Note: Clause 11.2 reflects section 370(2) of the Act.**
- 11.3 Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at board meetings

- 11.4 A board member who is present at a meeting of the Board but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a board member who has voted against a motion put at a board meeting so requests, the CEO must ensure that the member's dissenting vote is recorded in the minutes.
- 11.6 All voting at board meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

12. Committee of the whole

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

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this Code relating to meetings of the Board, so far as they are applicable, extend to and govern the proceedings of the Board when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging board members and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.24 limit the number and duration of speeches.

Note: Clause 7.1 encourages board members and staff to stand when addressing the meeting where they can

- 12.3 The CEO or, in the absence of the CEO, a staff member of Riverina Water designated by the CEO, is responsible for reporting to the Board the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Board must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Board's minutes. However, the Board is not taken to have adopted the report until a motion for adoption has been made and passed.

13. Dealing with items by exception (en globo)

- 13.1 The Board or a committee of the Board may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the Board or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the Chairperson must list the items of business to be adopted and ask board members to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on, or ask questions of management.

- 13.3 The Board or committee must not resolve to adopt any item of business under clause 13.1 that a board member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Board or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Board members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of Riverina Water's Code of Conduct.

14. Closure of board meetings to the public

Grounds on which meetings can be closed to the public

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

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of Riverina Water's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The Board or a committee of the Board may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Board or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Board or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice, and
- (d) are subject to legal professional privilege.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:

- (i) cause embarrassment to the Board or committee concerned, or to board members or to staff members of Riverina Water, or
- (ii) cause a loss of confidence in the Board or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Board or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Board, or of a committee of the Board, may be closed to the public while the Board or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the Board or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The Board, or a committee of the Board, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the Board may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to Riverina Water in the approved form. Applications

must be received by midday of the Monday preceding the Board meeting before the meeting at which the matter is to be considered.

Expulsion of non-members from meetings closed to the public

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

Obligation of board members attending meetings by audio-visual links

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

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the Board passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The CEO must cause business papers for items of business considered during a meeting, or

part of a meeting, that is closed to public, to be published on Riverina Water's website as soon as practicable after the information contained in the business papers ceases to be confidential.

- 14.20 The CEO must consult with the Board and any other affected persons before publishing information on Riverina Water's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15. Keeping order at meetings

Points of order

- 15.1 A board member may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the board member raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

- 15.7 A board member can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.10 A board member commits an act of disorder if the member, at a meeting of the Board or a committee of the Board:

- (a) contravenes the Act or any regulation in force under the Act, the Regulation or this Code, or
- (b) assaults or threatens to assault another board member or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Board or the committee, or addresses or attempts to address the Board or the committee on such a motion, amendment or matter, or
- (d) uses offensive or disorderly words, or
- (e) make gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly would be considered disorderly, or
- (f) imputes improper motives to or unfavourable personally reflects upon any other Riverina Water official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The Chairperson may require a board member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d) (e) or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d) (e) (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a Board member fails to take action in response to a requirement by the Chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the Chairperson may require the Board member to take

that action at each subsequent meeting until such time as the member complies with the requirement. If the Board member fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.17.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.15 All chairpersons of meetings of the Board and committees of the Board are authorised under this Code to expel any person including any board member, from a board or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.16 Clause 15.15, does not limit the ability of the Board or a committee of the Board to resolve to expel a person, including a board member, from a board or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A board member may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Board for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a board member from the meeting for that reason does not prevent any other action from being taken against the Board member for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Board for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Members of the public attending a meeting of the Board:
- (a) must remain silent during the meeting unless invited by the Chairperson to speak
 - (b) must not bring flags, signs or protest symbols to the meeting, and
 - (c) must not disrupt the meeting
- 15.20 Without limiting clause 15.18, a contravention of clause 15.19 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.19
- 15.21 Where a board member or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

- 15.22 If a board member or a member of the public fails to leave the place where a meeting of the Board is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by Riverina Water or person presiding, may, by using only such force as is necessary, remove the Board member or member of the public from that place and, if necessary, restrain the Board member or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by board members attending meetings by audio-visual link may be dealt with

- 15.23 Where a board member is attending a meeting by audio-visual link, the Chairperson or a person authorised by the Chairperson may mute the Board member's audio-link to the meeting for the purposes of enforcing compliance with this Code.
- 15.24 If a board member attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting or a person authorised by the Chairperson, may terminate the Board member's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.25 Board members, Riverina Water staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Board and committees of the Board.
- 15.26 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Board or a committee of the Board without the prior authorisation of the Board or the committee.
- 15.27 Without limiting clause 15.18, a contravention of clause 15.26 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.26, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.28 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by Riverina Water or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16. Conflicts of interest

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

17. Decisions of the Board

Board decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Board at which a quorum is present is a decision of the Board.

Note: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by the Board must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering board decisions

- 17.3 A resolution passed by the Board may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this Code.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) board

members if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.
- 17.10 A motion to alter or rescind a resolution of the Board may be moved on the report of a committee of the Board and any such report must be recorded in the minutes of the meeting of the Board.

Note: Clause 17.10 reflects section 372(6) of the Act.

- 17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Board may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three (3) board members is submitted to the Chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Board before the next scheduled ordinary meeting of the Board.
- 17.12 A motion moved under clause 17.11 (b) can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 17.11 (b) can speak to the motion before it is put.
- 17.13 A resolution adopted under clause 17.11 (b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a board member may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Board's resolution, or
 - (b) to confirm the voting on the resolution.

- 17.15 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the Board member is to propose alternative wording for the resolution.
- 17.16 The Chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

18. After the meeting

Minutes of meetings

- 18.1 Riverina Water is to keep full and accurate minutes of the proceedings of meetings of the Board.

Note: Clause 18.1 reflects section 375(1) of the Act.

- 18.2 At a minimum, the CEO must ensure that the following matters are recorded in the Board's minutes:
 - (a) the names of board members attending a board meeting, and whether they attended the meeting in person or by audio-visual link
 - (b) details of each motion moved at a board meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this Code.

- 18.3 The minutes of a board meeting must be confirmed at a subsequent meeting of the Board.

Note: Clause 18.3 reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 18.5 reflects section 375(2) of the Act.

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a board meeting must be published on Riverina Water's website. This clause does not prevent Riverina Water from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The Board and committees of the Board must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 18.8 reflects section 11(1) of the Act.

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

- 18.10 Clause 18.8 does not apply if the Board or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 18.12 The CEO is to implement, without undue delay, lawful decisions of the Board.

Note: Clause 18.12 reflects section 335(b) of the Act.

19. Council committees

Application of this Part

- 19.1 This Part only applies to committees of Riverina Water whose members are all board members.

Riverina Water committees whose members are all board members

- 19.2 The Board may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the Board is to consist of the Chairperson and such other board members as are elected by the members or appointed by the Board
- 19.4 The quorum for a meeting of a committee of the Board is to be:

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

Functions of committees

- 19.5 The Board must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The CEO must send to each board member, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the Chairperson) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the Board are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A board member who is not a member of a committee of the Board is entitled to attend, and to speak at a meeting of the committee. However, the Board member is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of board committees

- 19.11 The chairperson of each committee of the Board must be:
- (a) the Chairperson, or

- (b) if the Chairperson does not wish to be the chairperson of a committee, a member of the committee elected by the Board, or
 - (c) if the Board does not elect such a member, a member of the committee elected by the committee.
- 19.12 The Board may elect a member of a committee of the Board as deputy chairperson of the committee. If the Board does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the Chairperson nor the Deputy Chairperson of a committee of Riverina Water 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.
- 19.14 The Chairperson is to preside at a meeting of a committee of the Board. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this Code, each committee of the Board may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Board.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Board or the committee determines otherwise in accordance with clause 19.15.
- 19.17 Voting at a board committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Chairperson minutes

- 19.18 The provisions of this Code relating to Chairperson minutes also apply to meetings of committees of the Board in the same way they apply to meetings of the Board.

Closure of committee meetings to the public

- 19.19 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of committees of the Board to the public in the same way they apply to the closure of meetings of the Board to the public.
- 19.20 If a committee of the Board 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 Board. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 19.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.20 during a part of the meeting that is livestreamed where practicable.
- 19.22 The CEO must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on Riverina Water's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 19.23 The CEO must consult with the committee and any other affected persons before publishing information on Riverina Water's website under clause 19.22 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

- 19.24 The provisions of the Act, the Regulation and this Code relating to the maintenance of order in board meetings apply to meetings of committees of the Board in the same way as they apply to meetings of the Board.

Minutes of Board committee meetings

- 19.25 Each committee of the Board is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of board members attending a meeting and whether they attended the meeting in person or by audio-visual link
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this Code.
- 19.26 All voting at meetings of committees of the Board (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of board members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.27 The minutes of meetings of each committee of the Board must be confirmed at a subsequent meeting of the committee.
- 19.28 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.29 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.30 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.31 The confirmed minutes of a meeting of a committee of the Board must be published on Riverina Water's website. This clause does not prevent Riverina Water from also publishing unconfirmed minutes of meetings of committees of the Board on its website prior to their confirmation.

20. Irregularities

- 20.1 Proceedings at a meeting of the Board or a board committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any board member or committee member, or
 - (c) any defect in the election or appointment of a board member or committee member, or
 - (d) a failure of a board member or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a board or committee meeting in accordance with Riverina Water's Code of Conduct, or
 - (e) a failure to comply with this Code.

Note: Clause 20.1 reflects section 374 of the Act

21. Definitions

the Act	the <i>Local Government Act 1993</i>
act of disorder	an act of disorder as defined in clause 15.10 of this Code
amendment	In relation to an original motion, means a motion moving an amendment to that motion
audio recorder	Any device capable of recording speech
audio-visual link	Means a facility that enables audio and visual communication between persons at different places
business day	any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	In relation to a meeting of the Board – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.09 of this Code
this code	Riverina Water's adopted <i>Code of Meeting Practice</i>
committee of the Board	a committee established by the Board in accordance with clause 20.2 of this Code (being a committee consisting only of board members) or the Board when it has resolved itself into committee-of-the-whole under clause 12.1
council official	includes board members, members of staff of Riverina Water, administrators, board committee members, delegates of Riverina Water and any other person exercising functions on behalf of Riverina Water and the Board
day	calendar day
division	a request by two members under clause 11.7 of this Code requiring the recording of the names of the members who voted both for and against a motion
Livestream	A video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i>

	including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	an order issued under section 438A of the Act
quorum	the minimum number of board members or committee members necessary to conduct a meeting
the Regulation	the <i>Local Government (General) Regulation 2021</i>
year	the period beginning 1 July and ending the following 30 June

22. Policy details

Policy number

Policy 1.02

Responsible area	Chief Executive Office
Approved by	Riverina Water Board – Res
Approval date	
Legislation or related strategy	Local Government Act 1993 Model Code of Meeting Practice Best practice guidelines on public forums Closure of council meetings to the public guidelines Livestreaming guidelines Model Code of Conduct 2018 Procedures for the Administration of the Code of Conduct 2018
Documents associated with this policy	Policy 1.01 Code of Conduct Policy 1.6 Conflict of Interest Policy 1.3 Good Governance Policy 1.14 Fraud & Corruption Prevention Policy 1.28 Related Parties Disclosure
Policy history	22 June 2022 (Res 22/087) Amended 26 Aug 2020 (Res 20/081) 26 June 2019 (Res 19/86) Replaces Code of Meeting Practice 2017 (Res 17/136)

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.



Riverina Water Code of Meeting Practice

Policy 1.02

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1. Introduction

This *Code of Meeting Practice* incorporates the mandatory provisions of the model code of meeting practice for local councils in NSW and some optional provisions as determined by the Board.

The Board and any committees of Riverina Water of which all the members are board members, must conduct its meetings in accordance with this *Code of Meeting Practice*. Riverina Water committees whose members include persons other than board members may adopt their own rules for meetings unless the Board determine otherwise.

2. Meeting principles

2.1 Board and committee meetings should be:

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that Board members and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Board members, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Board member, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Note: The Office of Local Government has issued a [guideline on free speech in local government in NSW](#). The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3. Before the meeting

Timing of ordinary board meetings

- 3.1 The Board shall, by resolution, set the frequency, time, date and place of its ordinary meetings. Under section 396 of the Act, county councils are required to meet at least four (4) times each year.
- 3.2 The Board may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

- 3.4 **The chairperson may call an extraordinary meeting without the need to obtain the signature of two (2) board members**

Notice to the public of board meetings

- 3.5 The Board must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Board.

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, notice of a meeting of the Board and of a committee of the Board is to be published before the meeting takes place. The notice must be published on Riverina Water's website, and in such other manner that Riverina Water is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to members of ordinary board meetings

- 3.8 The chief executive officer (CEO) must send to each board member, at least three (3) working days before each meeting of the Board a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.8 reflects section 367(1) of the Act.

- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to board members in electronic form, but only if all members have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to members of extraordinary meetings

- 3.10 Notice of less than three (3) days may be given to board members of an extraordinary meeting of the Board in cases of emergency.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at board meetings

- 3.11 A board member may give notice of any business they wish to be considered by the Board at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted four (4) business days before the meeting is to be held.
- 3.12 A board member may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.13
- 3.14

Questions with notice

- 3.13 A board member may, by way of a notice submitted under clause 3.11, ask a question for response by the CEO about the performance or operations of Riverina Water.
- 3.14 A board member is not permitted to ask a question with notice under clause 3.13 that would constitute an act of disorder
- 3.15 The CEO or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Board.

Agenda and business papers for ordinary meetings

- 3.15 The CEO must cause the agenda for a meeting of the Board or a committee of the Board to be prepared as soon as practicable before the meeting.
- 3.16 The CEO must ensure that the agenda for an ordinary meeting of the Board states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Board, and
 - (b) any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.11.
- 3.17 Nothing in clause 3.16 limits the powers of the chairperson to put a chairperson minute to a meeting without notice under clause 9.7.
- 3.18 The CEO must not include in the agenda for a meeting of the Board any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next meeting of the Board.

- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to board members for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a board member or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Board and committees of the Board, are to be published on Riverina Water's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the administration office of Riverina Water, at the relevant meeting and at such other venues determined by Riverina Water.

Note: Clause 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business that the CEO has identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on Riverina Water's website and made available to the public at a time that is as close as possible to the time they are available to board members.

Note: Clause 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form.

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The Board must ensure that the agenda for an extraordinary meeting of the Board deals only with the matters stated in the notice of the meeting.

- 3.26 [Nothing in clause 3.25 limits the powers of the chairperson to put a chairperson's minute to an extraordinary meeting without notice under clause 9.7](#)
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the Board at which all board members are present, even though due notice of the business has not been given, if the Board resolves to deal with the business on the grounds that is urgent and requires a decision by the Board before the next scheduled ordinary meeting of the Board. A resolution adopted under this clause must state the reasons for the urgency..
- 3.28 A motion moved under clause 3. 27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this Code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 [If all board members are not present at the extraordinary meeting, the Board may only deal with business at the meeting that board members have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the Chairperson also rules that the business is urgent and requires a decision by the Board before the next scheduled ordinary meeting.](#)
- 3.30 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing session

- 3.31 Briefing sessions must not be held to brief board members on business listed on the agenda for meetings of the Board or committees of the Board.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the Board to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the Board.

- 3.32 Nothing in clause 3.31 prevents a board member from requesting information from the CEO about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4. Public forums

- 4.1 Riverina Water may hold a public forum prior to each ordinary meeting of the Board for the purpose of hearing oral submissions from members of the public on items of

business to be considered at the meeting. Public forums may also be held prior to extraordinary board meetings and meetings of committees of the Board.

- 4.2 The Board may determine the rules under which public forums are to be conducted and when they are to be held

5. 4.3 The provision of this code requiring the livestreaming of meetings also apply to public forums forums 4.3 Coming together

Attendance by board members at meetings

- 5.1 All board members must make reasonable efforts to attend meetings of the Board and of committees of the Board of which they are members.

Note: A board member may not attend a meeting as a member (other than the first meeting of the Board after the member is elected or a meeting at which the member takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 [The Board may determine standards of dress for board members when attending meetings.](#)
- 5.3 A board member cannot participate in a meeting of the Board or of a committee of the Board unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.
- 5.4 Where a board member is unable to attend one or more meetings of the Board, the member should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the Board grant them a leave of absence from the relevant meetings.
- 5.5 The Board must act reasonably when considering whether to grant a member's request for a leave of absence.
- 5.6 Where a board member makes an apology under clause 5.4 the Board must determine by resolution whether to grant the member a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the Board resolves not to grant a leave of absence for the meeting, it must state the reasons for its decisions in its resolution.
- 5.7 A board member's civic office will become vacant if the member is absent from three (3) consecutive ordinary meetings of the Board without prior leave of the Board, or leave granted by the Board at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Board has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

The quorum for a meeting

- 5.8 The quorum for a meeting of the Board is a majority of the members of the Board who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Board.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the Board must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the Chairperson, or
 - (b) in the Chairperson's absence, by the majority of the members present, or
 - (c) failing that, by the CEO.
- 5.12 The CEO must record in the Board 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 Board together with the names of the members present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and welfare of board members, Riverina Water staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the chairperson may, in consultation with the CEO and, as far as is practicable, with each board member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on Riverina Water's website and in such other manner that Riverina Water is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Board or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the Board or a committee of the Board may be held by audio-visual link where the Chairperson determines that the meeting should be held by audio-visual link

because of a natural disaster or a public health emergency. The Chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of board members and staff at risk. The Chairperson must make a determination under this clause in consultation with the CEO and, as far as is practicable, with each member.

- 5.16 Where the Chairperson determines under clause 5.15 that a meeting is to be held by audio-visual link, the CEO must:
- (a) give written notice to all board members that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all board members can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on Riverina Water's website in such other manner the CEO is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 The Code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where Riverina Water holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting

Attendance by board members at meetings by audio-visual link

- 5.18 Board members may attend and participate in meetings of the Board and committees of Riverina Water by audio-visual link with the approval of the Board or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which an election of Chairperson is to be held
- 5.20 A request by a board member for approval to attend a meeting by audio-visual link must be made in writing to the CEO prior to the meeting in question and must provide reasons why the member will be prevented from attending the meeting in person.
- 5.21 Board members may request approval to attend more than one meeting by audio-visual link. Where a member requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 Riverina Water must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a board member to attend a meeting by audio-visual link.
- 5.23 A board member who has requested approval to attend a meeting of the Board or a committee of the Board by audio-visual link may participate in the meeting by audio-visual link until the Board or committee determines whether to approve their request and

is to be taken as present at the meeting. The board member may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.24 A decision whether to approve a request by a board member to attend a meeting of the Board or a committee of the Board by audio-visual link must be made by a resolution of the Board or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.25 If the Board or committee refuses a board member's request to attend a meeting by audio-visual link, their link to the meeting is terminated.
- 5.26 A decision whether to approve a board member's request to attend a meeting by audio-visual link is at the Board's or the relevant committee's discretion. The Board and committees of the Board must act reasonably when considering requests by board members to attend meetings by audio-visual link.
- 5.27 The Board and committees of the Board may refuse a member's request to attend a meeting by audio-visual link where the Board or committee is satisfied that the Board member has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this Code on one or more previous occasions they have attended a meeting of the Board or a committee of the Board by audio-visual link.
- 5.28 This Code applies to a board member attending a meeting by audio-visual link in the same way it would if the member was attending the meeting in person. Where a Board member is permitted to attend a meeting by audio-visual link under this Code, they are to be taken as attending the meeting in person for the purposes of this Code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A board member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The member's camera must be on at all times during the meeting except as may be otherwise provided for under this Code.
- 5.30 A board member must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting, or that are likely to bring the Board or the committee into disrepute.

Entitlement of the public to attend board meetings

- 5.31 Everyone is entitled to attend a meeting of the Board and committees of the Board. Riverina Water must ensure that all meetings of the Board and committees of the Board are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a board member or another person) is not entitled to be present at a meeting of the Board or a committee of the Board if expelled from the meeting:
 - (a) by a resolution of the meeting, or

- (b) by the person presiding at the meeting if the Board has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: Clauses 14.13 and 14.14 confer a standing authorisation on all chairpersons of meetings of the Board and committees of the Board to expel persons from meetings.

Livestreaming of meetings

- 5.34 Each meeting of the Board or a committee of the Board is to be recorded by means of an audio-visual device.
- 5.35 At the start of each meeting of the Board or a committee of the Board, the Chairperson must inform the persons attending the meeting that:
 - (a) the meeting is being recorded and will be made publicly available on Riverina Water's website, and
 - (b) persons attending the meeting should refrain from making any defamatory comments
- 05.36 The recording of a meeting is to be made publicly available on Riverina Water's website at the same time the meeting is taking place
- 5.37 The recording of a meeting is to be made publicly available on Riverina Water's website for at least 12 months after the meeting or for the balance of the Board's term, whichever is the longer period.
- 5.38 Clauses 5.34– 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clause 5.34 – 5.38 reflect section 236 of the Regulation

- 5.39 Recording of meetings may be disposed of in accordance with the *State Records Act 1998*

Attendance CEO and other staff at meetings

- 5.40 The CEO is entitled to attend, but not to vote at, a meeting of the Board or a meeting of a committee of the Board of which all of the members are board members.

Note: Clause 5.40 reflects section 376(1) of the Act.

- 5.41 The CEO is entitled to attend a meeting of any other committee of the Board and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

- 5.42 The CEO may be excluded from a meeting of the Board or a committee while the Board or committee deals with a matter relating to the standard of performance of the CEO or the terms of employment of the CEO.

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other Riverina Water staff at a meeting, (other than as members of the public) shall be determined by the the CEO in consultation with the Chairperson.

6. The Chairperson

The Chairperson at meetings

- 6.1 The Chairperson, or at the request of or in the absence of the Chairperson, the Deputy Chairperson (if any) presides at meetings of the Board.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the Chairperson and the Deputy Chairperson (if any) are absent, a member elected to chair the meeting by the members present presides at a meeting of the Board.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the absence of the Chairperson and Deputy Chairperson

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

Chairperson to have precedence

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

7. Modes of Address

- 7.1 Where physically able to, board members and staff should stand when the Chairperson enters the chamber and when addressing the meeting.
- 7.2 The Chairperson is to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.3 A board member is to be addressed as 'Councillor [surname]'.
- 7.4 A Riverina Water officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8. Order of business for ordinary board meetings

- 8.1 At a meeting of the Board, the general order of business is as fixed by resolution of the Board.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Board if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note: Part 13 allows the Board to deal with items of business by exception.**
- 8.3 Despite any other provision of this Code, only the mover of a motion referred to in clause 8.2 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9. Consideration of business at board meetings

Business that can be dealt with at a board meeting

- 9.1 The Board must not consider business at a meeting of the Board:
- (a) unless a board member has given notice of the business, as required by clause 3.11, and
 - (b) unless notice of the business has been sent to the board members in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the Board, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) is a matter or topic put to the meeting by way of a chairperson minute, or
 - (d) is a motion for the adoption of recommendations of a committee of the Board.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Board at which all board members are present even though due notice of the business has not been given to the members if the Board resolves to deal with the business on the grounds that is urgent and requires a decision by the Board before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 9.3 and the Chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 *If all Board members are not present at a meeting, the Board may only deal with business at the meeting that board members have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the Chairperson also rules that the business is urgent and requires a decision by the Board before the next scheduled ordinary meeting.*
- 9.6 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.5.

Chairperson minutes

- 9.7 The Chairperson may, by minute signed by the Chairperson, put to the meeting without notice any matter or topic that the Chairperson determines should be considered at the meeting.
- 9.8 A Chairperson minute, when put to a meeting, takes precedence over all business on the Board's agenda for the meeting. The Chairperson may move the adoption of a Chairperson minute without the motion being seconded.
- 9.9 A recommendation made in a Chairperson Minute put by the Chairperson is, so far as it is adopted by the Board, a resolution of the Board.

8.8

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the Board a resolution of the Board.

Reports of committees of the Board

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

Questions

- 9.13 A question must not be asked at a meeting of the Board unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.13 unless the Board determines otherwise in accordance with this Code..
- 9.14 A board member may, through the Chairperson, ask another member about a matter on the agenda.
- 9.15 A board member may, through the Chairperson, ask the CEO about a matter on the agenda. The CEO may request another Riverina Water staff member to answer the question.
- 9.16 A board member or Riverina Water staff member to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a board member or Riverina Water staff member to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Board.
- 9.17 Board members must ask questions directly, succinctly and without argument.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a board member or Riverina Water staff member.

10. Rules of debate

Motions to be seconded

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

Notices of motion

- 10.2 A board member who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a board member who has submitted a notice of motion under clause 3.11 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to members, the Chairperson is to note the withdrawal of

the notice of motion at the meeting, unless the Board determines to consider the notice of motion at the meeting.

- 10.4 In the absence of a board member who has placed a notice of motion on the agenda for a meeting of the Board:
- (a) any other board member may, with the leave of the Chairperson, move the motion at the meeting, or
 - (b) the Chairperson may defer consideration of the motion until the next meeting of the Board.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the Chairperson at a meeting of the Board to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

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

Limitations on the number and duration of speeches

- 10.15 A board member who, during a debate at a meeting of the Board, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A board member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A board member must not, without the consent of the Board, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the Chairperson may permit a board member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a board member may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no member expresses an intention to speak against it, or
 - (b) if at least two (2) board members have spoken in favour of the motion or amendment and at least two (2) members have spoken against it.
- 10.20 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All board members must be heard without interruption and all other members must, unless otherwise permitted under this Code, remain silent while another member is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

11. Voting

Voting entitlements of board members

- 11.1 Each board member is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

- 11.2 The person presiding at a meeting of the Board has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at board meetings

- 11.4 A board member who is present at a meeting of the Board but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a board member who has voted against a motion put at a board meeting so requests, the CEO must ensure that the member's dissenting vote is recorded in the minutes.
- 11.6
- 11.10 All voting at board meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

12. Committee of the whole

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

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this Code relating to meetings of the Board, so far as they are applicable, extend to and govern the proceedings of the Board when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging board members and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.24 limit the number and duration of speeches.

Note: Clause 7.1 encourages board members and staff to stand when addressing the meeting where they can

- 12.3 The CEO or, in the absence of the CEO, a staff member of Riverina Water designated by the CEO, is responsible for reporting to the Board the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Board must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Board's minutes. However, the Board is not taken to have adopted the report until a motion for adoption has been made and passed.

13. Dealing with items by exception (en globo)

- 13.1 The Board or a committee of the Board may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the Board or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the Chairperson must list the items of business to be adopted and ask board members to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on, or ask questions of management.
- 13.3 The Board or committee must not resolve to adopt any item of business under clause 13.1 that a board member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Board or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Board members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of Riverina Water's Code of Conduct.

14. Closure of board meetings to the public

Grounds on which meetings can be closed to the public

- 14.1 The Board or a committee of the Board may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than board members),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom Riverina Water is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of Riverina Water,
 or

- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of Riverina Water, board members, Riverina Water staff or property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of Riverina Water's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The Board or a committee of the Board may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Board or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Board or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice, and
 - (d) are subject to legal professional privilege.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in

that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

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

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Board or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Board, or of a committee of the Board, may be closed to the public while the Board or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the Board or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The Board, or a committee of the Board, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 [Despite clauses 14.9 and 14.10, the Board may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to](#)

whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.

- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to Riverina Water in the approved form. Applications must be received by midday of the Monday preceding the Board meeting before the meeting at which the matter is to be considered.

Expulsion of non-members from meetings closed to the public

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

Obligation of board members attending meetings by audio-visual links

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

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the Board passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The CEO must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on Riverina Water's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The CEO must consult with the Board and any other affected persons before publishing information on Riverina Water's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15. Keeping order at meetings

Points of order

- 15.1 A board member may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the board member raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

- 15.7 A board member can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the

Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

- 15.8 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.10 A board member commits an act of disorder if the member, at a meeting of the Board or a committee of the Board:
- (a) contravenes the Act or any regulation in force under the Act, the Regulation or this Code, or
 - (b) assaults or threatens to assault another board member or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Board or the committee, or addresses or attempts to address the Board or the committee on such a motion, amendment or matter, or
 - (d) uses offensive or disorderly words, or
 - (e) make gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly would be considered disorderly, or
 - (f) imputes improper motives to or unfavourable personally reflects upon any other Riverina Water official, or a person present at the meeting, except by a motion, or
 - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

- 15.11 The Chairperson may require a board member:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e) or (g), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or

- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d) (e) (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation

- 15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.
- 15.13 Where a Board member fails to take action in response to a requirement by the Chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the Chairperson may require the Board member to take that action at each subsequent meeting until such time as the member complies with the requirement. If the Board member fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.17.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.15 All chairpersons of meetings of the Board and committees of the Board are authorised under this Code to expel any person including any board member, from a board or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.16 Clause 15.15, does not limit the ability of the Board or a committee of the Board to resolve to expel a person, including a board member, from a board or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A board member may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Board for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a board member from the meeting for that reason does not prevent any other action from being taken against the Board member for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Board for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Members of the public attending a meeting of the Board:
- (a) must remain silent during the meeting unless invited by the Chairperson to speak
 - (b) must not bring flags, signs or protest symbols to the meeting, and
 - (c) must not disrupt the meeting

- 15.20 Without limiting clause 15.18, a contravention of clause 15.19 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.19
- 15.21 Where a board member or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.22 If a board member or a member of the public fails to leave the place where a meeting of the Board is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by Riverina Water or person presiding, may, by using only such force as is necessary, remove the Board member or member of the public from that place and, if necessary, restrain the Board member or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by board members attending meetings by audio-visual link may be dealt with

- 14.23 Where a board member is attending a meeting by audio-visual link, the Chairperson or a person authorised by the Chairperson may mute the Board member's audio-link to the meeting for the purposes of enforcing compliance with this Code.
- 14.24 If a board member attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting or a person authorised by the Chairperson, may terminate the Board member's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.25 Board members, Riverina Water staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Board and committees of the Board.
- 15.26 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Board or a committee of the Board without the prior authorisation of the Board or the committee.
- 15.27 Without limiting clause 15.18, a contravention of clause 15.26 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.26, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.28 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by Riverina Water or person

presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16. Conflicts of interest

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

17. Decisions of the Board

Board decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Board at which a quorum is present is a decision of the Board.
- Note: Clause 17.1 reflects section 371 of the Act.**
- 17.2 Decisions made by the Board must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering board decisions

- 17.3 A resolution passed by the Board may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this Code.
- Note: Clause 17.3 reflects section 372(1) of the Act.**
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) board members if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

- 17.10 A motion to alter or rescind a resolution of the Board may be moved on the report of a committee of the Board and any such report must be recorded in the minutes of the meeting of the Board.

Note: Clause 17.10 reflects section 372(6) of the Act.

- 17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Board may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three(3) board members is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Board before the next scheduled ordinary meeting of the Board.

- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 17.11 (b) can speak to the motion before it is put.

- 17.13 A resolution adopted under clause 17.11(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a board member may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Board's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.15 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 16.14(a), the Board member is to propose alternative wording for the resolution.
- 17.16 The Chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite any other provision of this Code, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

18. After the meeting

Minutes of meetings

- 18.1 Riverina Water is to keep full and accurate minutes of the proceedings of meetings of the Board.

Note: Clause 18.1 reflects section 375(1) of the Act.

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

Note: Clause 18.3 reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 18.5 reflects section 375(2) of the Act.

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a board meeting must be published on Riverina Water's website. This clause does not prevent Riverina Water from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The Board and committees of the Board must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 18.8 reflects section 11(1) of the Act.

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

- 18.10 Clause 18.8 does not apply if the Board or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 17.12 The CEO is to implement, without undue delay, lawful decisions of the Board.

Note: Clause 17.12 reflects section 335(b) of the Act.

19. Council committees)

Application of this Part

- 19.1 This Part only applies to committees of Riverina Water whose members are all board members.

Riverina Water committees whose members are all board members

- 19.2 The Board may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the Board is to consist of the Chairperson and such other board members as are elected by the members or appointed by the Board
- 19.4 The quorum for a meeting of a committee of the Board is to be:
- (a) such number of board members as the Board decides, or
 - (b) if the Board has not decided a number – a majority of the Board members of the committee.

Functions of committees

- 19.5 The Board must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The CEO must send to each board member, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the Chairperson) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the Board are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A board member who is not a member of a committee of the Board is entitled to attend, and to speak at a meeting of the committee. However, the Board member is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or

- (c) to vote at the meeting.

Chairperson and deputy chairperson of board committees

- 19.11 The chairperson of each committee of the Board must be:
- (a) the Chairperson, or
 - (b) if the Chairperson does not wish to be the chairperson of a committee, a member of the committee elected by the Board, or
 - (c) if the Board does not elect such a member, a member of the committee elected by the committee.
- 19.12 The Board may elect a member of a committee of the Board as deputy chairperson of the committee. If the Board does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the Chairperson nor the Deputy Chairperson of a committee of Riverina Water 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.
- 19.14 The Chairperson is to preside at a meeting of a committee of the Board. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this Code, each committee of the Board may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Board.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Board or the committee determines otherwise in accordance with clause 19.15.
- 19.17 Voting at a board committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Chairperson minutes

- 19.18 The provisions of this Code relating to Chairperson minutes also apply to meetings of committees of the Board in the same way they apply to meetings of the Board.

Closure of committee meetings to the public

- 19.19 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of committees of the Board to the public in the same way they apply to the closure of meetings of the Board to the public.
- 19.20 If a committee of the Board 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 Board. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 19.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.20 during a part of the meeting that is livestreamed where practicable.
- 19.22 The CEO must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on Riverina Water's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 19.23 The CEO must consult with the committee and any other affected persons before publishing information on Riverina Water's website under clause 19.22 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

- 19.24 The provisions of the Act, the Regulation and this Code relating to the maintenance of order in board meetings apply to meetings of committees the Board in the same way as they apply to meetings of the Board.

Minutes of Board committee meetings

- 19.25 Each committee of the Board is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) the names of board members attending a meeting and whether they attended the meeting in person or by audio-visual link
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this Code.
- 19.26 All voting at meetings of committees of Riverina Water (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of board members who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.27 The minutes of meetings of each committee of Riverina Water must be confirmed at a subsequent meeting of the committee.
- 19.28 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.29 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.30 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.31 The confirmed minutes of a meeting of a committee of the Board must be published on Riverina Water's website. This clause does not prevent Riverina Water from also publishing unconfirmed minutes of meetings of committees of the Board on its website prior to their confirmation.

20. Irregularities

- 20.1 Proceedings at a meeting of the Board or a board committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any board member or committee member, or
 - (c) any defect in the election or appointment of a board member or committee member, or
 - (d) a failure of a board member or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a board or committee meeting in accordance with Riverina Water's Code of Conduct, or
 - (e) a failure to comply with this Code.

Note: Clause 20.1 reflects section 374 of the Act

21. Definitions

the Act	the <i>Local Government Act 1993</i>
act of disorder	an act of disorder as defined in clause 15.10 of this Code
amendment	In relation to an original motion, means a motion moving an amendment to that motion
audio recorder	Any device capable of recording speech
audio-visual link	Means a facility that enables audio and visual communication between persons at different places
business day	any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	In relation to a meeting of the Board – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.09 of this Code
this code	Riverina Water's adopted <i>Code of Meeting Practice</i>
committee of the Board	a committee established by the Board in accordance with clause 20.2 of this Code (being a committee consisting only of board members) or the Board when it has resolved itself into committee-of-the-whole under clause 12.1
council official	includes board members, members of staff of Riverina Water, administrators, board committee members, delegates of Riverina Water and any other person exercising functions on behalf of Riverina Water and the Board
day	calendar day
division	a request by two members under clause 11.7 of this Code requiring the recording of the names of the members who voted both for and against a motion
Livestream	A video broadcast of a meeting transmitted across the internet concurrently with the meeting

open voting	voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	an order issued under section 438A of the Act
quorum	the minimum number of board members or committee members necessary to conduct a meeting
the Regulation	the <i>Local Government (General) Regulation 2021</i>
year	the period beginning 1 July and ending the following 30 June

22. Policy details

Policy number	Policy 1.02
Responsible area	Chief Executive Office
Approved by	Riverina Water Board – Res
Approval date	
Legislation or related strategy	Local Government Act 1993 Model Code of Meeting Practice Best practice guidelines on public forums Closure of council meetings to the public guidelines Livestreaming guidelines Model Code of Conduct 2018 Procedures for the Administration of the Code of Conduct 2018
Documents associated with this policy	Policy 1.01 Code of Conduct Policy 1.6 Conflict of Interest Policy 1.3 Good Governance Policy 1.14 Fraud & Corruption Prevention Policy 1.28 Related Parties Disclosure
Policy history	22 June 2022 (Res 22/087) Amended 26 Aug 2020 (Res 20/081) 26 June 2019 (Res 19/86) Replaces Code of Meeting Practice 2017 (Res 17/136)

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

R8 Disclosure of Pecuniary Interest Returns for 2024-25

Organisational Area Corporate Services

Author Wendy Reichelt, Governance & Corporate Planning Officer

Summary Board members and other Riverina Water designated persons are required to complete an annual Disclosure of Pecuniary Interest Return under Clause 4.21 of the Riverina Water Code of Conduct. These returns are tabled at this meeting.

RECOMMENDATION that Council:

- a) Note the tabling of the pecuniary interest returns of designated persons for the period 1 July 2024 to 30 June 2025; and
- b) Note that the pecuniary interest returns for Board members, ARIC members and senior staff will be published to the Riverina Water website, and made available for public inspection with personal addresses redacted

Report

In accordance with legislative requirements, annual Declarations of Pecuniary Interest are required to be lodged by 30 September each year.

For the period 1 July 2024 to 30 June 2025, returns have been received from the Executive, Managers, and Independent Committee Members of the Audit, Risk & Improvement Committee (ARIC). Board Members have provided a return within three months of their appointment to the Board. Accordingly, the latest returns reflect either the time of their appointment (if not previously submitted) or the period since their last return was received.

The information contained in these returns is made publicly available in accordance with the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009, and any relevant guidelines issued by the Information Commissioner.

To protect individual privacy, home addresses are redacted from all published documents.

Returns from Board Members, Independent Members of the ARIC, the Chief Executive Officer, and Directors will be published on the Riverina Water website.

Returns have also been received from Managers and Acting Managers. These will not be published on the website but will be available for public inspection, free of charge, at Riverina Water's Administration Office in accordance with open access requirements. Home addresses will also be redacted from these copies to protect privacy and security.

Strategic Alignment

Our Operations

Provide effective leadership and governance

Financial Implications

Not applicable.

Workforce Implications

Not applicable.

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

The provision and tabling of Declarations of Interest each year helps Riverina Water meet its compliance requirements.

R9 Adoption of Riverina Water Code of Conduct Policy 1.01

Organisational Area Corporate Services

Author Wendy Reichelt, Governance & Corporate Planning Officer

Summary The Code of Conduct Policy 1.01 was presented to the August 2025 Board meeting and subsequently placed on public exhibition for comment. It is now presented to the Board for adoption

RECOMMENDATION that Council

- a) Note that there were no submissions made during the public exhibition period for the revised Code of Conduct Policy 1.01; and
- b) Adopt the Code of Conduct Policy 1.01

Report

The Riverina Water Code of Conduct Policy (1.01) sets out the minimum standards of conduct expected of all Riverina Water staff, Board and Committee members, and any other individuals deemed to be Riverina Water officials as defined in the Policy.

The Policy is based on the Office of Local Government's Model Code of Conduct and was last adopted in December 2022.

The revised Policy was presented to the Board at its August 2025 meeting and subsequently placed on public exhibition for comment from 29 August to 30 September 2025. No submissions were received during the exhibition period.

The Policy is now presented to the Board for formal adoption, along with the associated Model Code Procedures, made under section 440A of the Local Government Act 1993 and section 440AA of the Local Government (General) Regulation 2021.

› **R9.1 Code of Conduct Policy 1.01** [↓](#) 

› **R9.2 Procedures for the Administration of the Code of Conduct** [↓](#) 

Strategic Alignment

Our Operations

Provide effective leadership and governance

Financial Implications

There are no financial implications associated with the adoption of the Policy.

Workforce Implications

All staff and officials of Riverina Water are required to abide by the Code of Conduct Policy 1.01. Any breach of the Code of Conduct is dealt with by the CEO in accordance with this policy.

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

The Code of Conduct Policy (1.01) is a legislative requirement. Maintaining an up-to-date Policy ensures Riverina Water remains compliant and, importantly, provides clear guidance on expected standards of behaviour and interactions among staff and Board members. The Policy is available on the intranet, included in all new staff induction packs, and refresher training is delivered to all staff every two years.



Code of Conduct

Policy 1.01

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Part 1 Introduction

The Riverina Water Code of Conduct is made under section 440 of the Local Government Act 1993 ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

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

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

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

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

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

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

Failure by a member of staff to comply with Riverina Water's Code of Conduct may give rise to disciplinary action.

Part 2 Definitions

In this Code the following terms have the following meanings:

LGA	the Local Government Act
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
chairperson	includes the chairperson of a county council or a joint organisation
committee	see the definition of "council committee"
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
council	includes country councils and joint organisations
council committee	a committee established by a council comprising of Board members, staff or other persons that the council has delegated functions to and the council's Audit, Risk and Improvement Committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's Audit, Risk and Improvement Committee
council official	includes Board members, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979

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Riverina Water | Code of Conduct Policy 1.01
Reviewed July 2025

general manager	includes the executive of a joint organisation (at Riverina Water referred to as the CEO)
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
member (councillor)	any person appointed to civic office, including the chairperson and includes Board members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
members of staff of a council	includes members of staff of country councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2021
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3 General Conduct Obligations

General Conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this Code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All Riverina Water officials, including Board members, have statutory duties under the Work Health and Safety Act 2011 (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Board or management to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Board or management to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of Riverina Water relating to workplace health or safety that has been notified to staff
- e) report accidents, incidents, near misses, to the CEO or such other staff member nominated by the CEO, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the Chair at board and committee meetings or other proceedings of the Board unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the Chair, other council officials or any members of the public present during board or

committee meetings or other proceedings of the Board (such as, but not limited to, workshops and briefing sessions).

- 3.21 You must not engage in conduct that disrupts board or committee meetings or other proceedings of the Board (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a Board member, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Board, or of a committee of Riverina Water. Without limiting this clause, you must not:
- a) leave a meeting of the Board or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another member from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

Part 4 Pecuniary interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by Riverina Water in the same manner and subject to the same conditions as apply to persons who are not subject to this Code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by Riverina Water of an agreement between Riverina Water and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by Riverina Water of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Riverina Water in respect of similar matters with other residents of the area:
 - i) the performance by Riverina Water at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by Riverina Water by or under any Act conferring functions on Riverina Water, or by or under any contract
- (j) an interest relating to the payment of fees to Board members (including the Chairperson and Deputy Chairperson)

- (k) an interest relating to the payment of expenses and the provision of facilities to Board members (including the Chairperson and Deputy Chairperson) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an 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
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Board member or a council committee member
- (o) an interest arising from the appointment of a Board member to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

4.10 A designated person must disclose in writing to the CEO (or if the person is the CEO, to the Board) the nature of any pecuniary interest the person has in any council

matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11 Clause 4.10 does not require a designated person who is a member of staff of Riverina Water to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The CEO must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the CEO must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Board and the Board must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

- 4.14 A member of staff of Riverina Water, other than a designated person, must disclose in writing to their manager or the CEO the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the CEO must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a Board member?

4.20 A Board member:

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

Disclosure of interests in written returns

4.21 A Board member or designated person must make and lodge with the CEO a return in the form set out in Schedule 2 to this Code, disclosing the Board member's or designated person's interests as specified in Schedule 1 to this Code within 3 months after:

- (a) becoming a Board member or designated person, and
- (b) 30 June of each year, and
- (c) the Board member or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a Board member or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The CEO must keep a register of returns required to be made and lodged with the CEO.

4.25 Returns required to be lodged with the CEO under clause 4.21 (a) and (b) must be tabled at the first meeting of the Board after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the CEO under clause 4.21 (c) must be tabled at the next Board meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A Board member or a council committee member who has a pecuniary interest in any matter with which Riverina Water is concerned, and who is present at a meeting of the Board or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Board member or council committee member must not be present at, or in sight of, the meeting of the Board or committee:
- (a) at any time during which the matter is being considered or discussed by the Board or committee, or
 - (b) at any time during which the Board or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a board or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the CEO in writing by a Board member or a council committee member to the effect that the Board member or council committee member, or the Board member's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Board in which it is given (whichever is the sooner), sufficient disclosure of the Board member's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Board or council committee after the date of the notice.
- 4.33 A Board member or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Board member or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a member who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

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

Part 5 Non-pecuniary conflicts of interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Riverina Water staff other than the CEO, such a disclosure is to be made to the staff member's manager. In the case of the CEO, such a disclosure is to be made to the Chairperson.
- 5.7 If a disclosure is made at a board or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a Riverina Water official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the Riverina Water official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of Riverina Water and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a board or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of Riverina Water other than the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of

the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Chairperson.

- 5.13 Despite clause 5.10(b), a member who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Members should be aware that matters before board or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a Board member and have received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before the Board,
 you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
 - a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Members should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a member is endorsed, may still give rise to a non-pecuniary conflict of interest. Board members should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a Board member who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A Board member who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the Board member discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Board member or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Board or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of members prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a Board member or committee member from complying with a requirement under this Part under clause 5.21, the member or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The CEO must not engage, for remuneration, in private employment, contract work or other business outside the service of Riverina Water without the approval of the Board.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of Riverina Water that relates to the business of Riverina Water or that might conflict with the staff member's council duties unless they have notified the CEO in writing of the employment, work or business and the CEO has given their written approval for the staff member to engage in the employment, work or business.

- 5.25 The CEO may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of Riverina Water that relates to the business of Riverina Water, or that might conflict with the staff member's duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of Riverina Water if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or Riverina Water resources obtained through their work with Riverina Water including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage Riverina Water
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with Riverina Water

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

Part 6 Personal benefit

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

Gifts and benefits

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

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

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

- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on Riverina Water being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of Riverina Water.

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

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

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

Gifts and benefits of token value

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

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

Gifts and benefits of more than token value

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

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal

use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

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

“Cash-like gifts”

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

Improper and undue influence

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

Part 7 Relationships between council officials

Obligations of members and administrators

- 7.1 Each council is a body politic. The Board members or administrator/s are the governing body of Riverina Water. Under section 223 of the LGA, the role of the governing body of Riverina Water includes the development and endorsement of the strategic plans, programs, strategies and policies of Riverina Water, including those relating to workforce policy, and to keep the performance of Riverina Water under review.
- 7.2 Board members or administrators must not:
- a) direct Riverina Water staff other than by giving appropriate direction to the CEO by way of Board or committee resolution, or by the Chairperson or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of Riverina Water or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of Riverina Water on council-related business unless in accordance with the policy and procedures governing the interaction of Board members and Riverina Water staff that have been authorised by the Board and the CEO
 - d) contact or issue instructions to any of Riverina Water's contractors, including Riverina Water's legal advisers, unless by the Chairperson or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, Board members may contact Riverina Water's external auditor or the Chair of the Riverina Water audit risk and improvement committee to provide information reasonably necessary for the external auditor or the Audit, Risk and Improvement Committee to effectively perform their functions.

Obligations of staff

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

- e) ensure that any participation in political activities outside the service of Riverina Water does not interfere with the performance of their official duties.

Inappropriate interactions

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

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

Part 8 Access to information and council resources

Board member and administrator access to information

- 8.1 The CEO is responsible for ensuring that Board members and administrators can access information necessary for the performance of their official functions. The CEO and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The CEO must provide Board members and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Riverina Water must provide full and timely information to Board members and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of Riverina Water who provide any information to a particular Board member in the performance of their official functions must also make it available to any other Board member who requests it and in accordance with council procedures.
- 8.5 Board members and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, Board members and administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Riverina Water information in relation to the matter unless the information is otherwise available to members of the public, or Riverina Water has determined to make the information available under the GIPA Act.

Board members and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain Riverina Water information

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

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

Use and security of confidential information

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

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

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to Riverina Water or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a Board or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) Riverina Water's Privacy Management Plan
- e) the Privacy Code of Practice for Local Government

Use of Riverina Water resources

- 8.13 You must use Riverina Water resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and Consultative Committee members may have reasonable access to Riverina Water resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of Riverina Water property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that Riverina Water property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use Riverina Water resources (including staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Riverina Water letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of Riverina Water to your own use unless properly authorised.

Internet access

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

Riverina Water record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and Riverina Water's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Riverina Water's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Riverina Water supplied resources (including technology devices and email accounts) is deemed to be related to the business of Riverina Water and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the appropriate officer responsible for records and comply with the requirements of the *State Records Act 1998*.

Board member access to Riverina Water buildings

- 8.25 Board members and administrators are entitled to have access to the board room, bathroom facilities and public areas of Riverina Water's buildings during normal business hours and for meetings. Board Members and administrators needing access to these facilities at other times must obtain authority from the CEO.
- 8.26 Board members and administrators must not enter staff-only areas of Riverina Water buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of Board members and Riverina Water staff.
- 8.27 Board members and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Riverina Water staff decisions.

Part 9 Maintaining the integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

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

9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Board, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a Board member, the CEO or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the CEO in accordance with the Procedures.

Schedule 1: Disclosures of interest and other matters in written returns submitted under Clause 4.21

Part 1: Preliminary

Definitions

- For the purposes of the schedules to this Code, the following definitions apply:

address means:

- in relation to a person other than a corporation, the last residential or business address of the person known to the Board member or designated person disclosing the address, or
- in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- the allotment of shares in a company
- the creation of a trust in respect of property
- the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- the exercise by a person of a general power of appointment over property in favour of another person
- a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a member or designated person

b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made

c) in the case of a return made under clause 4.21(c), the date on which the member or designated person became aware of the interest to be disclosed.

relative includes any of the following:

a) a person's spouse or de facto partner

b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a member or designated person has an interest includes a reference to any real property situated in Australia in which the member or designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a member or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this Code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a member or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this Code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a member or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this Code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a member or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and

- b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a member or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the Code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a member or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return,

being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a member or designated person.

Sources of income

26. A person making a return under clause 4.21 of this Code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a Board member or designated person need not be disclosed.
30. A fee paid to a Board member or to the chairperson or deputy chairperson under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a Board member or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2: Form of written return of interests submitted under Clause 4.21

'Disclosures by members and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the CEO after becoming a Board member or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Board member or designated person.
3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Board member or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and

may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the CEO in a register of returns. The CEO is required to table all returns at a board meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters_by [full name of member or designated person]

as at [return date]

in respect of the period from [date] to [date]

[member's or designated person's signature]
[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3: Form of Special Disclosure of pecuniary interest submitted under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Riverina Water Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a member has in the member's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Riverina Water Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Riverina Water Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Riverina Water Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the board or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of member]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of board or council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the member or an associated person, company or body (the identified land)	
Relationship of identified land to the member [Tick or cross one box]	☐ The member has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the member has an interest in the land. ☐ An associated company or body of the member has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

¹ Clause 4.1 of the Riverina Water Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Riverina Water Code of Conduct has a proprietary interest.

Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on member or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Board member's signature

Date

[This form is to be retained by the council's CEO and included in full in the minutes of the meeting]

Policy details

Policy number	Policy 1.01
Responsible area	CEO
Approved by	Riverina Water Board
Approval date	
Legislation or related strategy	Local Government Act 1993 Local Government (General) Regulation 2021 Model Code of Conduct Procedures for the Administration of the model Code of Conduct
Documents associated with this policy	Policy 1.6 Conflict of Interest Policy 1.3 Good Governance Policy 1.14 Fraud & Corruption Prevention Policy 1.28 Related Parties Disclosure Gifts & Benefits Procedure GC.001
Policy history	Code of Conduct 14 Dec 2022 Res 22/192 Code of Conduct 28 Oct 2020 Res 20/115 Code of Conduct 2019 Res 19/87 Code of Conduct 2017 Res 17/135

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.



Procedures for the Administration of the Riverina Water Code of Conduct Policy 1.01

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Part 1

Introduction

These Procedures are based on the *Model Code Procedures* which are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which forms the basis of Riverina Water's Code of Conduct Policy 1.01.

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2021* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these Procedures apply only to the management of code of conduct complaints about Board members (including the Chairperson) or the CEO.

Part 2

Definitions

In these Procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the Local Government Act (LGA) other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant board member	a Board member who makes a code of conduct complaint
complaints coordinator	a person appointed by the CEO 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 Board members or the CEO
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of Board members, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a Board member or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a Board member who is a member of the council's audit, risk and improvement committee
councillor (Board member)	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils
council official	any Board member, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a Board member or member of staff of council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office of Local Government, the ICAC, the NSW Ombudsman or the police
general manager (CEO)	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGov Act	the <i>Local Government Act 1993</i>
mayor	includes the Chairperson of a county council or a joint organisation
members of staff	includes members of staff of county councils and joint organisations

the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these Procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3

Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 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 conduct reviewer, 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
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - 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 eligible to be a conduct reviewer 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) 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 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these Procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 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 if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of a complaints coordinator

- 3.17 The CEO must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The CEO may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The CEO must not undertake the role of complaints coordinator.
- 3.20 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.
- 3.21 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
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

Part 4

How may Code of Conduct complaints be made?

Defining a Code of Conduct complaint

- 4.1 For the purpose of these Procedures, a Code of Conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's Code of Conduct if proven.
- 4.2 The following are not "Code of Conduct complaints" for the purposes of these Procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the Board or a council official or the exercise of a discretion by the Board or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's Code of Conduct.
- 4.3 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 the council's routine complaints management processes.

When must a Code of Conduct complaint be made?

- 4.4 A Code of Conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the Chairperson or their delegate, is satisfied that the allegations are serious and compelling grounds exist 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 CEO be made?

- 4.6 All Code of Conduct complaints other than those relating to the CEO are to be made to the CEO in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

- 4.7 Where a Code of Conduct complaint about a council official other than the CEO 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.
- 4.8 In making a Code of Conduct complaint about a council official other than the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The CEO or their delegate, 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.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the CEO becomes aware of a possible breach of the council's Code of Conduct, they 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 CEO be made?

- 4.11 Code of Conduct complaints about the CEO are to be made to the Chairperson in writing. This clause does not operate to prevent a person from making a complaint about the CEO to an external agency.
- 4.12 Where a Code of Conduct complaint about the CEO 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.
- 4.13 In making a Code of Conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Chairperson or their delegate, 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.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Chairperson becomes aware of a possible breach of the council's Code of Conduct by the CEO, they 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 managed?

Delegation by CEO and Chairperson of their functions under this Part

- 5.1 The CEO or Chairperson may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the CEO or Chairperson are also to be taken to be references to their delegates.

Consideration of complaints by CEOs and Chairpersons

- 5.2 In exercising their functions under this Part, the CEO and Chairperson may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the Chairperson, may decline to deal with a complaint under these Procedures where they are satisfied that the complaint:
- a) is not a Code of Conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's Code of Conduct to be readily identified.

How are Code of Conduct complaints about staff (other than the CEO) to be dealt with?

- 5.4 The CEO is responsible for the management of Code of Conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.5 The CEO must refer Code of Conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.6 The CEO may decide to take no action in relation to a Code of Conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a member of staff of council, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these Procedures.
- 5.8 Code of Conduct complaints about members of staff of council must be managed 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.
- 5.9 Sanctions for breaches of the Code of Conduct by 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, council advisers and council committee members to be dealt with?

- 5.10 The CEO is responsible for the management of Code of Conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.11 The CEO must refer Code of Conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.12 The CEO may decide to take no action in relation to a Code of Conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a delegate of council or a council committee member, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these Procedures.
- 5.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve Code of Conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 5.15 Where the CEO resolves a Code of Conduct complaint under clause 5.14 to the CEO's satisfaction, the CEO 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.

- 5.16 Sanctions for breaches of the Code of Conduct by delegates of council and/or council committee members 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 in such a time and form specified by the CEO
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the CEO must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are Code of Conduct complaints about administrators to be dealt with?

- 5.18 The CEO must refer all Code of Conduct complaints about administrators to the Office for its consideration.
- 5.19 The CEO must notify the complainant of the referral of their complaint in writing.

How are Code of Conduct complaints about Board members to be dealt with?

- 5.20 The CEO must refer the following Code of Conduct complaints about Board members to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - b) complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

- 5.21 Where the CEO refers a complaint to the Office under clause 5.20, the CEO must notify the complainant of the referral in writing.
- 5.22 The CEO may decide to take no action in relation to a Code of Conduct complaint about a Board member, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the CEO decides to take no action in relation to a Code of Conduct complaint about a Board member, the CEO must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these Procedures.
- 5.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve Code of Conduct complaints about Board members, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 5.25 Where the CEO resolves a Code of Conduct complaint under clause 5.24 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these Procedures.
- 5.26 The CEO must refer all Code of Conduct complaints about Board members, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are Code of Conduct complaints about the CEO to be dealt with?

- 5.27 The Chairperson must refer the following Code of Conduct complaints about the CEO to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the Code of Conduct contained in Part 9 of the Code of Conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

- 5.28 Where the Chairperson refers a complaint to the Office under clause 5.27, the Chairperson must notify the complainant of the referral in writing.
- 5.29 The Chairperson may decide to take no action in relation to a Code of Conduct complaint about the CEO, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Chairperson decides to take no action in relation to a Code of Conduct complaint about the CEO, the Chairperson must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Chairperson considers it to be practicable and appropriate to do so, the Chairperson may seek to resolve Code of Conduct complaints about the CEO, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a Code of Conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 5.32 Where the Chairperson resolves a Code of Conduct complaint under clause 5.31 to the Chairperson's satisfaction, the Chairperson must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The Chairperson must refer all Code of Conduct complaints about the CEO, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the CEO and the Chairperson to be dealt with?

- 5.34 Where the CEO or Chairperson receives a Code of Conduct complaint that alleges a breach of the Code of Conduct by both the CEO and the Chairperson, the CEO or Chairperson must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the CEO where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of Code of Conduct complaints to external agencies

- 5.35 The CEO, Chairperson or a conduct reviewer may, at any time, refer a Code of Conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

- 5.36 The CEO, Chairperson or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the CEO, Chairperson or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these Procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 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 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.
- 5.40 Clause 5.39 does not apply to Code of Conduct complaints made by Board members about other Board members or the CEO.
- 5.41 Where a Board member makes a Code of Conduct complaint about another Board member or the CEO, and the complainant Board member 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.
- 5.42 A request made by a complainant Board member under clause 5.41 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.
- 5.43 The CEO or Chairperson, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Board member, but they are not obliged to comply with the request.

- 5.44 Where a complainant Board member makes a request under clause 5.41, the CEO or Chairperson or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Board member 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

- 5.45 These Procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of Conduct complaints that are made as public interest disclosures under that Act 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.
- 5.46 Where a Board member makes a Code of Conduct complaint about another Board member or the CEO as a public interest disclosure, before the matter may be dealt with under these Procedures, the complainant Board member must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant Board member declines to consent to the disclosure of their identity as the complainant under clause 5.46, the CEO or the Chairperson must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The CEO may request in writing that the Office 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.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if 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.
- 5.50 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.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these Procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a Code of Conduct complaint warrants investigation by a conduct reviewer, the assessing OLG 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 OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6

Preliminary assessment of Code of Conduct complaints about Board members or the CEO by conduct reviewers

Referral of Code of Conduct complaints about Board members or the CEO to conduct reviewers

- 6.1 The complaints coordinator must refer all Code of Conduct complaints about Board members or the CEO that have not been referred to an external agency or declined or resolved by the CEO, Chairperson or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the CEO 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 Office.
- 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. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these Procedures.
- 6.4 A conduct reviewer must not accept the referral of a Code of Conduct complaint where:

- a) they have a conflict of interest 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 (other than contracts relating to the exercise of their functions as a conduct reviewer) 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 value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider 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 interest 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 5.2 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, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 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.
- 6.9 Conduct reviewers must comply with these Procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing

of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of Code of Conduct complaints about Board members or the CEO by a conduct reviewer

- 6.12 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.
- 6.13 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
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, the Chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 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.

- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, 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.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine 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 is sufficiently serious to warrant the formal censure of a Board member under section 440G of the LGA or disciplinary action against the CEO under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a Board member under section 440G of the LGA or disciplinary action against the CEO under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 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 and notify the complaints coordinator in writing of the outcome of their assessment.

- 6.25 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 CEO or Chairperson for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the CEO or to the Chairperson to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the Chairperson, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the CEO or Chairperson prior to referring a matter back to them under clause 6.13(c).
- 6.28 The CEO or Chairperson may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the CEO or Chairperson under clause 6.13(c), the CEO or, in the case of a complaint about the CEO, the Chairperson, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the CEO or Chairperson under clause 6.13(c), the CEO, or, in the case of a complaint about the CEO, 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

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a Code of Conduct complaint for the purpose of these Procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's Code of Conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency

- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) 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, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's Code of Conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7

Investigations of Code of Conduct complaints about Board members or the CEO

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (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.
- 7.2 Where an investigator identifies further separate possible breaches of the Code of Conduct that are not related to or do not arise from the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the Chairperson.
- 7.3 The CEO or the Chairperson or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, 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) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 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 respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the complainant, the complaints coordinator and 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, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent 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.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent 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 respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 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.
- 7.19 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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final 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, a voluntary apology or an undertaking not to repeat the offending behaviour, or

- b) refer the matter to the CEO, or, in the case of a complaint about the CEO, to the Chairperson, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 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.
- 7.22 The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the complaints coordinator and the Chairperson discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 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 7.20 or to discontinue their investigation except as may be specifically required under these Procedures.

Draft investigation reports

- 7.26 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.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 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 a period of not less than 14 days specified by the investigator.

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent 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.
- 7.32 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

- 7.33 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 7.23.
- 7.34 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.
- 7.35 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.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - 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 matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means

- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:

- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO's contract of employment for the breach, or
- b) in the case of a breach by a Board member, that the Board member be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a Board member, that the Board resolves as follows:
 - i. that the Board member be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the Code of Conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may recommend:

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

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 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 CEO or, where the report relates to the CEO's conduct, to the Chairperson, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Board meeting for the Board'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 Board meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the Board will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the Board under clause 7.44.

Consideration of the final investigation report by the Board

- 7.46 The role of the Board in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the Code of Conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The Board is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a Board member, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Board member may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Code of Conduct.
- 7.49 Prior to imposing a sanction, the Board must provide the respondent with an opportunity to make a submission to the Board. A submission may be made orally or in

writing. The respondent is to confine their submission to addressing the investigator's recommendation.

- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Board member, take no part in any discussion or voting on the matter.
- 7.51 The Board must not invite submissions from other persons for the purpose of seeking to re-hear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the Board 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 from the Office in relation to the report.
- 7.53 The Board may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the Board and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The Board is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 The Board may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO's contract of employment for the breach, or
 - b) in the case of a breach by a Board member, that the Board member be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a Board member
 - i. that the Board member be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the Board censures a Board member under section 440G of the LGA, the Board must specify in the censure resolution the grounds on which it is satisfied that the Board

member should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the Board considers may be relevant or appropriate.

- 7.60 The Board is not obliged to adopt the investigator's recommendation. Where the Board proposes not to adopt the investigator's recommendation, the Board must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the Board resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the Board's decision and the reasons for it.

Part 8

Oversight and rights of review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under the council's Code of Conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the Board, to defer taking further action in relation to a matter under consideration under the council's Code of Conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The CEO or their delegate must refer Code of Conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The CEO must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The CEO must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these Procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

- 8.8 Where the Office receives a request in writing for a practice ruling, the Office 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.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office 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.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 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 in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office 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 Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the Board to defer any action to implement a sanction. The Board must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its

decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the Board has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Board 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 Board meeting following the election, and
- b) the Board must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the Board resolves to reaffirm its previous decision, the Board must state in its resolution its reasons for doing so.

Part 9

Procedural Irregularities

- 9.1 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.
- 9.2 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 10

Practice Directions

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

- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11

Reporting statistics on Code of Conduct complaints about Board members and the CEO

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

- a) the total number of Code of Conduct complaints made about Board members and the CEO under the Code of Conduct in the year to September (the reporting period)
- b) the number of Code of Conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with Code of Conduct complaints made about Board members and the CEO during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12

Confidentiality

- 12.1 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.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a Code of Conduct complaint they have made or purported to make, the CEO or their delegate may, with the consent of the Office, determine that the complainant is to

receive no further information about their complaint and any future Code of Conduct complaint they make or purport to make.

- 12.3 Prior to seeking the Office's consent under clause 12.2, the CEO or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the CEO or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the CEO or their delegate.
- 12.5 The CEO or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the CEO or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a Code of Conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the CEO or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Procedure Details

Procedure for Administration of the Code of Conduct	Adopted by Riverina Water Board
Legislation Associated with this Procedure	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i>
Documents Associated with this Procedure	Model Code of Conduct Riverina Water Code of Conduct Policy 1.01
Procedure History	14 December 2022 Res 22/192

R10 Code of Conduct Statistical Report

Organisational Area Corporate Services

Author Wendy Reichelt, Governance & Corporate Planning Officer

Summary This report regarding the Code of Conduct 2024-25 statistical report is provided to the Board for information as required under the Code of Conduct.

RECOMMENDATION that Council note that the Riverina Water Code of Conduct statistical report from 1 September 2024 to 31 August 2025 has been lodged with the Office of Local Government with zero notifications or determinations for that period.

Report

The NSW Office of Local Government requires the annual lodgement of a Code of Conduct Statistical Report, and for this lodgement to be reported to the Board.

Riverina Water has lodged its report for the 2024–2025 reporting period in accordance with these requirements. The Board is advised that the report recorded zero complaints, determinations, or matters raised under the Code of Conduct for the period 1 September 2024 to 31 August 2025.

Strategic Alignment

Our Operations

Provide effective leadership and governance

Financial Implications

Not applicable.

Workforce Implications

All staff and public officials of Riverina Water are to adhere to the requirements of the Code of Conduct Policy 1.01

Risk Considerations

Corporate Governance and Compliance	
No appetite	Fraud and Corruption - Riverina Water has a no appetite in relation to misconduct, fraud, or corruption. Proper process would be followed to ensure thorough investigation and cooperation with relevant authorities.

Risk Alignment

Completing the Code of Conduct statistical report each year assists Riverina Water meet the compliance obligations of the NSW Office of Local Government.

R11 Lost Time Injury Statistics July 2025 to September 2025

Organisational Area Chief Executive Officer

Author Gabrielle Calverley, WHS Coordinator

Summary This report presents information on Lost Time Injury statistics for the 2025/2026 financial year.

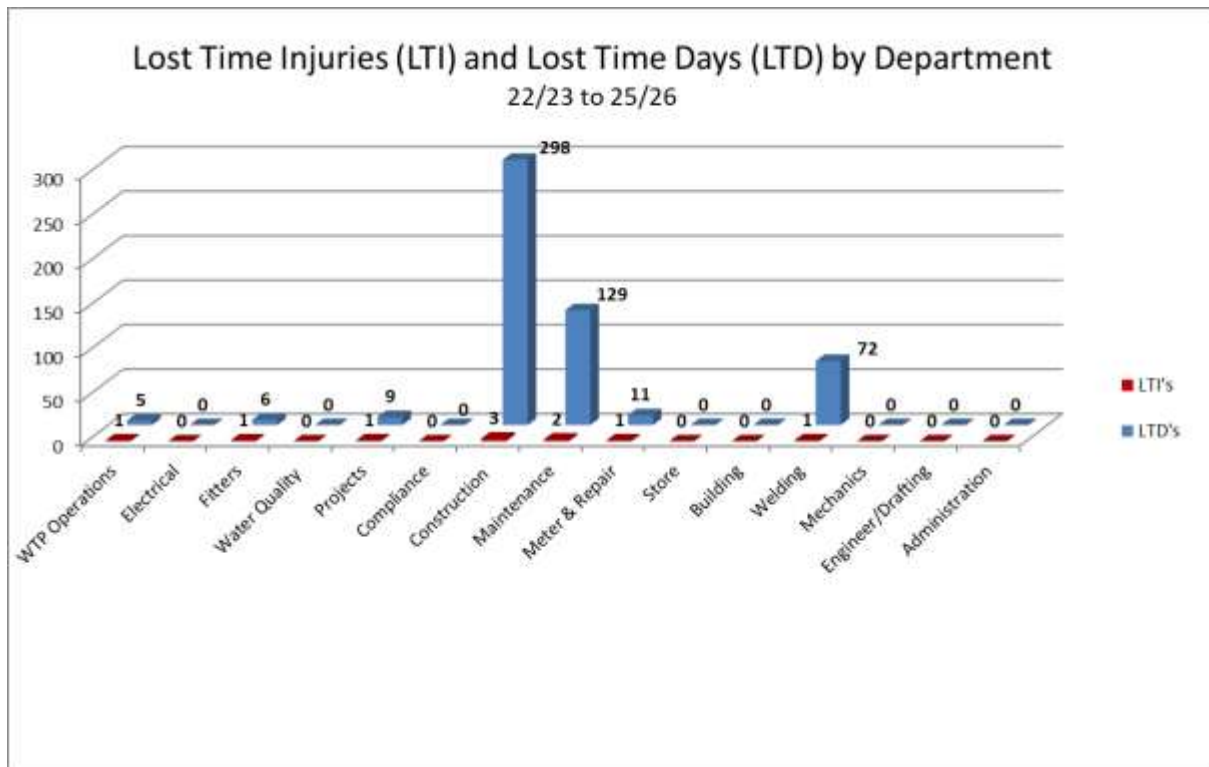
RECOMMENDATION that the Board receive and note the statistics report for Lost Time Injuries (LTIs) for the period June 2025 to September 2025, noting that the data is accurate as of 9 October 2025.

Report

Workers Compensation Statistics	22/23	23/24	24/25	25/26
Claims lodged	10	7	8	3
Premium Impacting Claims	5	2	3	0
Claims currently open	1	1	3	2
Lost Time Days (LTD's)	359	120	51	0

Open Claims – Premium Impacting		
Date of Injury	Claim Status	Lost Time Days (Days off work)
17/06/2025	OPEN	6
17/12/2024	OPEN	35
13/11/2023	OPEN	111
16/10/2022	OPEN	253
Open Claims Total LTD's		405

Riverina Water has a member of its Work Health and Safety Team who coordinates the return to work programs for each injured worker with the aim of both assisting the injured employee recover and to minimise the LTD's



Strategic Alignment

Our People

Partner with our people to ensure they go home safe and well

Financial Implications

Riverina Water works in partnership with its insurer StateCover Mutual to minimise costs associated with each claim, to minimise the annual premium paid for workers compensation insurance

Workforce Implications

Consideration is being given to provide additional support in this area

Risk Considerations

Work, Health and Safety

Riverina Water acknowledges the high-risk environment in which we operate

No appetite

Riverina Water has **no appetite** for risk of serious impact to the health (through accident, injury or illness) or wellbeing of Riverina Water staff, board members, contractors, visitors, members of our community or the public.

Risk Alignment

Monitoring Workers Compensation data enables Riverina Water to identify injury and illness trends, target prevention efforts to reduce insurance premiums and protect our people from harm

R12 Membership of Riverina Eastern Regional Organisation of Councils (REROC)

Organisational Area Chief Executive Officer

Author Andrew Crakanthorp, Chief Executive Officer

Summary The Riverina Eastern Regional Organisation of Councils (REROC) requested Riverina Water consider rejoining REROC. Riverina Water discontinued its membership of REROC in June 2021 and at its meeting in August 2025 resolved not to rejoin REROC. A rescission motion regarding the August decision has been lodged and was debated earlier in this business paper.

RECOMMENDATION for consideration by the Board in the event that the rescission motion appearing earlier in this business paper is carried.

Report

Riverina Water at its meeting in August 2020 resolved to discontinue its membership of REROC and the end of the 2020/21 financial year and confirmed its commitment to remaining an associate member of Riverina Joint Organisation (RivJO). Riverina Water continued to attend meetings of RivJO (represented by the Chairperson and CEO) until it went into hiatus in July 2023.

Board members are referred to the report in the August agenda which provides detail on the advantages and disadvantages of rejoining REROC.

Riverina Water staff hold the view that remains little value to Riverina Water from these activities. Riverina Water resolves its operational issues and demands using resources internally. The exception to the former comment would be our involvement in the "Build a Bridge" project, which we attend each year and provide sponsorship to the event in the order of \$2,500.

It should be noted however, that Riverina Water has lost its ability to ask REROC to lobby on its behalf on industry or specific issues. REROC enjoys a strong track record in lobbying on behalf of its member Councils. Given that RivJO has entered hiatus status, we are no longer a member of an active regional organisation. In addition, Council could request any of the two constituent Councils (Greater Hume and Lockhart) that are currently members of REROC, to advocate on behalf of Riverina Water (to REROC) if so agreed. Such an arrangement, however, must be acknowledged as being less effective than having full membership which would allow the Chairperson and CEO to attend the meetings with State and Federal politicians and agencies.

The decision to rejoin is not a simple one, as evidenced via the lodgement of a rescission motion. Certainly, membership would provide limited benefits and be a mechanism by which Riverina Water supports the only regional local government entity active across our supply area.

Riverina Water was an associate member of REROC for many years. The membership subscription was for many years up to and including 2017/18, \$8,800. In 2018/19 in response to the withdrawal of Snowy Valleys Council and Wagga Wagga City Council, the subscription increased to \$11,900. The same subscription was payable in 2019/20 and in the years since has risen to \$19,855 (plus GST). It should be acknowledged that membership now affords Riverina Water a vote at meetings of the ROC (which was not previously available given our status as an Associate Member).

Goldenfields Water remain as members of REROC for an annual membership fee of \$19,855 plus GST. Their General Manager maintains that they get value for money via their membership and attendance at meetings and that REROC provides them with an opportunity for meaningful advocacy and good access to State and Federal Members of Parliament.

Membership of a regional organisation does align with the Riverina Water 2022 Business Activity Strategic Plan (BASP) through the Pillar of "our Business" which states as an objective "Collaborate and share our knowledge with other organisations".

WWCC has reiterated its offer to maintain (or take out of hiatus) the function of the RivJO and fully fund the RivJO at its own cost. Management see merit in such an offer should REROC accept the offer to meet to discuss further details.

Strategic Alignment

Our Community
Actively support and contribute to our community

Financial Implications

Workforce Implications

Not applicable

Risk Considerations

Community and agency partnerships	
High	Riverina Water has a high appetite to partner with our community and other agencies to maximise potential benefits to Riverina Water and the Community.

Risk Alignment

Membership of REROC would satisfy Riverina Water's appetite to be an active player in supporting regional priorities as well and contribute to the broader objectives of many communities in our supply area.

R13 Council Resolution Sheet

Organisational Area Chief Executive Officer

Author Andrew Crakanthorp, Chief Executive Officer

Summary The report provides an update on the status of previous resolutions of the Board.

RECOMMENDATION that the report detailing the status of the active resolutions of the Board of Riverina Water be noted and received.

Report

The attachment to this report provides details on the implementation of previous Board resolutions.

› **R13.1 Council Resolution Sheet** [↓](#) 

Strategic Alignment

Our Operations

Proactively manage risks and opportunities

Financial Implications

Nil

Workforce Implications

Nil

Risk Considerations

Corporate Governance and Compliance	
Low	Riverina Water has low appetite for risk of failure to comply with legislation, regulations, policy/procedures and transparent, ethical decision making. Minor breaches are expected from time to time but it will be reported and responded to.

Risk Alignment

Not Applicable

OUTSTANDING ACTIONS REPORT

Printed: Friday, 10 October 2025
9:00:57 AM

Meeting	Date	Officer	Title	Target
Board Meeting 26/10/2022	26/10/2022	Vidler, Greg	The Rock Reservoir Land Acquisition	9/11/2022
Resolution				

22/183

RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That Council:

- (a) proceed with the compulsory acquisition of the land described as 4376 Olympic Highway, The Rock, NSW (part Lot 1 in Deposited Plan 596611), in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991; and
- (b) make an application to the Minister and the Governor for approval to acquire 4376 Olympic Highway, The Rock, NSW (part Lot 1 in Deposited Plan 596611), for the purpose of the construction of the Rock Reservoir and associated access in accordance with Section 186(1) of the Local Government Act 1993
- (c) upon acquisition, classify the land as operational land in accordance with the Local Government Act.
- (d) Delegate authority to the CEO to sign all documents relating to the compulsory acquisition and pay requisite compensation for the land.

CARRIED**Notes For Action****07 Dec 2022 9:50am Vincent, Melissa**

The acquisition process continues as planned.

14 Feb 2023 11:20am Vincent, Melissa

The acquisition process continues again more slowly than expected. Council's solicitor has carriage of the process

08 Jun 2023 3:18pm Vincent, Melissa

The RMS rejected the proposed access which has put the project behind schedule. Revised plans have been completed and it is expected that Riverina Water will gain title to the required land by March 2024.

19 Jun 2024 4:10pm Vincent, Melissa

A workshop to update the Board on this matter was held on 27 June 2024.

29 Nov 2024 8:33am Vincent, Melissa

Riverina Water have engaged NSW Public Works to finalise the land acquisition by June 2025

16 Jun 2025 8:17am Vincent, Melissa

Work continues on the land acquisition by NSW Public Works with a meeting held with the landowner in June

10 Oct 2025 9:00am Vincent, Melissa

Our application for compulsory acquisition can commence from the 31 October 2025, as the nominal end of the six-month negotiation period required by the Just Terms Act and the Office of Local Government (OLG) annual "PAN Pause" period during which compulsory acquisitions are not permitted. We are still in discussions with the landowner who have indicated they are seeking an independent valuation. If no agreement is reached with the landowner by the 31 October 2025, we will initiate compulsory acquisition

Meeting	Date	Officer	Title	Target
Board Meeting 28/08/2025	28/08/2025	Reichelt, Wendy	Code of Meeting Practice	11/09/2025
Resolution				

25/118

RESOLVED:

On the Motion of Councillors G Davies and J McKinnon

That Council:

- a) Review the Code of Meeting Practice Policy 1.02
- b) Note that as required, the Code of Meeting Practice Policy 1.02 will be placed on public exhibition for a period of 28 days
- c) Note that following the exhibition period, the Code of Meeting Practice Policy 1.02 will be presented to the Board at its meeting in October for final review and adoption

CARRIED**Notes For Action****08 Oct 2025 10:18am Vincent, Melissa**

Following the August meeting of the Board, the updated Model Code of Conduct was released by the NSW Office of Local Government. The revised new Code is presented to the Board for review and amendment at this meeting

Meeting	Date	Officer	Title	Target
Board Meeting 28/08/2025	28/08/2025	Crakanthorp, Andrew	Membership of Riverina Eastern Regional Organisation of Councils (REROC)	11/09/2025
Resolution				

25/123

RESOLVED:

On the Motion of Councillors J McKinnon and G Davies

That Riverina Water decline the offer by the Riverina Eastern Regional Organisation of Council's (REROC) to rejoin REROC, for the reasons which informed the decision in August 2020 by Riverina Water to withdraw its membership of REROC.

OUTSTANDING ACTIONS REPORT

Printed: Friday, 10 October 2025
9:00:57 AM

Meeting	Date	Officer	Title	Target
CARRIED				

Notes For Action

08 Oct 2025 10:19am Vincent, Melissa

The CEO has been advised that a rescission motion is likely to be submitted to the October meeting of the Board relating to this matter

Meeting	Date	Officer	Title	Target
Board Meeting 28/08/2025	28/08/2025	Vidler, Greg	Tender RFT2025/12 W304 - Demolition of Existing Structures, Civil Works & Construction of Warehouse, Workshop & Office - The Rock Depot	11/09/2025
Resolution				

25/130

RESOLVED:

On the Motion of Councillors G Davies and J McKinnon

That the Board:

- a) Accepts the Tender Submission from Joss Facility Management under a lump sum contract for the amount specified in the report in accordance with Specification W304.
- b) Authorise the Chief Executive Officer to enter into a Contract for the Demolition of Existing Structures, Civil Works & Construction of Warehouse, Workshop & Office at The Rock Depot.

CARRIED

Notes For Action

08 Oct 2025 10:20am Vincent, Melissa

The contract has been executed by both patties and the kick off meeting is being held in the week of the 7 October with construction to commence late October

Meeting	Date	Officer	Title	Target
Board Meeting 11/09/2025	11/09/2025	van Berkel, Troy	PFAS Update	25/09/2025
Resolution				

25/137

RESOLVED:

On the Motion of Councillors B Liston and G Driscoll

That Council:

- a) Note further updates regarding PFAS class action.
- b) Delegate authority to the Chief Executive Officer and Chair to review legal advice and determine the Council's participation in the class action outlined in the report.

CARRIED

Notes For Action

10 Oct 2025 8:34am Vincent, Melissa

Riverina Water had an initial meeting with our legal representatives in relation to the PFAS class action. We have provided them with further requested information and are awaiting legal advice relating to the matter. Awaiting finalised legal advice for review.

R14 Works Report covering August 2025

Organisational Area Engineering

Author Troy van Berkel, Director Engineering

Summary This report provides an overview of water usage, connections, maintenance and water quality matters during August 2025.

RECOMMENDATION that the Works Report covering August 2025 be received and noted

Report

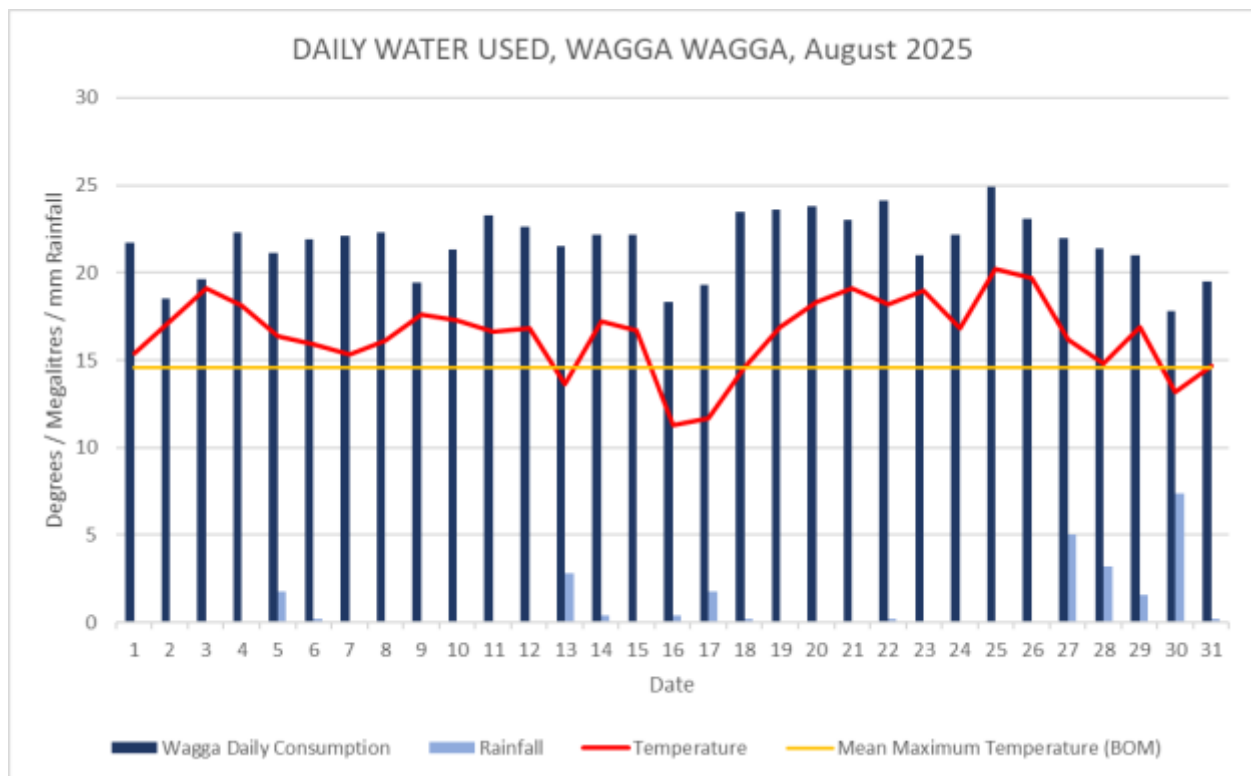
This report provides an overview of water usage, connections, maintenance and water quality matters from the 1 to the 31 August 2025.

Water Sourced and Used

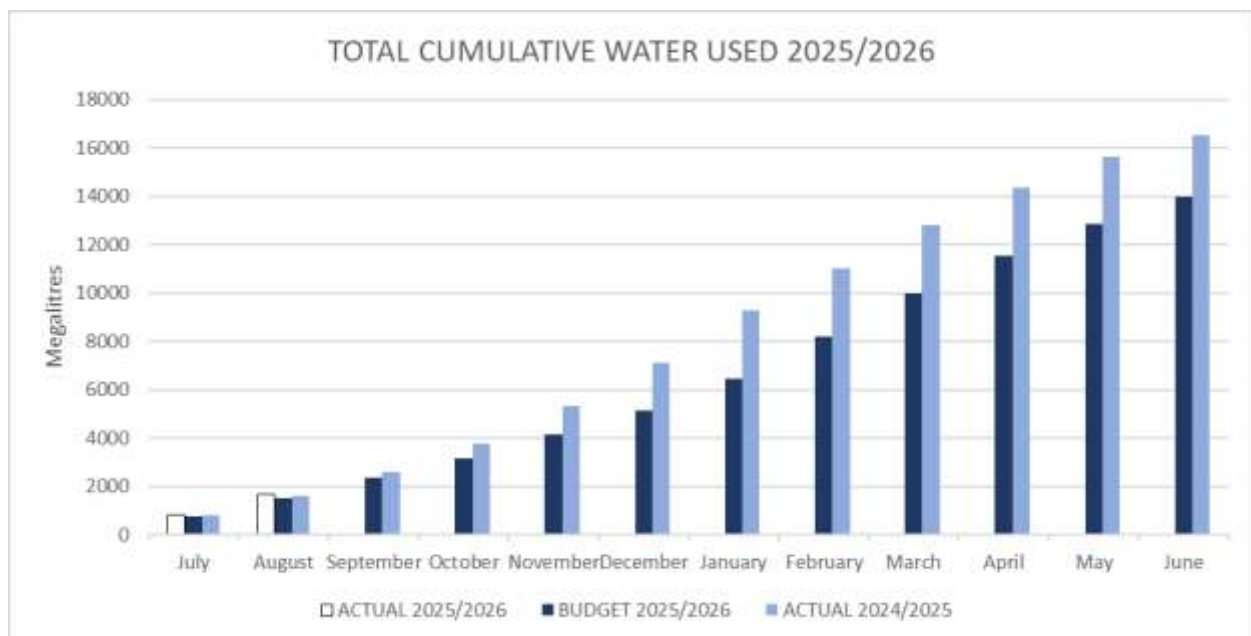
WATER SOURCED - Megalitres [ML]		August		
		2023	2024	2025
Rainfall [mm]		32.0	38.4	25.2
Wet Days		13	8	13
Surface Water Sources				
Murrumbidgee Regulated River Water	Sub-Total	0.7	0.3	0.3
Wagga Wagga - Murrumbidgee River		0.0	0.0	0.0
Morundah - Yanco Creek		0.66	0.32	0.31
Urana - Colombo Creek		0.0	0.0	0.0
Groundwater Sources				
Wagga Wagga Alluvial Groundwater	Sub-Total	800.9	849.6	856.9
East Wagga Wagga		454.9	508.3	300.0
West Wagga Wagga		109.8	81.2	492.8
North Wagga Wagga		206.5	197.0	0.0
Oura		1.9	2.5	2.5
Mid Murrumbidgee Zone 3 Alluvial Groundwater				
Collingullie		4.0	4.8	5.2
Bulgary		0.0	33.0	32.7
Billabong Creek Alluvial Groundwater				
Walla Walla (near Culcairn)		0.0	0.0	0.1
Ralvona		12.7	13.6	14.1
Walbundrie		4.5	2.9	3.5
Gundagai Alluvial Groundwater (Tarcutta)				
		2.9	4.1	3.6
Lachlan Fold Belt MDB Groundwater				
Woomargama		1.3	0.7	0.9
Humula		0.5	0.5	0.4
Goldenfields Water (bulk supply)				
		1.9	1.1	1.1
Surface and Groundwater - TOTAL		801.5	849.9	857.2

WATER SUPPLIED - Megalitres [ML]			August		
			2023	2024	2025
Greater Wagga Wagga	Wagga Wagga System	Sub-Total	443.1	498.5	508.4
	Wagga Low Level		101.3	58.4	60.1
	Wagga High Level		294.4	370.9	367.3
	Bellevue/Glenoak Level		42.8	43.1	47.1
	Ladysmith		4.6	4.9	3.9
	Gregadoo			21.2	30.0
	North Wagga System	Sub-Total	211.3	199.6	194.0
	North Wagga/Bomen		82.5	86.8	68.9
	East Bomen		19.4	21.6	20.8
	Estella		83.4	66.6	79.1
	Rural - Brucedale		17.0	12.5	15.8
	Rural - The Gap/Tooyal			8.0	4.4
	Rural - Currawarna/Cottee		9.1	4.1	5.0
	GREATER WAGGA WAGGA - TOTAL		654.4	698.1	702.4
Rural	Southern Trunk System	Sub-Total	73.2	77.3	79.8
	(Southern Trunk- Rural Connections)			25.3	25.9
	San Isadore			3.6	4.1
	Kapooka			9.7	14.8
	Uranquinty			9.1	7.1
	The Rock			5.6	5.4
	Mangoplah			1.1	0.8
	Yerong Creek			1.1	1.1
	Pleasant Hills			6.3	6.5
	Milbrulong			0.1	0.2
	Henty			8.0	7.6
	Morven			3.2	2.4
	Walla Walla			4.2	3.8
	Transferred to Western Trunk			0.0	0.0
	Western Trunk System	Sub-Total	31.4	33.0	32.7
	(Western Trunk - Rural Connections)			21.6	21.1
	Lockhart			5.2	5.8
	Boree Creek			0.8	0.9
	Urana			2.8	2.4
	Oaklands			2.6	2.5
	Transferred from Southern Trunk			0.0	0.0
	Independent Villages	Sub-Total	28.1	28.6	28.8
	Collingullie		3.8	4.5	3.7
	Humula		0.5	0.5	0.4
	Morundah		0.6	0.3	0.3
	Oura		1.9	2.5	2.4
	Woomargama		1.3	0.7	0.9
	Tarcutta		2.8	3.6	3.3
	Holbrook		12.8	13.7	14.1
	Walbundrie-Rand		4.5	2.8	3.5
	RURAL - TOTAL		132.7	138.9	141.2
	GREATER WAGGA WAGGA & RURAL - TOTAL		787.1	837.0	843.6

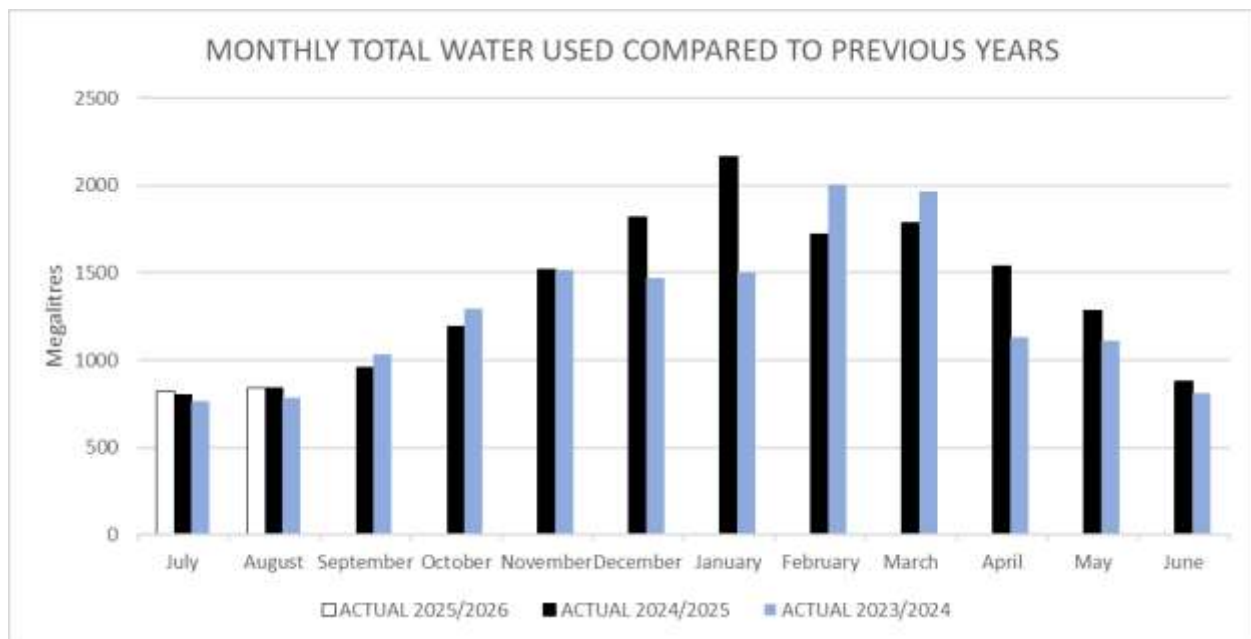
Graph 1



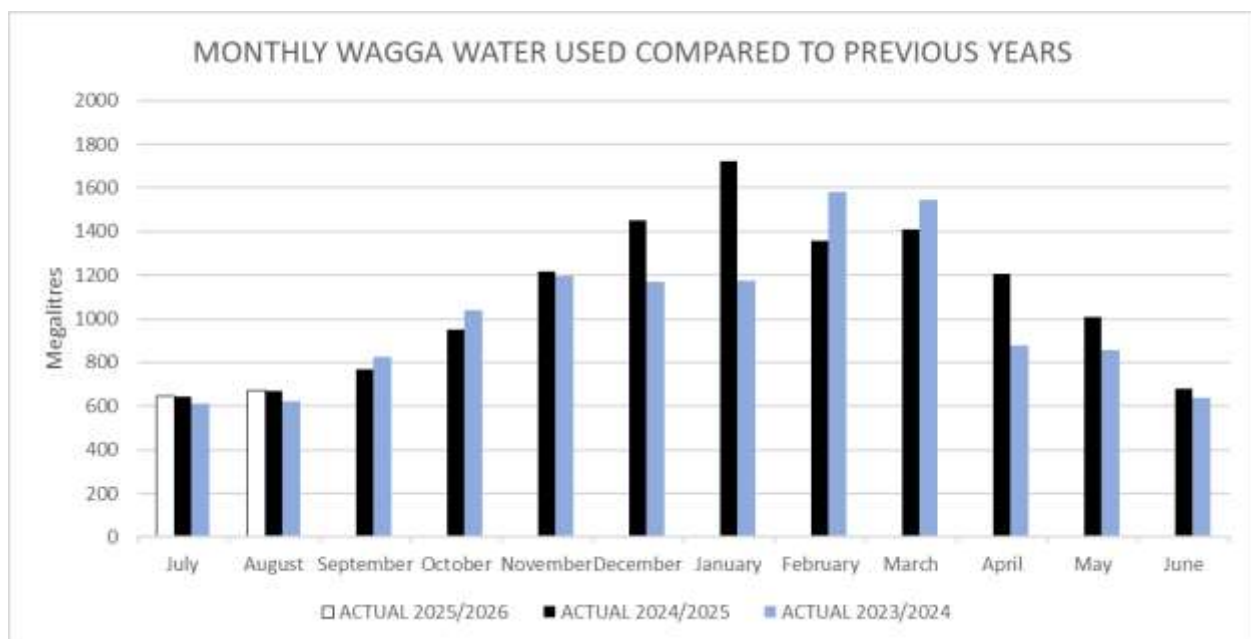
Graph 2



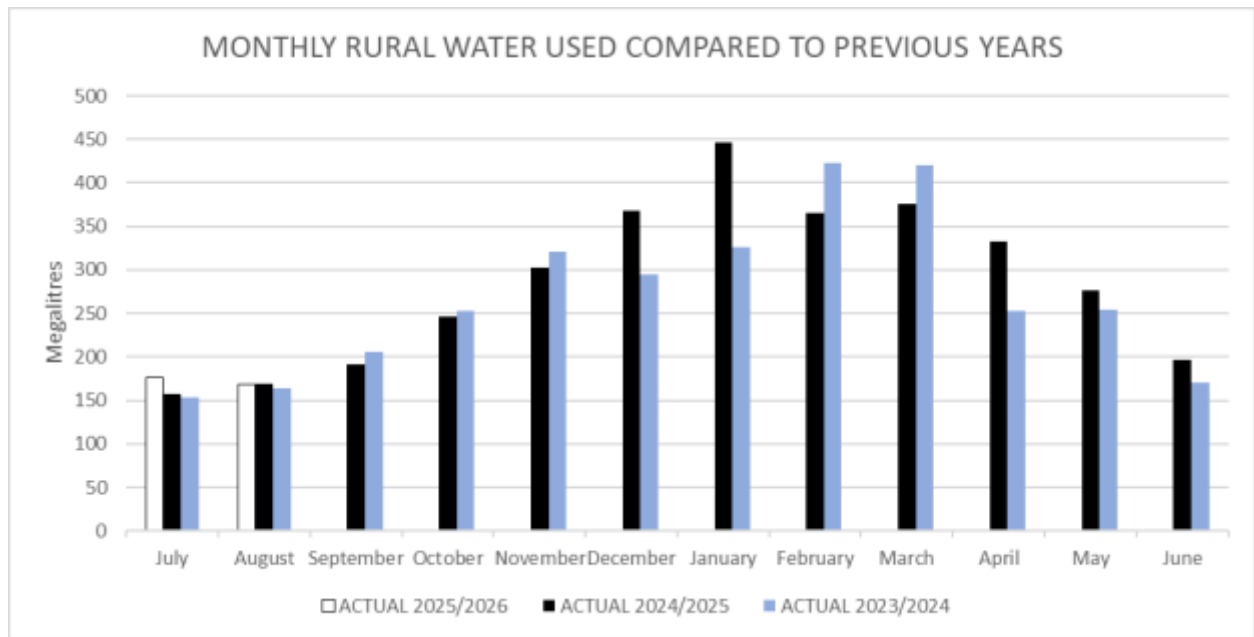
Graph 3



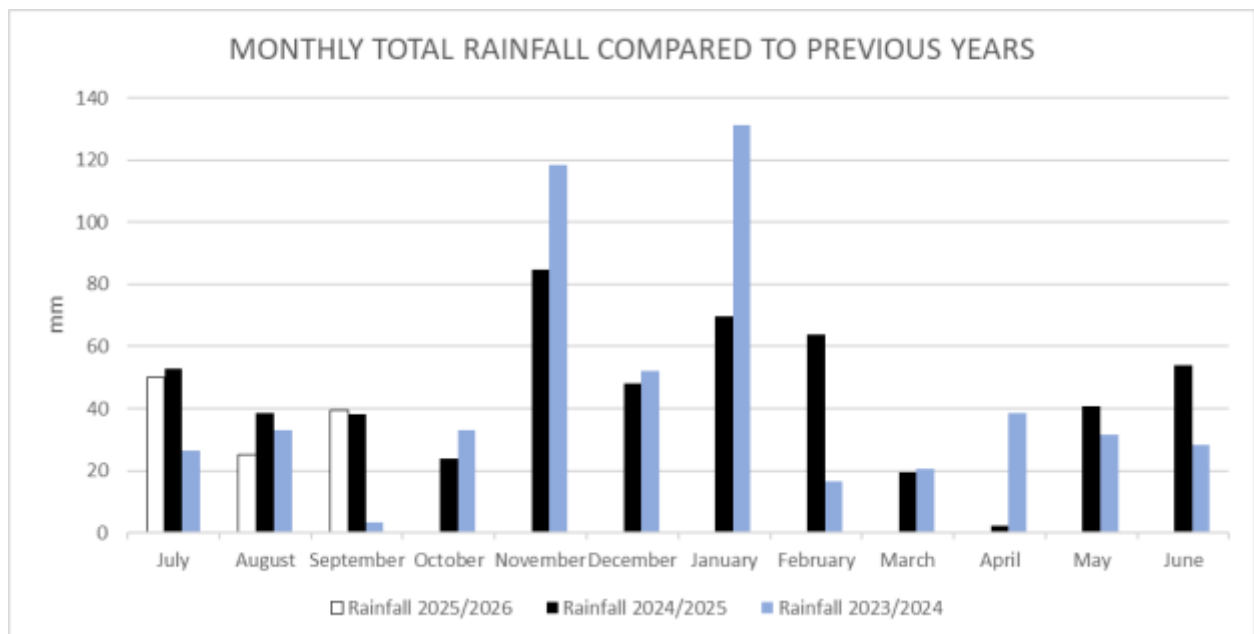
Graph 4



Graph 5



Graph 6



Repairs, Meters, Locations and Complaints

Suburb	METERMODIFY	WATERODOUR	WATERHAMMER	DISCONNECT	HYDMAINT	WATERDIRTY	LOCATE	PRESSURE	METERCOCKFAIL	WATERLEAK	METERLEAK	Grand Total
Suburb Not Recorded						1				5		6
ASHMONT						2		1		3	7	13
BOMEN										1		1
BOOROOMA							1				1	2
BOURKELANDS											2	2
BRUCEDALE								1	1	4		6
COLLINGULLIE							3			1		4
CURRAWARNA								1		2		3
EAST WAGGA WAGGA							1			1	2	4
ESTELLA									1		2	3
FOREST HILL				2							3	5
GLENFIELD PARK						1				2	1	4
GOBBAGOMBALIN										1		1
GUMLY GUMLY											1	1
HENTY											2	2
HENTY TO HOLBROOK					1			2				3
HOLBROOK										2	1	3
KOORINGAL			1							2	6	9
LADYSMITH										1		1
LAKE ALBERT									4	5	6	15
MORVEN										1		1
MOUNT AUSTIN									2	1	6	9
NORTH WAGGA WAGGA		1				1						2
SAN ISIDORE						2		3				5
SPRINGVALE										1	1	2
TATTON										2	1	3
TOLLAND										2	1	3
TURVEY PARK					1					3	2	6
URANQUINTY											1	1
WAGGA TO THE ROCK										1		1
WAGGA WAGGA	1						3	2	1	4	10	21
WALLA WALLA					1					2	1	4
WOOMARGAMA										1	1	2
LOCKHART TO THE ROCK							1					1
MANGOPLAH									1			1
OURA										2		2
HUMULA											1	1
BOREE CREEK										1	1	2
Grand Total	1	1	1	2	3	7	9	10	10	51	60	155

New Connections

Count of #	Resp.					
Activity	Suburb	ASSETS	MAINT	NEWSERVICE	RURALGANG	Grand Total
[-] MTRINST	EAST WAGGA WAGGA			1		1
	FOREST HILL			3		3
	GOBBAGOMBALIN		1	9		10
	LAKE ALBERT			4		4
	LLOYD			6		6
	MILBRULONG				1	1
	Oaklands				1	1
	TATTON			6		6
	WAGGA WAGGA	21		32		53
	WALLA WALLA				1	1
Grand Total		21	1	61	3	86

Water System Repairs

Activity	Date	Suburb	AssetType	Problem	Count of #
[-] MAINRPR	[-] 2/08/2025	[-] ASHMONT	[-] Water Main	EXCESSWEAR	1
	[-] 4/08/2025	[-] ASHMONT	[-] Water Main	LONGSPLIT	1
		[-] HOLBROOK	[-] Water Main	LONGSPLIT	1
		[-] THE GAP	[-] Water Main	GROUNDMOVE	1
	[-] 5/08/2025	[-] ASHMONT	[-] Water Main	TREERROOTS	1
	[-] 9/08/2025	[-] OURA	[-] Water Main	EXCESSWEAR	2
	[-] 10/08/2025	[-] LAKE ALBERT	[-] Water Main	EXCESSWEAR	1
	[-] 12/08/2025	[-]	[-] Water Main	EXCESSWEAR	1
		[-] LAKE ALBERT	[-] Water Main	JOINTLEAK	1
		[-] THE ROCK	[-] Water Main		1
	[-] 13/08/2025	[-] BRUCEDALE	[-] Water Main	JOINTLEAK	1
		BRUCEDALE		ROUNDSPLIT	1
		[-] URANA	[-] Water Main	JOINTLEAK	1
	[-] 14/08/2025	[-] COLLINGULLIE	[-] Water Main	JOINTLEAK	1
	[-] 16/08/2025	[-] TURVEY PARK	[-] Water Main	TREERROOTS	1
	[-] 18/08/2025	[-]	[-] Water Main	LONGSPLIT	1
	[-] 21/08/2025	[-] URANA	[-] Water Main	JOINTLEAK	1
	[-] 22/08/2025	[-] THE GAP	[-] Water Main	EXCESSWEAR	1
		[-] WAGGA WAGGA	[-] Water Main	NOFAULT	1
	[-] 23/08/2025	[-] NORTH WAGGA WAGGA	[-] Water Main	LONGSPLIT	1
	[-] 25/08/2025	[-] BRUCEDALE	[-] Water Main	JOINTLEAK	1
	[-] 26/08/2025	[-] WAGGA TO THE ROCK	[-] Water Main	JOINTLEAK	1
	[-] 27/08/2025	[-] BOREE CREEK TO URANA	[-] Water Main	JOINTLEAK	1
Grand Total					24

Water Quality Complaints

Types	Date	Suburb	Action Taken	Count of SR#
WATERODOUR	19/08/2025	NORTH WAGGA WAGGA	Attended property and collected a water sample. All parameters within ADWG. Called Raymond and explained that the water is not contaminated and would not be causing internal pipes to burst. Supplied a copy of the results and some long-term data from the McPherson Oval sampling site to Raymond so he can provide evidence to the supplier of the pipes that contaminated water is not contributing to the problem.	1
WATERDIRTY	2/08/2025	ASHMONT	Flushed water main	1
	5/08/2025	ASHMONT	Flushed service, knocked on door no one answered	1
	7/08/2025	GLENFIELD PARK	Flushed hydrant	1
	18/08/2025		Flushed main and service	1
	25/08/2025	NORTH WAGGA WAGGA	Flushed meter	1
	27/08/2025	SAN ISIDORE	Flushed main till clean	1
	28/08/2025	SAN ISIDORE	Flushed main	1
Grand Total				8

New water mains laid – New and Replacement

Summary	WO#	Asset Type	Width	Type	Sum of Meters
GOBBAGOMBALIN Stage 6-7 - 68 Lot Subdivision	4315	Water Main	100	OPVC	114
23 Lot Subdivision - 258m 100mm oPVC / DICL + 2 Road crossings 5 Days quoted for completion - Design and costing attached	5144	Water Main	100	OPVC	166
		Water Main	(blank)	(blank)	
231 Gurwood St - Stage 3 Subdivision 39 Lots - 152mm 100mm oPVC - DICL	5839	Water Main	150	DICL	30
Kapooka Rd main replacement - Cummins Dr to Benedict Ave.	2426	Water Main	150	DICL	24
		Water Main		OPVC	522
61 Edison Rd	1842	Water Main	150	DICL	24
		Water Main	200	OPVC	24
150mm DICL x 150mm Fire Service (Short) LHS Multispace pty ltd (04)37003318 Commercial Connection	6141	Water Meter	150	DICL	6
Grand Total					910

Major Repairs / Overhauls

Facility	Work done
Wagga Wagga WTP	Raw Water Channel Cleaning
Wagga Wagga WTP	Lamella Clarifier Spray Lining & Maintenance
Wagga Wagga WTP	Routine Maintenance – Summer Readiness
Wagga Wagga WTP	High Level High Lift Pump Overhaul
Wagga Wagga WTP	Compressor Maintenance
Bellevue Pump Station	Pump Minor Overhaul

Water Filling Station Activity

Location	Number of fills
Bomen Hereford Street	65
Estella Farrer Road	45
Forest Hill Elizabeth Avenue	82
Glenfield Red Hill Road	114
Henty Olympic Way	3
Holbrook Millswood Road	31
Lake Albert Plumpton Road	79
Lockhart Napier Road	133
Pleasant Hills Manson Street	13
Ralvona	19
Tarcutta	44
The Rock	61
Urana Federation Way	34
Walla Walla Short St	7
Woomargama Murray St	1
Yerong Creek Finlayson Street	28

Fleet Disposals

Vehicle No	Description	Vehicle Type	Make & Model	Year	KMs	Method	Price (ex GST)

Fleet Acquisitions

Vehicle No	Tenders received	Accepted Tenderer	Vehicle type	Make/Model	Price ex GST

Strategic Alignment

Our Operations

Assure ongoing service delivery

Financial Implications

Nil

Workforce Implications

Nil

Risk Considerations

Service delivery and Asset Management - Significant or long term disruption	
Low	Riverina Water has a low tolerance for risk of failure of infrastructure assets that would result in significant and/or prolonged disruption to our services and infrastructure that does not have the capacity to meet customer demands.

Risk Alignment

Regular reporting enables management to monitor water production, quality and infrastructure to ensure ongoing capacity to meet customer demands.

R15 Works Report covering September 2025

Organisational Area Engineering

Author Troy van Berkel, Director Engineering

Summary This report provides an overview of water usage, connections, maintenance and water quality matters during September 2025.

RECOMMENDATION that the Works Report covering September 2025 be received and noted
Report

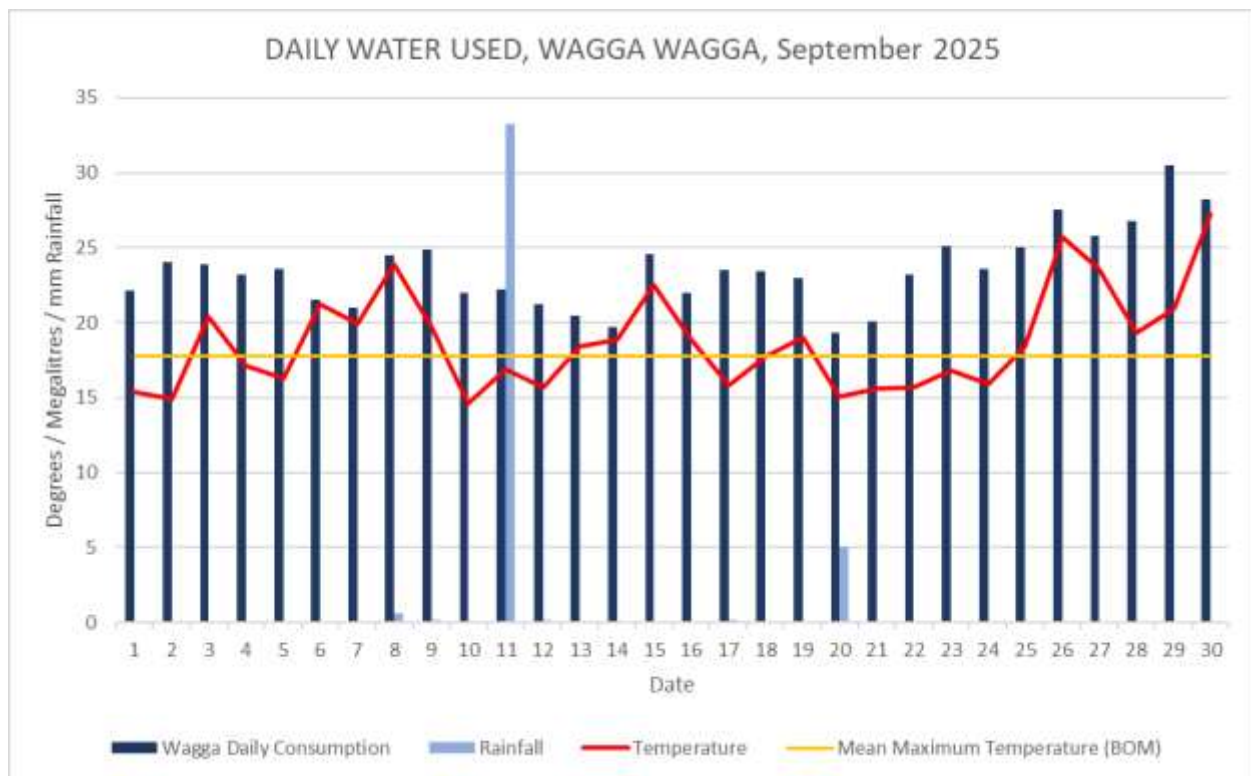
This report provides an overview of water usage, connections, maintenance and water quality matters from the 1st to the 30th September 2025.

Water Sourced and Used

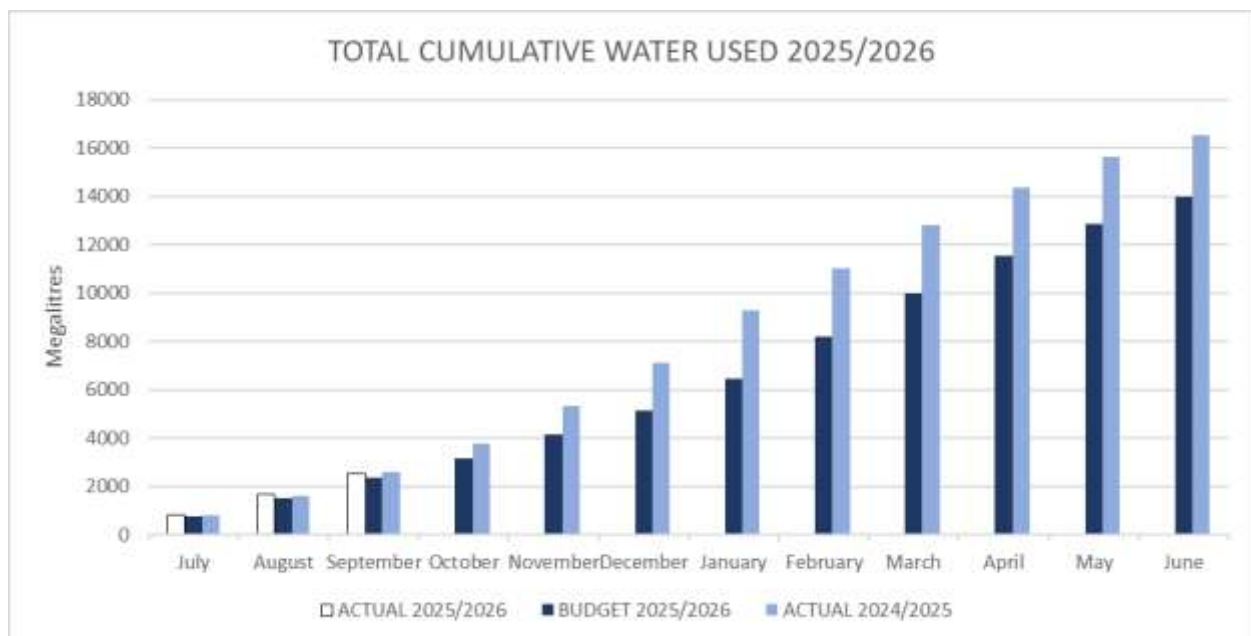
WATER SOURCED - Megalitres [ML]		September		
		2023	2024	2025
	Rainfall [mm]	3.4	38.2	39.4
	Wet Days	2	8	6
Surface Water Sources				
Murrumbidgee Regulated River Water				
	Sub-Total	0.7	8.0	0.4
	Wagga Wagga - Murrumbidgee River	0.0	7.2	0.0
	Morundah - Yanco Creek	0.70	0.77	0.41
	Urana - Colombo Creek	0.0	0.0	0.0
Groundwater Sources				
	Sub-Total	1,047.0	973.2	898.4
Wagga Wagga Alluvial Groundwater				
	East Wagga Wagga	602.2	600.2	354.2
	West Wagga Wagga	148.9	93.6	473.9
	North Wagga Wagga	245.0	208.8	0.0
	Oura	2.5	3.7	3.4
Mid Murrumbidgee Zone 3 Alluvial Groundwater				
	Collingullie	5.0	5.4	4.8
	Bulgary	19.5	36.7	35.8
Billabong Creek Alluvial Groundwater				
	Walla Walla (near Culcairn)	0.0	0.2	0.1
	Ralvona	13.0	15.2	15.0
	Walbundrie	4.0	3.4	4.0
Gundagai Alluvial Groundwater (Tarcutta)		3.0	3.4	4.3
Lachlan Fold Belt MDB Groundwater				
	Woomargama	1.5	0.9	0.8
	Humula	0.5	0.3	0.4
Goldenfields Water (bulk supply)		1.8	1.4	1.6
Surface and Groundwater - TOTAL		1,047.7	981.2	898.8

WATER SUPPLIED - Megalitres [ML]			September		
			2023	2024	2025
Greater Wagga Wagga	Wagga Wagga System	Sub-Total	613.6	595.0	538.0
	Wagga Low Level		132.0	81.2	73.1
	Wagga High Level		425.4	424.2	383.1
	Bellevue/Glenoak Level		50.3	56.4	48.6
	Ladysmith		5.9	4.7	4.1
	Gregadoo			28.6	29.0
	North Wagga System	Sub-Total	250.7	209.2	194.6
	North Wagga/Bomen		91.4	75.1	70.9
	East Bomen		25.2	21.3	21.7
	Estella		99.9	82.2	76.3
	Rural - Brucedale		18.2	18.8	16.6
	Rural - The Gap/Tooyal			8.1	4.4
	Rural - Currawarna/Cottee		15.9	3.7	4.7
GREATER WAGGA WAGGA - TOTAL			864.3	804.2	732.6
Rural	Southern Trunk System	Sub-Total	88.2	87.1	85.0
	(Southern Trunk- Rural Connections)			28.5	28.3
	San Isadore			4.9	4.3
	Kapooka			9.9	15.1
	Uranquinty			7.8	7.5
	The Rock			5.6	5.3
	Mangoplah			1.5	0.9
	Yerong Creek			1.3	1.3
	Pleasant Hills			8.4	7.8
	Milbrulong			0.2	0.3
	Henty			9.6	8.0
	Morven			4.0	2.6
	Walla Walla			5.2	4.0
	Transferred to Western Trunk			0.0	-0.4
	Western Trunk System	Sub-Total	47.4	36.7	36.5
	(Western Trunk - Rural Connections)			22.3	24.0
	Lockhart			7.4	6.2
	Boree Creek			1.2	1.1
	Urana			2.9	2.5
	Oaklands			2.9	2.4
	Transferred from Southern Trunk			0.0	0.4
	Independent Villages	Sub-Total	29.9	31.9	32.4
	Collingullie		4.8	5.1	4.4
	Humula		0.5	0.3	0.4
	Morundah		0.7	0.7	0.3
	Oura		2.5	3.7	3.3
	Woomargama		1.5	0.9	0.8
	Tarcutta		2.6	2.6	3.9
	Holbrook		13.3	15.2	15.0
	Walbundrie-Rand		4.0	3.3	4.1
RURAL - TOTAL			165.4	155.7	153.9
GREATER WAGGA WAGGA & RURAL - TOTAL			1,029.7	959.9	886.5

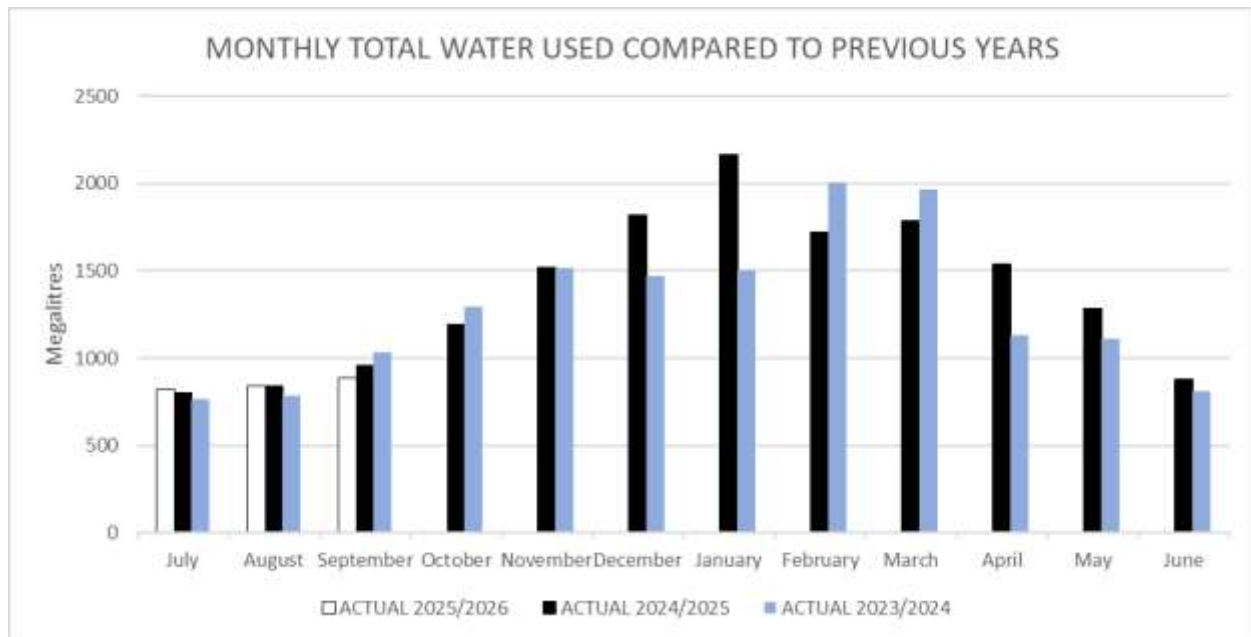
Graph 1



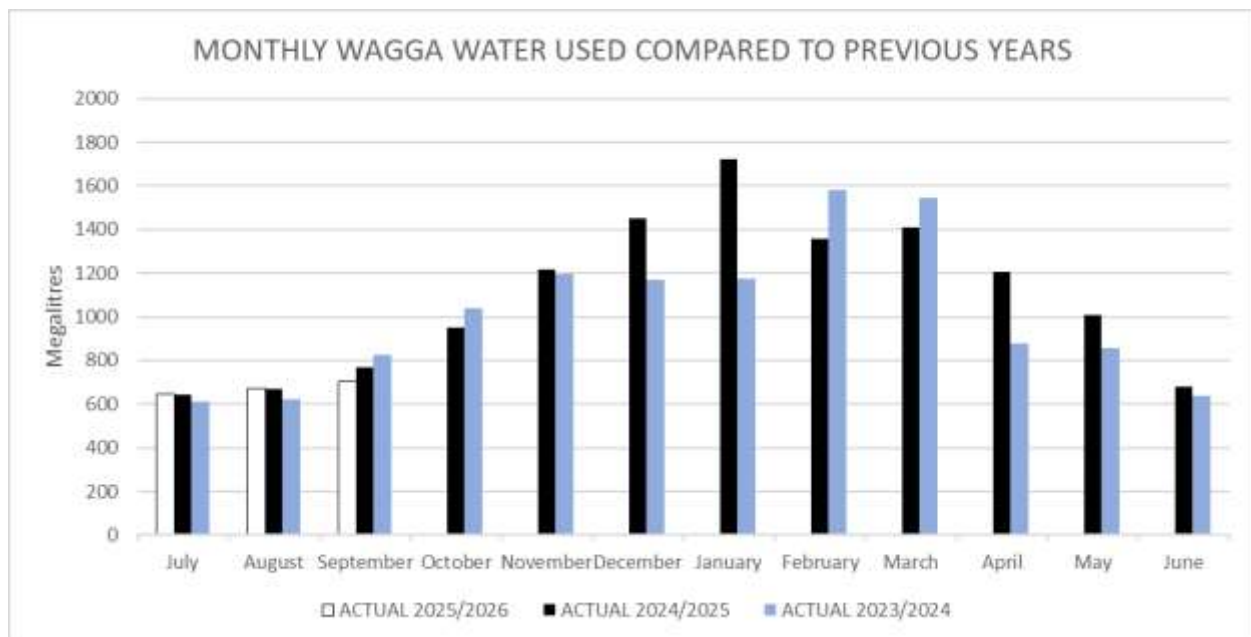
Graph 2



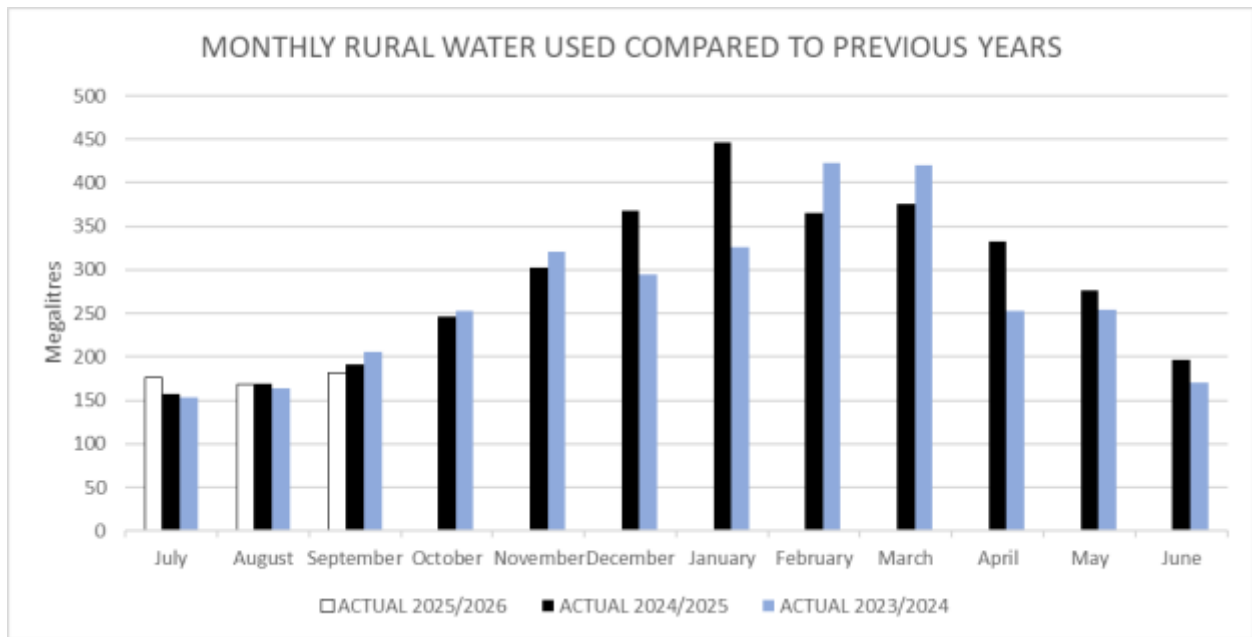
Graph 3



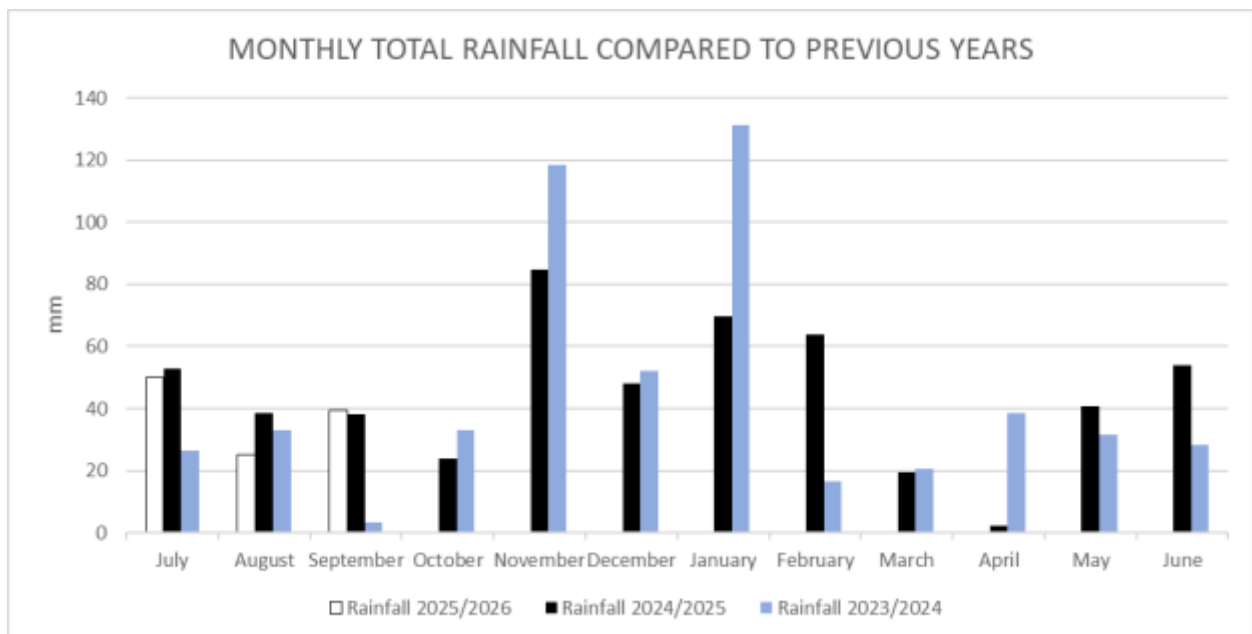
Graph 4



Graph 5



Graph 6



Repairs, Meters, Locations and Complaints

Suburb	LOCATE	WATERTASTE	METERMODIFY	WATERODOUR	HYDMAINT	PRESSURE	DISCONNECT	WATERDIRTY	METERCOCKFAIL	WATERLEAK	METERLEAK	Grand Total
Suburb Not Recorded										8	1	9
ASHMONT				1		1		3	2	2	3	12
BOMEN									1			1
BOOROOMA											1	1
BOURKELANDS											1	1
BRUCEDALE								3		4		7
COLLINGULLIE											1	1
EAST WAGGA WAGGA							1				2	3
ESTELLA											1	1
FOREST HILL									1	1	1	3
GLENFIELD PARK						1			1	2	6	10
GOBBAGOMBALIN									2	2	2	6
HENTY			1								1	2
HENTY TO HOLBROOK					1							1
HOLBROOK									1		2	3
KOORINGAL				1	1	1		5	2	3	4	17
LAKE ALBERT						1		2		4	2	9
LLOYD											1	1
LOCKHART						1					1	2
MOUNT AUSTIN						1		1	1	3	5	11
NORTH WAGGA WAGGA		1								1		2
SAN ISIDORE											2	2
SPRINGVALE							1	1		1	1	4
TARCUTTA											2	2
TOLLAND							12		1	1	5	19
TURVEY PARK						2				1	2	5
URANQUINTY									3			3
WAGGA WAGGA	1		1		3	4	2	1	3	6	8	29
WOOMARGAMA						1						1
MOORONG										1		1
MORUNDAH					1							1
OURA								3	1		1	5
BIDGEEMIA									2			2
HUMULA											1	1
URANA						1					2	3
DOWNSIDE										1		1
MANGOPLAH TO THE ROCK											1	1
PRIVATE LINE (LEWINGTON)						1						1
Grand Total	1	1	2	2	6	15	16	19	21	41	60	184

New Connections

Count of #	Resp.						
Activity	Suburb	CONSGANGS	MAINT	NEWSERVICE	RURALGANG	WORKS	Grand Total
MTRINST	BOOROOMA			1		4	5
	BOURKELANDS			1			1
	ESTELLA			2			2
	FOREST HILL			6			6
	GLENFIELD PARK		1				1
	GOBBAGOMBALIN			7			7
	KOORINGAL			1			1
	LADYSMITH			1			1
	LAKE ALBERT			6			6
	LLOYD			2			2
	MANGOPLAH				2		2
	NORTH WAGGA WAGGA			1			1
	SPRINGVALE			1			1
	THE ROCK				1		1
	WAGGA WAGGA	3		1		7	11
Grand Total		3	1	30	3	11	48

Water System Repairs

Activity	Date	Suburb	AssetType	Problem	Count of #
MAINRPR	1/09/2025	BRUCEDALE	Water Main	ROUNDSPLIT	1
	2/09/2025	WAGGA WAGGA	Water Main	TREERROOTS	1
	9/09/2025	THE ROCK TO HENTY	Water Main		1
	10/09/2025	THE ROCK	Water Main		2
	25/09/2025	THE GAP	Water Main	JOINTLEAK	1
	27/09/2025	THE GAP	Water Main	ROUNDSPLIT	1
	29/09/2025	URANA	Water Main	JOINTLEAK	1
	30/09/2025	BRUCEDALE	Water Main	EXCESSWEAR	1
Grand Total					9

Water Quality Complaints

Types	Date	Suburb	Action Taken	Count of SR#
WATERTASTE	15/09/2025	NORTH WAGGA WAGGA	Collected a sample and all parameters came back within ADWG. Spoke to Christal and informed her the water was safe, and suggested contacting a plumber to inspect the internal plumbing.	1
WATERODOUR	9/09/2025	ASHMONT	Attended the property. All water quality parameters were within ADWG, Odour OK, Taste OK, Appearance OK, Free Cl2 1.04 mg/L, Total Cl2 1.46 mg/L, pH 7.73, Turbidity 0.46 NTU. Called Hayley at Ray White and informed her that the water meets ADWG, recommended tenant to flush with the tap at the rear of the property and suggested a plumber check the internal plumbing	1
	30/09/2025	KOORINGAL	Took a sample from the property and all parameters came back within ADWG. Called the customer and explained that the incoming water was good. Recommended flushing with tap furthest from the meter, and cleaning strainers on taps. If problem persists I recommended calling a plumber to inspect internal plumbing.	1
WATERDIRTY	2/09/2025	BRUCEDALE	flushed air valve	1
		KOORINGAL	gal pipe	1
	3/09/2025	BRUCEDALE	Flushed line and spoke to owners	1
		MOUNT AUSTIN	Problem is customers old gal pipe let customer know,	1
	8/09/2025	LAKE ALBERT	Created work order	1
	12/09/2025	KOORINGAL	Flushed water meter	1
	15/09/2025	LAKE ALBERT	Flushed at meter	1
	17/09/2025	ASHMONT	Flushed hydrant	1
	22/09/2025	OURA	Called customer and reported that all water quality parameters from the sample I collected from the tap next to the water meter were within ADWG. I recommended the customer flush plumbing with the tap furthest from their water meter to bring fresh water through. Customer said dirty water was a frequent problem throughout Oura. I've contacted Corey Levy to see if there was a break that contributed to this specific dirty water complaint at this property, or whether we need to organise mains to be flushed. Customer was not satisfied with flushing mains as a solution, he said it was a bandaid fix and he expected some form of compensation if instances of dirty water were not solved.	1
		OURA	I received a response from Corey and the same advice to flush through with the tap furthest from the meter was given.	1
	23/09/2025	OURA	Flushed water at hydrant	1
	24/09/2025	BRUCEDALE	Flushed hydrant and water meter	1
		KOORINGAL	WO created to replace gal service	1
	25/09/2025	KOORINGAL	All parameters checked were within ADWG. I called the customer and left a message to let him know that there were no issues with the water from the meter. I recommended to the customer when I visited that he flush the plumbing with the tap furthest from the water meter to bring fresh water through.	1
		WAGGA WAGGA	Flushed meter. Works in area caused problem	1
	26/09/2025	ASHMONT	Flushed meter, was hot water so could be issue with hot water unit	1
		ASHMONT	Flush service until cleared	1
	29/09/2025	SPRINGVALE	Flushed service and house taps until cleared	1
	30/09/2025	KOORINGAL	Flushed meter	1
Grand Total				22

New water mains laid – New and Replacement

Summary	WO#	Asset Type	Width	Type	Sum of Meters
☐ Boree to Morundah Pipeline	☐ 1819	☐ Water Main	☐ 150	DICL	190
		Water Main		OPVC	285
☐ Low Level main work Coleman St Connect to high level PRV	☐ 7138	☐ Water Main	☐ 250	DICL	18
		Water Main	☐ 375	DICL	18
		Water Main	☐ 450	DICL	18
☐ Lloyd Stage 11-12, 73 Lot Subdivision 1,113m 100mm oPVC -	☐ 8441	☐ Water Main	☐ 100	DICL	144
Grand Total					673

Major Repairs / Overhauls

Facility	Work done
Wagga Wagga WTP	High Level High Lift Pump Maintenance
Wagga Wagga WTP	Air Circuit Breaker Maintenance
West Wagga WTP	Air Circuit Breaker Maintenance
Wagga Wagga WTP	Routine Maintenance – Summer Readiness

Water Filling Station Activity

Location	Number of fills
Bomen Hereford Street	68
Estella Farrer Road	38
Forest Hill Elizabeth Avenue	173
Glenfield Red Hill Road	155
Henty Olympic Way	24
Holbrook Millswood Road	35
Lake Albert Plumpton Road	81
Lockhart Napier Road	124
Pleasant Hills Manson Street	14
Tarcutta	79
The Rock	153
Urana Federation Way	25
Walla Walla Short St	1
Yerong Creek Finlayson Street	13

Fleet Disposals

Vehicle No	Description	Vehicle Type	Make & Model	Year	KMs	Method	Price (ex GST)

Fleet Acquisitions

Vehicle No	Tenders received	Accepted Tenderer	Vehicle type	Make/Model	Price ex GST

Strategic Alignment

Our Operations
Assure ongoing service delivery

Financial Implications

Nil

Workforce Implications

Nil

Risk Considerations

Service delivery and Asset Management - Significant or long term disruption	
Low	Riverina Water has a low tolerance for risk of failure of infrastructure assets that would result in significant and/or prolonged disruption to our services and infrastructure that does not have the capacity to meet customer demands.

Risk Alignment

Regular reporting enables management to monitor water production, quality and infrastructure to ensure ongoing capacity to meet customer demands.

R16 Donation towards Sindhuli Nepal Project - partnering with South Wagga Wagga Rotary

Organisational Area Engineering

Author Troy van Berkel, Director Engineering

Summary Riverina Water has been approached by the South Wagga Rotary Club (SWRC) to participate in their March 2026 support program to Nepal's Sindhuli community. Following careful consideration of current travel advice from the Department of Foreign Affairs and Trade (DFAT), the Executive team has made the decision not to extend the opportunity to staff for the 2026 program.

RECOMMENDATION that Council:

- a) Note the report and support the Executive team's decision to not participate in the 2026 Nepal program based on current DFAT travel advice;
- b) Approve a \$1,000 donation to Rotary Australia World Community Services (through South Wagga Rotary) to support the 2026 Nepal program;
- c) Note that participation in the program will be reconsidered for 2027 based on travel advice available at that time.

Report

Since 2018, Riverina Water has collaborated with SWRC on aid initiatives in Sindhuli and Banepa, Nepal. The partnership has focused on projects involving the supply of clean drinking water and technical guidance with Kamalamai Municipal Council. Staff participation has offered valuable opportunities for community service and leadership development.

South Wagga Rotary Club has extended an invitation for Riverina Water staff to join their volunteer team travelling to Nepal's Sindhuli community in March 2026. The program typically requires 14 days of annual leave from participants, with Riverina Water historically supporting volunteers by funding their travel and accommodation costs (approximately \$2,800 per participant).

This year the Executive team has made the difficult decision not to extend this opportunity to staff for the 2026 program. The decision is based on current advice from the Department of Foreign Affairs and Trade, which advises Australians to "reconsider your need to travel to Nepal due to civil unrest and the risk of natural disasters" (Level 2 advisory).

Notwithstanding that participating staff would be on annual leave, Riverina Water maintains a duty of care to provide safe working conditions for staff. As Riverina Water funds travel and accommodation costs, volunteers represent the organisation during their participation, creating an ongoing link and responsibility.

The opportunity for staff participation will be reconsidered for the 2027 program based on travel advice available at that time. Riverina Water remains committed to supporting international aid initiatives when conditions allow us to do so safely and responsibly.

To maintain the partnership and demonstrate continued support for the program, Riverina Water proposes to provide a \$1,000 donation to Rotary Australia World Community Services (through South Wagga Rotary) to assist with the 2026 Nepal project. This would be in lieu of the typical staff participation costs of approximately \$2,800 per participant.

Strategic Alignment

Our Community

Improve water literacy in our community

Financial Implications

The \$1,000 donation to Rotary Australia World Community Services (through South Wagga Rotary) will help fund the Nepal project team and works. This cost can be accommodated within the existing donations/sponsorship budget.

Workforce Implications

Not applicable

Risk Considerations

Community and agency partnerships	
High	Riverina Water has a high appetite to partner with our community and other agencies to maximise potential benefits to Riverina Water and the Community.

Risk Alignment

By declining participation in the 2026 program, Riverina Water is actively avoiding potential health and safety risks to staff associated with travel to a destination under Level 2 DFAT advisory. This demonstrates appropriate duty of care and risk management.

CONF-1 Confidential Minutes of the Extraordinary Meeting of Audit, Risk and Improvement Committee held on 18 September 2025

Organisational Area Chief Executive Officer

Author Melissa Vincent, Executive Assistant

Summary This report presents the minutes of the Audit, Risk and Improvement Committee meeting held on 18 September 2025.

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public.

CONF-2 Plumpton Road Design and Construct Project

Organisational Area Engineering

Author Troy van Berkel, Director Engineering and Aran Beckett, Manager Works & Service Delivery

Summary This report seeks the Board's approval to finalise negotiations with Wagga Wagga City Council's (WWCC) selected contractor for the strategic replacement of the Plumpton Road watermain. Riverina Water has been working with the contractor over recent weeks to refine the provisional tender pricing of \$3.4 million through detailed design collaboration to validate scope, methodology and value for money. This collaborative approach leverages WWCC's infrastructure project to deliver critical water infrastructure for the Southern Growth Area at optimal cost and timing.

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(di) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it